

## HOUSE OF ASSEMBLY

Thursday, 11 February 2016

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

**The SPEAKER:** At last, a minister. It would be a pity to start proceedings without a minister, as is traditional, but we have one now.

### *Bills*

#### **VOLUNTARY EUTHANASIA BILL**

##### *Introduction and First Reading*

**The Hon. S.W. KEY (Ashford) (10:32):** Obtained leave and introduced a bill for an act to provide for choices at the end of life. Read a first time.

##### *Second Reading*

**The Hon. S.W. KEY (Ashford) (10:32):** I move:

That this bill be now read a second time.

I am pleased to introduce today the Voluntary Euthanasia Bill 2016, an act to provide choices for the end of life. As members know, I have been a longstanding supporter of people having the right to choose a dignified death and, as a member of parliament, I feel privileged to be in a position where I can contribute to creating a more equal and humane society, one based on values of fairness and justice where we can take measures to reduce suffering.

The Voluntary Euthanasia Bill 2016 is aimed at reducing suffering at the end of life. Every clause in this bill has been written with that overarching objective in mind—how we can reduce the suffering experienced by people at the end of their life when all other efforts to cure an illness, relieve symptoms, make daily life more bearable have been tried, when there are no more acceptable interventions available to the person and their only option is more suffering until death finally arrives.

Then, I believe we, as members of parliament, have an obligation to enact a law that allows people to say, 'Enough is enough, please end my suffering now.' My analysis of the data from other jurisdictions indicates that possibly 20 or 30 South Australians a year may be in such a position, making a request for assistance to end suffering. Since I introduced the bill last time to enable legal voluntary euthanasia, the Criminal Law Consolidation (Medical Defences—End of Life Arrangements) Amendment Bill 2011, with the Hon. Mark Parnell, Legislative Council, more jurisdictions around the world have passed legislation and courts have made judgements to allow voluntary euthanasia. I just wanted to also bring to the attention of the house an email I received on Monday from a constituent from the electorate of Schubert, 'LG'. What she says is:

Dear Steph,

I am a member of SAVES, and I have received notification of your presentation of your new VE Bill in the House of Assembly this coming Thursday February 11th.

If I were able, I would be present at Parliament House, together with other members of SAVES, to support you in this endeavour. I am aged 71 and I was diagnosed two years ago with Adenoid Cystic Carcinoma. It is slow growing, but invasive and terminal. I could have another operation when it reappears, together with radiation, but treatment can be pretty brutal too, so the alternative would seem that I must endure another form of seemingly endless suffering to which I would not subject even my dog or my cat.

I am aware that patients in palliative care may be given morphine as required to alleviate pain, but in advance cases sufficient doses induces patients into a state of semi consciousness until they eventually die. It is vital, under appropriate legislation as practised in several other enlightened countries, that our Doctors be given the right to end a torturous 'life' to come to an earlier, dignified end.

Thank you for your care and concern, and best wishes in your endeavour.

Kind regards,

L...G...

I quoted that email because I receive these type of emails, letters and representations from people all the time who get why this is an important piece of legislation. I have done a lot of work over the years and there are many examples I can give, but I know the other members in this house who support the legislation will make this available to members. We have been very lucky in this house to have on a regular basis a joint newsletter from the many voluntary euthanasia groups. I refer members to those newsletters because I think they adequately cover what is happening in this area.

The central core of this Voluntary Euthanasia Bill is an acknowledgement that, when suffering by a person becomes unbearable and the doctor's conclusion is that prognosis is hopeless, a person can request assistance from that same doctor to end their life. The words 'unbearable' and 'hopeless' have a particular meaning in the context of this bill. The words 'unbearable' and 'hopeless' are central to the understanding of the Voluntary Euthanasia Bill and to its eventual administration. In the bill, 'unbearable' means the person has determined that their suffering is no longer bearable to them. Only the person seeking assistance to die can make the determination of what is unbearable and what is bearable. I believe no other person can decide when a person's life is unbearable. No other person can decide when a person's life is bearable.

In the bill, 'hopeless' means the attending doctors can find no further treatment options which could potentially relieve the person's suffering and which would be acceptable to the person. We all know that treatment options have side effects. The person may decide that the likely side effects of a treatment option is unacceptable, that the quality of life associated with the treatment is not acceptable, that the risks associated with a treatment are not acceptable, and that there is insufficient assurance that the treatment will relieve the suffering and provide an acceptable quality of life for a meaningful extension of time.

Under the provisions of this bill, when a person decides that their suffering is both unbearable and hopeless, and providing they meet the stringent criteria detailed in the bill, they would then be able to make a request for voluntary euthanasia. These criteria are:

1. The person determines that their suffering is both unbearable and hopeless, as defined in the bill.
2. The person makes a request for voluntary euthanasia using the prescribed form.
3. The request is witnessed by an adult person who is not a medical practitioner involved in the request, nor a direct beneficiary of the person's estate, and not the owner or operator or employee of the residential facility where the person lives.
4. The attending doctor and a second doctor confirm that there are no other further treatment options acceptable to the person.
5. Both doctors confirm that, at the time of making the request, the person is able to understand the information presented about their medical condition, treatment options and the risks associated with voluntary euthanasia.
6. Both doctors confirm that the person is not acting under any form of duress.
7. Both doctors confirm that the person making the request is of sound mind and, if there is any doubt, the person is referred for a psychiatric report.
8. A delay of 48 hours is required from when the person and the first doctor complete the request procedure before voluntary euthanasia can take place.
9. The request may be revoked at any time.
10. A person who assists a person either with euthanasia or self administration provides a report to the Coroner.

The person seeking euthanasia must be an adult and must have been a resident in South Australia for at least six months. The request can be made with the assistance of interpreters, audio-visual aids or orally, as needed by the requesting person, with the appropriate documentation, recordings and witnesses.

An insurer cannot refuse to make payment under a life insurance policy on the ground that the death resulted from voluntary euthanasia, nor can the insurer ask whether there was a request for voluntary euthanasia. No doctor or nurse, or anyone else, would be required to participate in a request for voluntary euthanasia.

The bill makes provision for a hospital, hospice, residential facility or nursing home to refuse to allow the administration of voluntary euthanasia within the facility but must make this information known to the person before admission. If this information is not made known to the resident then, if requested by that resident, the facility must arrange for the transfer of the person to an institution which permits voluntary euthanasia under the terms of the bill.

The safety procedures built into the Voluntary Euthanasia Bill have been established following a rigorous review of the law and practice in other jurisdictions. The evidence is overwhelming from all the jurisdictions that the choice of voluntary euthanasia is made after long and careful consideration by the requesting person. There is no evidence that the person requesting voluntary euthanasia has done so on a whim. There is no evidence from any jurisdictions that voluntary euthanasia laws are being used maliciously either by citizens or by the medical profession.

As you know, Deputy Speaker, I am a strong advocate in this place of advance care directives reforms which came into place in July 2013. Planning for the end of life is, to me, as important as planning any other aspects of your life. I must say, this view is reinforced by the number of constituents who come into our electorate office and, I am sure, other members' offices as well.

No-one can know when this will happen or, indeed, if it will happen, but the evidence of those jurisdictions overseas where voluntary euthanasia is available is that the knowledge that there is a legal option at the end of your life, if it becomes unbearable, is of enormous comfort. For example, approximately one-third of people in Oregon who obtain a prescription for the end-of-life drugs never use that prescription but knowing they have it available makes their final days much more bearable. As I said, I have many examples to emphasise my point but I will just refer to a couple in the remaining time that I have.

Emeritus Professor Ian Maddocks, Australia's first professor of palliative care, former Senior Australian of the Year and resident of North Brighton, writing recently in *The Monthly*, outlined the case for a respectful consideration of voluntary euthanasia, for proponents of palliative care to join forces with advocates of assisted dying and, with mutual respect, ensuring enabling laws are delivered. Professor Maddocks particularly noted the need for 'compassionate consideration for those outside the setting of major disease and imminent death.'

At a public forum hosted by the South Australian Voluntary Euthanasia Society at the Hawke Centre last June, Dr Rob Jonquiere presented an extensive analysis of operation of the Dutch laws, including his experience as a treating doctor for a patient who requested euthanasia. Dr Jonquiere confirmed that there is no evidence of any monitoring reports or academic research from the Netherlands of a slippery slope or of vulnerable people being targeted by either the medical system or their friends and relatives.

At the same forum, the Hon. Marshall Perron, former chief minister of the Northern Territory, who in 1996 introduced the first euthanasia legislation in Australia into the Northern Territory Parliament, explained at length how moves to include more safeguards had the effect of making the law so complex and contradictory that it was unworkable. The safeguards in this bill are captured in the definitions 'unbearable' and 'hopeless' and their careful application to each request for voluntary euthanasia.

Before drafting the bill, I consulted widely with people in South Australia; with Christians, lawyers, doctors, nurses, people with disabilities and varying abilities, and young people, and many constituents across South Australia. I can say that the comments have been overwhelmingly supportive of this bill. I have explained to parliament on numerous occasions that in the 2012 Newpoll, 82 per cent of the population supported giving people the choice to end their life when their suffering had become unbearable and no further medical interventions were available to alleviate their suffering.

I invite members to consider this bill and its intent: to end needless suffering at the end of life when that life has become unbearable and hopeless. I urge members to show compassion when debating the bill. My conscience is very clear: I want to enable a compassionate response to unbearable and hopeless suffering. I am pleased to table this Voluntary Euthanasia Bill.

At this stage, because of the time, I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

These clauses are formal.

###### 3—Interpretation

This clause defines key terms used in the Bill.

###### 4—Unbearable and hopeless suffering

This clause sets out what it means, for the purposes of the measure, to be subject to unbearable and hopeless suffering, which is one of the triggers enabling a person to make a request for voluntary euthanasia.

###### 5—Impaired decision making capacity

This clause sets out what it means, for the purposes of the measure, to have impaired decision making capacity in respect of a decision to make a request for voluntary euthanasia, which would prevent a person from being able to make such a request.

###### 6—Relationship to other Acts

This clause clarifies the relationship between this measure and other Acts and laws.

##### Part 2—Object and principles

###### 7—Object

This clause sets out the object of this measure, namely to reform the law relating to voluntary euthanasia.

###### 8—Principles

This clause sets out principles to be taken into account in relation to the operation of this measure.

##### Part 3—Voluntary euthanasia

###### Division 1—No offence to provide medical information about voluntary euthanasia

###### 9—No offence to provide medical information about voluntary euthanasia

This clause provides that a person is not criminally or civilly liable simply because he or she provides information about voluntary euthanasia, or sells or supplies associated medical equipment. In particular, the clause removes the liability that may otherwise attach by virtue of the laws relating to aiding, abetting or counsel the suicide or attempted suicide of another (set out in section 13A of the *Criminal Law Consolidation Act 1935*).

###### Division 2—Making a request for voluntary euthanasia

###### 10—Who may make a request for voluntary euthanasia?

This clause sets out the conditions that must be met before a person is eligible to make a request for voluntary euthanasia under the measure.

###### 11—How to make a request for voluntary euthanasia

This clause sets out how an eligible person makes a request for voluntary euthanasia under the measure, and sets out related procedural matters. The clause also provides for the assistance of an interpreter or other person in cases where English is not the first language of the person, or where the ability of the person to read or write or otherwise communicate is limited by illness or disability.

###### 12—Preliminary examination and assessment by medical practitioner

This clause sets out the requirements in relation to the preliminary examination of a person wishing to make a request for voluntary euthanasia for the purposes of proposed section 11(2)(a). An examination must comply with these provisions to satisfy the requirement under that section.

#### 13—Examination and assessment by second medical practitioner

This clause sets out the requirements in relation to an examination of a person wishing to make a request for voluntary euthanasia by a second medical practitioner for the purposes of proposed section 11(2)(b). An examination must comply with these provisions to satisfy the requirement under that section. The medical practitioner examining the person must provide a written report to the initial medical practitioner setting out the information specified in the clause.

#### 14—Examination and assessment by psychiatrist

This clause sets out the requirements in relation to the a psychiatric examination of a person wishing to make a request for voluntary euthanasia. An examination must comply with these provisions to satisfy the requirement under that section. The psychiatrist examining the person must provide a written report to the initial medical practitioner setting out the information specified in the clause.

#### 15—Requirements for witnessing request for voluntary euthanasia

This clause sets out the requirements that must be satisfied for a request for voluntary euthanasia to be properly witnessed for the purposes of the measure. The clause also sets out who cannot be a witness (for eg, a direct beneficiary of the person's estate).

#### 16—Revocation of request for voluntary euthanasia

This clause provides that a request for voluntary euthanasia will be revoked if the person who made the request, by any means, indicates that he or she wishes to revoke the request.

#### 17—Duration of request for voluntary euthanasia

This clause provides that a request for voluntary euthanasia has effect from the time the medical practitioner to whom the request is made completes the certification required under proposed section 11(5), and continues in force until revoked under the Act.

#### Division 3—Administration of voluntary euthanasia

#### 18—Authorised methods of administering voluntary euthanasia

This clause limits the ways in which voluntary euthanasia can be administered to the administration, or self-administration, of drugs.

#### 19—Administration of voluntary euthanasia by medical practitioner

This clause sets out when a medical practitioner can administer voluntary euthanasia to a person pursuant to a request under the measure. The medical practitioner need not be the one to whom the request was made. In particular, the clause sets out the conditions precedent to the administration of voluntary euthanasia.

#### 20—Self-administration of voluntary euthanasia

This clause provides that a person may self-administer voluntary euthanasia if the conditions set out in the clause are satisfied.

#### 21—Person etc may decline to administer or assist in administration of voluntary euthanasia

This clause provides, in general terms, that a person cannot be compelled to administer, or be involved in, voluntary euthanasia. The person does not suffer any legal prejudice for doing so.

However, the clause also provides that hospitals, hospices, nursing homes or other institutions caring for the sick or infirm that refuse to permit the administration of voluntary euthanasia within the institution must advise people before they are admitted to the institution of that fact.

#### 22—Protection from liability

This clause limits the civil and criminal liability of persons (whether medical practitioners or others) who take part in the administration of voluntary euthanasia under the measure, including in respect of disciplinary proceedings.

#### 23—Cause of death

This clause provides that, in the case where voluntary euthanasia is administered to a person pursuant to the measure, the cause of the person's death will be taken to be the underlying medical condition that is responsible for his or her suffering. Moreover, the death will not be considered homicide or suicide.

#### 24—Report to State Coroner

This clause requires a medical practitioner who administers voluntary euthanasia to a person to make a report of that fact to the Coroner. A similar requirement applies to a medical practitioner to whom a request for voluntary euthanasia was made if he or she becomes aware that the person who made the request has self-administered voluntary euthanasia. The clause sets out what must be included with the report.

Part 4—Offences etc

25—Undue influence etc

This clause creates an offence for a person to use dishonesty or undue influence to induce another to make a request for voluntary euthanasia. The maximum penalty is 10 years imprisonment.

26—False or misleading statements

This clause creates an offence for a person to make a false or misleading statement in relation to a request for voluntary euthanasia. The maximum penalty is 10 years imprisonment.

27—Certain persons to forfeit interest in estate

This clause allows a court that convicts or finds a person guilty of an offence against proposed section 25 or 26 to also order that any interest that the person might otherwise have had in the estate of the person who made the relevant request for voluntary euthanasia is forfeit.

Part 5—Miscellaneous

28—Insurance

This clause prevents insurers from refusing to make certain payments following the administration of voluntary euthanasia under the measure. It also clarifies that a person is not required to disclose to insurers that he or she has made a request for voluntary euthanasia. An insurer who requires a person to disclose a request commits an offence.

29—Victimisation

This clause sets out that a person who takes part in a request for, or the administration of, voluntary euthanasia (or refuses to do so) must not be victimised for doing so, and sets out the remedies available for acts of victimisation.

30—Confidentiality

This clause is a standard confidentiality clause.

31—Annual report on operation of Act

This clause requires the Minister to report annually to Parliament in the operation of this measure during the previous financial year.

32—Regulations

This clause is a simple regulation making power.

Schedule 1—Related amendments and transitional provisions

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Advance Care Directives Act 2013*

2—Amendment of section 12—Provisions that cannot be included in advance care directives

This clause makes consequential amendments to section 12 of the *Advance Care Directives Act 2013*.

Part 3—Amendment of *Consent to Medical Treatment and Palliative Care Act 1995*

3—Insertion of section 5

This clause inserts new section 5 into the *Consent to Medical Treatment and Palliative Care Act 1995*. The new section disapplies that Act in relation to the administration of voluntary euthanasia under this measure.

Debate adjourned on motion of Hon. T. R. Kenyon.

**STOLEN GENERATIONS (COMPENSATION) BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 15 October.)

**Mr TRELOAR (Flinders) (10:49):** I move:

That this bill be withdrawn.

Motion carried; bill withdrawn.

### **EVIDENCE (JOURNALISTS) AMENDMENT BILL**

#### *Second Reading*

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (10:51):** I move:

That this bill be now read a second time.

What a pleasure it is to be called to be able to contribute to this debate which has been long awaited and which has been highly sought after by those who are seeking the protection of this legislation. My colleague the Hon. Andrew McLachlan introduced this bill in the Legislative Council in September last year with the blessing of those in the Legislative Council. By majority it has passed, we have received it and accordingly the matter is now before us for our consideration. This was after the wise deliberation of our members of the Liberal Party and crossbenchers in the Legislative Council who, during the course of the debates of this week, the government is hell-bent on neutralising. However, they are alive still and operating and they have considered this legislation and passed it.

Essentially this bill reflects work that has been done in 2013 and 2014 by the Hon. Stephen Wade and the Hon. John Darley in attempting to progress legislation to amend the Evidence Act, in particular to protect journalists in certain circumstances from being prosecuted and/or persecuted by dint of them undertaking their lawful activities. I will come to the detail shortly, but it is fair to say that this legislation, which has otherwise been known as shield law, is consistent with the Liberal Party's policy which we released before the last election on 29 October 2013. We made a commitment prior to the last election to the continued prosecution of this legislation and accordingly the bill was introduced in the other place by the Hon. Andrew McLachlan who is the opposition spokesperson on legal matters in that chamber.

It is fair to say that from the time that the Hon. John Darley introduced the original evidence protection legislation in February 2013 this has had a consistent repulsion from the Attorney-General and the government members generally. The Hon. Stephen Wade introduced his Evidence (Journalists) Amendment Bill 2013 and, as would be expected, principally because of the afflux of time, both bills lapsed with the prorogation of the parliament.

On 2 July 2014, the Hon. John Darley tabled his bill again and, similarly, the Hon. Stephen Wade tabled his bill. Essentially, they were identical to their respective 2013 counterparts. The substantial difference between the competing bills, if I can describe them as that, was that the Hon. Stephen Wade's bill extended the scope of the term 'journalist' to provide protection to a wider class of journalist, such as those operating as contractors or freelancers. This approach recognised that, with tools such as Twitter and blogs, the nature of news dissemination is evolving at a rapid pace and the broader protection was intended to accommodate that modernisation and is consistent with the scope of the commonwealth shield laws.

Secondly, the Hon. Stephen Wade's bill provided for continued protection to journalists and their sources when questioned by ICAC. So, it was not just with respect to questioning by other enforcement agencies, but to also be effective in protecting against investigation/questioning by ICAC. Essentially, the amendments incorporating the two distinguishing features were incorporated into the Hon. John Darley's bill, but those were voted down, of course, by the government in the House of Assembly, so we have started all over again.

The position is this, that if we are to seek to prevent journalists from being required to reveal their confidential sources and provide journalists with confidential source-to-journalist privileged communication, we need to change the Evidence Act to accommodate that to protect the rights of the individual against the capricious acts of the state. More specifically, the bill amends the Evidence Act 1929 so that journalists will only be compelled to reveal their confidential sources if the case fails the public interest test; that is, the public interest in revealing the information outweighs the potential detriment to the source.

We have traversed this at some length as to the substance and the basis of the bill and, I might say, the government has, in short, acknowledged that it is a bill that is broadly based on the commonwealth law, they take the view that the bill is unnecessary, that there is no mischief in South Australia and that it should not be provided for. Can I say in response to that, I think there is a very real danger that journalists are and will be at risk in this parliament.

At a general level, can I say that, in a liberal democracy, the media facilitates the rational and the critical debate which in turn provides an additional check on all the branches of government. Obviously I have outlined how the journalists will be protected then to enable them to use their skills to disseminate information for the benefit of the community. It must have this protection. They can then receive and recount information provided by those citizens who would otherwise feel constrained under the existing law to disclose sensitive information.

This is a measured legislative initiative as it allows for the courts to exercise a discretion and to order disclosure in certain circumstances where there are competing interests. What has happened in South Australia particularly is that government legislation is increasingly enlarging the power of the state's investigative agencies, yet at the same time there has not been a corresponding increase in the oversight of these same agencies.

All we are told is that there is criminal intelligence which justifies a particular cause of action. We rarely ever see this intelligence. In fact, the only time I can recall it is when the government wanted to have some changes to serious and organised crime initiatives by legislation. The police commissioner of his own volition brought down files which were confidentially viewed by members of the parliament. So, when it suits the government it will provide information, when it does not it is all kept protected.

Many people have to resort to defending their rights in a public sphere, and I do not doubt for one moment that every member of this house would have heard from people who say, 'I'm concerned about X. I can't speak out publicly. My union or association or representative body is in bed with the government or doesn't want to upset them. So, I'm coming to you, as a member of parliament, to try to help support me', or a family member, or someone in the workplace, 'to get some recompense to the executive acts which need to be dealt with.'

Of course, on a number of occasions they can take administrative legal proceedings, but of course that is expensive and it is not always available to those who want to raise concerns. So, the media is a very effective watchdog. It is one of those arms of our democracy which is supportive of the principal that the best antiseptic is sunlight. It has got to be transparent. There has got to be some capacity to shine a light where there are concerns.

The pointy end of the pencil here is the ICAC, and I was interested to read the contribution of the Hon. Rob Lucas in another place a few months ago when he raised the question outlining a number of cases where the government was under the microscope as having used the referral of cases for consideration by the Office of Public Integrity, and ultimately on that gatekeeping process in certain circumstances brought to the attention for investigation by the ICAC itself and the commissioner himself.

It is a concerning list as to whether the government is using this measure or the threat of this measure to keep people in line—sometimes in their own party, sometimes in their own departments. Well, we are yet to see, but it is very interesting to read the special report provided by the commissioner on the Gillman land deal. I will not go into the detail of those today, suffice to say that the risk to journalists being open and being that watchdog as part of our democratic process can certainly be curtailed or intimidated if there is a threat by someone at the government level to a journalist that there is an application waiting to be couriered over to the Office of Public Integrity should they progress with the publication of a certain story or allegation.

It would be a very powerful weapon to be used, if it is being used or misused. It is not acceptable that anybody in the community, including journalists, should be under this veil of threat. We on this side of the house, consistent with the bill introduced by Mr McLachlan and passed in the other place, supported by the crossbenchers, are of the view that the extent of this protection should also go to protect against questioning by ICAC—namely, to be commanded to attend and/or answer



questions, or have their phones tapped to identify, for example, the name of a source of certain information.

We consider that to be unacceptable and we consider it necessary to ensure that—until we perhaps do have a chance to review and work through the operation of ICAC (which of course sits under the responsibility not just of this parliament but of the Crime and Public Integrity Policy Committee) as it has been laid out over the last nearly two years and to consider its operation and whether it needs to have more powers, less power, changed powers, extra responsibilities, etc. Meanwhile, I would urge members to consider this bill and to appreciate that in fact, by allowing this legal protection of sources to journalists and providing this shield law, they will encourage sources to provide information to journalists without fear or retribution and support a healthy democracy.

**Mr GARDNER (Morialta) (11:07):** I am very pleased to be able to speak on the Evidence (Journalists) Amendment Bill. I have been looking forward to the opportunity to speak on this matter all morning, as a matter of fact, and I am very pleased that we have the opportunity today to debate it. At the last election, the Liberal Party had a very clear position in support of an open society through shield laws, which was part of our manifesto and our commitments that we made to the people of South Australia. These shield laws are a concept that is understood in relation to the protections that journalists have in relation to protecting their sources, and this bill deals directly with that matter this morning. I commend it to the house. I urge all members to consider it.

A similar piece of legislation was put forward to the parliament in 2013 and it was blocked at that time by the Labor government. I have not taken the opportunity to check the detail of the *Hansard* from the Legislative Council debate of this matter, but I understand that the Labor Party as yet has not changed its position and the Labor Party still opposes shield laws that will protect journalists and protect the free and open debate and the conduct of that debate that shield laws would entail. We have seen journalists go to prison in this country. We have seen journalists put their principle of protecting their sources ahead of their own personal interests in the past. Without wanting to reflect on any individual case, I do not think that it serves the people of South Australia or indeed the people of our country particularly well to force them to be in that position.

I turn to the Liberal commitments made to the people of South Australia, and in particular the Leader of the Opposition, who at the last election said, 'People who alert the media to important public issues embody the core values of an open society.' That is something that we value. That is something that we want, and whether it be for our public servants who are blowing the whistle on a case of intolerable corruption or abuse of public process, there are a number of remedies that they may seek to take leaving themselves exposed to varying degrees of intimidation or varying degrees of victimisation from then on as they seek to redress a wrong that they see.

It is a time-honoured practice: there are cases when the appropriate course they see is to shine the disinfectant of sunlight onto an issue and to bring it to the attention of the public, and going to a journalist is often the way forward that they see. As we have seen, and as the member for Bragg has so eloquently described, journalists are often then at risk of their own personal freedom being taken if they seek to protect that source.

The Liberal commitment went further in our document at the 2014 election, and I just wish to quote a couple of paragraphs from it. Under the heading, Protecting the Public Interest, it states:

To maintain a healthy, open society, we need a free media. Journalists and media outlets hold interest groups, companies and government to account. They do this by publishing important information from a range of sources, many who risk their own wellbeing to expose information in the public interest.

If journalists are not able to provide their sources with assurance of anonymity, it is likely that critical information benefiting the public will not be passed on. This damages public debate, hides corruption and undermines accountability.

Again, I identify that sunlight is the best disinfectant because it not only brings to light those issues which are potentially currently subject to corruption, it not only exposes to public scrutiny those who are protecting themselves under veils of opaque public policy that protects them from scrutiny, not only does it deal with those potential current perpetrators who have the public interest furthest from their hearts and their own interest closest, it also acts as a disincentive to future perpetrators and it

acts as discouragement if people know that they are likely to get exposed. If they are more likely to get exposed then it is far less likely that they will test the boundaries.

I think that a robust public debate is an excellent method of ensuring that people who might seek to otherwise corrupt the process are less likely to do so and are more likely to be caught. This bill will enhance the opportunity for journalists and the media to participate in that very important process. Continuing then on the topic of shield laws, in opposition, the Liberal Party's manifesto at the last election described:

Shield laws have been used internationally and around Australia to provide protection to people who engage journalists. As a matter of law, shield laws provide that source-to-journalist communication is privileged and journalistic source identity is protected. Despite the growing popularity of shield laws across Australia as state and federal governments recognise the need to protect journalistic privileges, South Australia still has no such protections in place.

The policy document went on to say:

Journalists, media professionals and the public have expressed concerns at the lack of legal protections for the anonymous journalist sources. The State Liberals believe that these concerns are well-founded, and is acting to ensure that shield laws are introduced in South Australia.

I note that the document said 'is acting' but, of course, if the Speaker, the member for Croydon, were in the chair he would be very quick to point out the plural is appropriate. The document continues:

Shield laws will ensure that journalists are not compelled by government, courts or powerful companies to reveal their sources or give away the origin of their information.

Journalists will only be compelled to reveal their sources if the case fails the 'public interest test': where the public interest in revealing the information outweighs the potential detriment to the source; for example, if a journalist has information about a threat to public safety.

Our commitment to shield laws is part of our Justice Action Agenda to ensure a fair, accountable government and transparent society. Shield laws support the media's legitimate role in uncovering often difficult evidence and then using that to hold the powerful to account.

That was the commitment we took to the last election. That was the commitment we undertook to implement had we, the Liberal Party, been elected to government, as of course a significant majority of the South Australian people attempted to do through their votes—90,000 more than supported the current government.

That was the scrutiny to which we were willing to be held because we support robust debate and the media has an incredibly important role in that debate. Their sources are important, and it is important they be protected. Earlier, I identified that a number of journalists have been willing to go to gaol to protect their sources, but that is not even the point. The fact that they are under threat of that prevents sources from coming forward to media in many examples. We want this to encourage robust debate, so this bill is worthy of support.

I hope the government will reconsider its position because, just as the Liberal Party—had it been elected to government—was willing to be scrutinised by a media emboldened by shield laws, I think this government should show that it has the courage and the confidence in its own performance to equally submit itself to the increased scrutiny of the robust fourth estate emboldened by shield laws, emboldened by protections such as this bill would create.

What do they have to fear? Surely a government that thinks it is worth its salt, a government that has any sort of courage in its own credibility will have nothing to fear from shield laws protecting journalists who are reasonably undertaking their duties. I am not talking about any danger to the public interest here; I am not talking about anything that is going to put the public at risk in any way. We are talking about journalists having reasonable protections.

As the member for Bragg outlined, we have a very secret ICAC in South Australia, the most secretive ICAC provisions in the country, so we want to make sure that those who wish in the public interest to blow the whistle on poor behaviour, maladministration or corruption and wish to bring that to public exposure, using sunlight as the best disinfectant, have the courage to do so. I commend the bill to the house. I commend the member for Bragg for her presentation and the Hon. Andrew McLachlan for bringing the bill forward.

**Mr TARZIA (Hartley) (11:17):** It goes without saying that the Evidence (Journalists) Amendment Bill 2015 must be supported by this government. As we, the freedom crusaders on this side of the chamber, have repeated time and time again, when it comes to this area, unfortunately South Australia is lagging behind the rest of the nation. When it comes to freedom of information laws and these kinds of laws, time and time again the government refuses to come into line and do what is right for the people of South Australia on this notion.

I see that there are members on the other side of the chamber smirking. They should look at some of the *Hansard* debates from their Labor comrades in other states and what they have had to say on this issue. What you will find—credit where credit is due—is that some of their colleagues interstate and federally have supported these kinds of laws. Why? Because it is a good idea to support them.

It is extremely important that the rights of individuals are protected, as the member for Bragg pointed out, against the capricious acts of the state. Protection of journalists is necessary in some instances. This kind of bill provides more consistency between commonwealth and state laws, which in turn is better overall. As I said, it has passed the other place. It has been supported by the crossbenchers there under their careful review and examination. It obviously encourages sources to give information to journalists without fear of retribution.

Notably, under this area it is very rare if there is any protection at all at common law to protect journalists from revealing their sources. It is important in a free and open society, as the member for Morialta pointed out, that these protections exist. Under the bill I note that journalists will be compelled to reveal their sources only if a case fails the public interest test. We would support that and ask the government to support the bill.

The bill strikes a very important balance between what would be the public interest of a free press and the public interest that we all share in justice being administered well. The bill, as has been pointed out, contains many provisions that if supported would provide somewhat of a shield for journalists from being expected to reveal their sources; and obviously a lot of the time their sources are confidential. As we have pointed out time and time again, it is imperative that the media are able to protect the rights of individuals against acts of the state.

It is no surprise that some on the other side of the chamber want to stop this from happening. Often we have seen whistleblowers in the Public Service who may not be happy with the government. On this side of the chamber we embrace people coming forward for the benefit of the state to point out the errors of the government. If these things need to be exposed, then, as the member for Morialta pointed out, sunlight can be the best disinfectant.

We are told that in many circumstances and in many areas there might sometimes be criminal intelligence which might justify some kind of course of action. However, a lot of the time this intelligence is not given and nor is it likely to be tested in court. A lot of the time it is used more like a stick than anything else. Our citizens have basic fundamental, long standing rights—and here we are fighting for them again—especially when they are under attack by our government. Citizens should be protected, because it is extremely important that they have the freedom to come forward and speak out. It is important that we have a free and active media which holds the government to account if it overstretches, if it overreaches, its power.

As the members for Bragg and Morialta pointed out, at the last state election we had a platform in this area; it was rejected by the government. If the government is serious about being a transparent government and not being the laughing stock of Australia, it needs to support these kinds of laws. The bill has had considered review by the other place and it had the support of the crossbenchers, which goes to the heart and the merit of this bill. It is not a bill about partisan politics. If it was, Labor colleagues around the nation would not have supported it, but they have.

It is important that where the common law does not offer protection we as the sovereign lawmakers of this state step in and put these laws into place. Our lives would not be the same if we did not have an open and free society and an open and free media. It is extremely important that we give journalists these protections. The overwhelming majority of journalists that I talk to are extremely professional. It is important that we give them these safeguards and measures in case they are given the wrong information or in case they ever need to come forward with it.

I believe the balance here is struck well between the free press, which is extremely important in the interests of the public, and justice in this state, and there are competing interests. There are certainly competing interests; however, in this state the government has got the balance all wrong. If it is good enough for most of the states in Australia to have these kinds of laws why then is South Australia trailing the nation? It is simply not good enough.

The Hon. Andrew McLachlan in the other place pointed to an example where respected Labor Senator Faulkner acknowledged in a debate some years ago (2009) how important the protection of journalists' sources is and how it is one of the most basic conditions of a free press. This has also been pointed out in other sources. Look at, for example, the European Court of Human Rights. As he pointed out and we are pointing out today, sources will not come forward and speak out and will be deterred from assisting the press without these kinds of protections.

It is absolutely ludicrous for anyone to suggest that this bill, or parts of the bill, are unconstitutional. It is just not the case. There obviously is a mischief, there is something that we are here to protect, there is a clear intention in this bill, and the government should support it. It is well set out. It goes on to identify who exactly will have cover under this bill. It goes on to also set out the liability that will be stopped from such journalists coming forward, and their sources.

It has been tested across the nation. It has been tested in all of the states across Australia and it should certainly be supported, because free media is essential to any free, democratic and just society. Some may say that the bill might go too far to one side and perhaps too far towards the journalists' side, but we do not agree on this side of the chamber.

We also clearly reject the discussion that says that the ICAC will be undermined if the bill goes ahead. It is absolute garbage to suggest that and it is extremely important that we support this bill. It has passed the other house and should pass this place, and I commend it to the house.

**Mr PEDERICK (Hammond) (11:27):** I rise to support the Evidence (Journalists) Amendment Bill that was introduced last year in the other place by the Hon. Andrew McLachlan. This bill certainly recognises the critically important role that the media and the profession of journalism plays in protecting the rights of the individual against capricious acts of the state.

Certainly, we all have interactions with media—some are better than others—and we need the media to operate well in this state and, obviously, the media needs to report on matters in this place and matters concerning the constituencies of all members in the state as well. We all have great relationships with members of the media and I think the protection of the media's rights in relation to information that is given to it creates the proper setting for the free press to operate and to get that news out to the world. Otherwise, if the media was under threat of exposing its sources, it would just be the end of the free press in this state. The simple fact is that is not the way to run a state. We are not a communist state. We have seen some terrible things—

*Members interjecting:*

**Mr PEDERICK:** Some interesting comments around the chamber. We have seen what has happened to people who appear to have been unfairly charged in Egypt in the last few years and that brings to mind what can happen if members of the media are treated unfairly. I note that this bill extends right through to freelance journalists and other prescribed persons. I seek leave to continue my remarks.

Leave granted; debate adjourned.

#### *Motions*

### **REPATRIATION GENERAL HOSPITAL**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (11:30):** I move:

That this house—

- (a) notes that more than 119,000 people have signed petitions opposing the closure of the Repatriation General Hospital, more than 88,000 of which have been tabled in this house; and
- (b) urges the government to heed the call of the petitioners and the veterans on the steps by reversing its decision to close the Repat.

Haven't the veterans done a great job? They were camped out on the steps of this parliament to make their point, their very important point, that the government of South Australia is doing the wrong thing by the veteran community and, of course, the wrong thing by the people of South Australia with its decision to close the Repatriation General Hospital. Now this is a hospital which is due for closure as soon as July next year. This is a very poor decision and we again implore the government to think over this decision that it has made in haste as part of its Transforming Health—

*An honourable member interjecting:*

**The DEPUTY SPEAKER:** No, out of order.

**Mr MARSHALL:** —debacle. I am very concerned about health in this state. The new Royal Adelaide Hospital will be opening some time later this year; we are not sure when. Of course, it was already meant to be handed over to the people of South Australia this quarter for trials ahead of an opening in April this year. That is not going to happen; that timeframe is gone; that ship has sailed.

Then it was going to be the middle of the year and now it is going to be the end of the year, if you believe what the government is telling the people of South Australia about the new Royal Adelaide Hospital. One thing we do know is that there is going to be an enormous annual payment to the consortia which has built and will operate the new Royal Adelaide Hospital. That figure is in the order of \$400 million per year.

When we look at the health budget going forward, there is no massive uplift by \$400 million per year over and above the health inflation index here in South Australia, so it gives us a very clear indication of what the government is really trying to do with regard to Transforming Health. They are going to cut beds, and they are going to cut services here in South Australia to pay for the new Royal Adelaide Hospital.

The minister has come into this place on numerous occasions and said that he would like us to get back to the national average in terms of the number of hospital beds per head of population. On our calculations that is a diminution of hospital beds in South Australia of 840 beds; 840 beds are going to be cut across South Australia as part of the Transforming Health agenda.

We already know that the government has form in this area and they have announced the closure of three hospitals: the Hampstead Rehabilitation Hospital; St Margaret's Convalescent Hospital; and, of course, what we are here to talk about today which is the Repatriation General Hospital.

I think this government has had a long-term agenda to close this hospital. Let's not forget that we had some work which was done and handed down by the Sustainable Budget Commission in August 2010. This Sustainable Budget Commission report, which was handed down after the 2010 general election here in South Australia, recommended to the state government to close the Repat Hospital, so it has been on their agenda for a long period of time.

But let me tell you some of the comments made by this government and their spokespersons at the time about the continuity of service on the Daw Park campus. The first quote that I would like to read is from the former premier of South Australia, the Hon. Mike Rann, who said, and I quote:

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

Never, ever be closed by a Labor government. The Hon. John Hill, and I believe him to be an honourable man, said the suggestion was 'ridiculous' and that 'it's not something that's going to be done by the government.' When it was raised in the Sustainable Budget Commission, John Hill came out and said it was ridiculous and not going to happen. Let's have a look at what minister Snelling had to say in July 2013:

SA Health is dedicated to maintaining the same high level of care that veterans and the local community have come to expect from the Repatriation General Hospital, both now and into the future. The Repatriation General Hospital will continue to specialise in the care of older people and veterans, providing high quality care from the acute stages through to palliative care. It will continue to play a vital role in South Australia's health care system.

That was July 2013, before the state election in March 2014. I suppose the people of South Australia felt pretty reassured that the Repatriation General Hospital was going to continue. You listen to those

comments. We had the comments of the former premier that it was never going to close under a Labor government. The former health minister, who at the time was the health minister, said it was ridiculous to suggest that it would close. Jack Snelling himself said that this is going to continue and it is going to continue going forward. Fast forward to the election. What did they say after the election? They maintained their position after the election. On 28 August 2014, the acting minister for health, the Hon. Susan Close, said:

I can assure you that SA Health and the Repatriation General Hospital are dedicated to maintaining the same high level of care the local community have come to expect from this hospital. The Repatriation General Hospital Veteran's Service Guarantee will be upheld and the Repatriation General Hospital will continue to specialise in the care of older people and veterans, providing high quality of care from the acute stages through to palliative care. It will continue to play a critical role in South Australia's health care system.

In November 2014, the minister said that the draft decisions on hospital cuts would be released in December. Everybody waited with bated breath. We were concerned about a cut to our hospitals in South Australia, but then we had a little thing called a by-election. We had the Fisher by-election which was held on 13 December, so instead of announcing the decision regarding the Repatriation General Hospital in December as it was promised, it was pushed off to be announced in January of the following year.

In January 2015 staff were told that there would be an announcement on the future of the Repat on Thursday 15 January. Staff were told to look for new jobs. Staff requests for holidays from March were not being processed. The Davenport by-election was held on 31 January 2015. I am convinced that the delayed announcement of the decision to close the Repat was only because of political opportunism to keep the decision out of the state election in 2014 and out of the public gaze of the two by-elections which were held in December 2014 and January 2015.

What a disgraceful decision this actually was. The people of South Australia love the Repatriation General Hospital. Let me say this: this is not just a hospital for veterans. It has an enormous amount of facilities for all South Australians, especially those in the southern suburbs, and that is why all members in this parliament should be fighting every single day to keep this important facility open.

The current hospital in its current format has 250 hospital beds, and they are not all dedicated to veterans as there are 170,000 outpatient attendances at that hospital each and every year. We continually ask the minister: where are these outpatient services going to be provided? To this point in time we have no understanding whatsoever from this government as to where these services are going? All we know is that services are going to be cut. We do not know where they are going to be provided going forward.

We know that there are in excess of 2,000 transfers from the Flinders Medical Centre each year. What is going to happen when the Repat closes? It is going to further block up the beds which are at the Flinders Medical Centre which are at a regular rate now completely overflowing. We know there is a huge amount of elective surgery done on this site. In fact, Deputy Speaker, I am sure you will be interested to know that 25 per cent of the state's orthopaedic elective surgery is done on this site. Moreover, more than 25 per cent of the state's urological elective surgery is performed on this site each and every year. There is no plan made clear by this government as to where this work is actually going to occur and this is what makes us very concerned about the future of health care in South Australia.

It is not just elective surgery, outpatients and veteran services, there are other services provided on this site which the government either has not told us where it is going to be performed going forward or has said it is going to replicate existing facilities less than one kilometre down the road. Is this a prudent use of the finite state resources that we have in South Australia? I say, no. When you have a look at the facilities there for orthotics and prosthetics, that is going to go. When you have a look at the rehab facilities—I mean, some of the rehab facilities there are absolutely state-of-the-art. The commonwealth and state governments have invested tens of millions of dollars in recent years to build up facilities at that site only to, essentially, turn it over to the wrecking ball or sell it off to developers and then rebuild them down the road.

I am particularly concerned about the government's decision to relocate the Daw House Hospice. You cannot tell me that the same level of care is going to be provided on the fifth floor of a

major teaching hospital as you would get at the Daw House Hospice, which is, quite frankly, a pathfinder in terms of palliative care in Australia. Opened in 1988, it is a facility that every single South Australian should be absolutely proud of. It was started by Professor Maddocks, who, by the way, was made the Senior Australian of the Year—nationally, not here in South Australia—recognised for his contribution to palliative care.

It is a backwards step to put this hospice into an institutional environment like a major teaching hospital. I love the fact that somebody who might be visiting a patient who might be in their final days can pull up out the front of a single storey building, walk in, visit their loved one and have a quality experience with them. Is it the same experience to drive into a multilevel car park, get your ticket, navigate your way through a major teaching hospital and then into an institutional setting? It is absolutely suboptimal and, if nothing else, I implore the government to keep the Daw House Hospice continuing on that site and also the outreach services which are organised from that particular place.

The government is hurtling down the path towards the sale of this site. The state Liberals are calling on the Weatherill government to immediately update the South Australian public and, in particular, the veteran community on the expression of interest process for the Repat Hospital site. On 24 December 2015, the day after expression of interest submissions closed, *The Advertiser* revealed that the RSL SA had lodged a bid as part of a consortium of veteran parties interested in buying the Daw Park site. While no other organisations have been publicly indicated or have publicly indicated their interest in the site, other rumoured bidders include: ACH, Healthscope and the Flinders University—all worthy organisations.

The state Liberals understand that at least one bid includes provision for a private hospital on this site. Last year, the Hon. Martin Hamilton-Smith, Minister for Veterans' Affairs and acting health minister at the time, promised that the veteran community and the public would 'have the opportunity to have their say' on the proposals outlined in the expression of interest submissions; this is what he made clear to the people of South Australia. The state Liberals are calling on the health minister to answer the following key questions:

- Aside from the RSL bid, how many other expression of interest submissions has the government received?
- Which organisations have put in a bid for the site or are part of a broader consortium?
- How many of the submissions proposed establishing a private hospital on the Daw Park site?
- Can the proposals be mixed and matched and, if so, how will this work?
- When will the government begin its promised consultation on the expression of interest (EoI) with the community and what form will the consultation take?
- Will South Australia Health be consulting separately with the veterans' community on the proposals and, if so, how will this happen and within what time frame?
- Is the government considering broadening the EoI process to look at the opportunity to retain SA Health services on the Daw Park site, in particular the PTSD centre as recommended by a cross-party select committee of the Legislative Council?

Deputy Speaker, this is a very important site. Augustinus Krikke and the veterans worked very hard in arduous conditions to collect those signatures. I implore the government to take note of the will of the people of South Australia and do everything it can to keep this important facility open for future generations.

**The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (11:45):** I thank the leader for his contribution. I hope he stays in the chamber for the rest of the debate. Can I express on behalf of the government—

*Mr Gardner interjecting:*

**The SPEAKER:** I highlight the convention that all members are always here and that their comings and goings from the chamber should not be noted or speculated upon.

**The Hon. M.L.J. HAMILTON-SMITH:** Thank you, sir. On behalf of the government, can I note our respect for all petitions and all petitioners and particularly this group of petitioners and say that we take all of these petitions very seriously. I think that every South Australian would have a stake in the future of our health system and would want it to provide the best possible health outcomes given the resources we have available to us.

Of course, this petition was raised in the context of what can only be described as a sort of hysterical scare campaign from those opposite where quite a deal of misinformation, often directed at very vulnerable people, was deployed with a view to securing a political rather than a health outcome. The first responsibility we all have as legislators is to deliver the best possible health care and health outcomes to our constituents, and this petition, but particularly the comments made by the mover of the petition, would have more credibility and carry more weight if the mover had a plan to secure our health for the years going forward as an alternative to that proposed by the government.

The first time I heard about government plans to close the Repat was in the Liberal government during the period 1997 to 2001 of which I was a member. It came forward from the then health minister in the context of a choice given to the then Liberal Party room about whether to close or privatise Modbury or whether to close the Repat. I can say that, as the newly elected member for Waite, I was quite concerned about it at the time—

**Ms Chapman:** You're not now!

**The Hon. M.L.J. HAMILTON-SMITH:** —because there were a lot more veterans using the hospital at the time. Over 50 per cent of them were veterans.

**The SPEAKER:** The deputy leader is called to order.

**The Hon. M.L.J. HAMILTON-SMITH:** Now about 7 per cent or 8 per cent of the patients are veterans. It is a far different figure. However, as a local member and I am sure every local member in this chamber would like to have a hospital in their electorate. I was very concerned about it. The Liberal government actually considered closing it. There was a feisty debate and, in the end, the decision was made to effectively close Modbury and it was privatised.

So, the Liberal Party itself understood at the time that there was a need for reform and to outsource or privatise. Its choice was Modbury. The government's choice in the current circumstances has been to make changes elsewhere and that is impacting on the Repat. That is the first point. And I just say that if the Liberals were in government they would be facing the challenges that the government is facing.

That gets me to the context and that is to underpin the point made eloquently by the Premier yesterday when he reminded the house of the \$80 billion worth of cuts to health and education that have been inflicted on the states by the Coalition government in Canberra—figures that are repeated by premiers across the state, including the Liberal governments. I refer them to the Auditor-General's Report, again pointed to by the Premier yesterday, where the Auditor-General has confirmed that the total value of cuts to health in South Australia is \$655 million. The brutal truth that the leader does not want to address is that funding for health has been cut and health costs are spiralling out of control. I ask the leader: what would he do to secure health outcomes for South Australians? What would be his plan?

**Mr Marshall:** They're not spiralling out of control.

**The Hon. M.L.J. HAMILTON-SMITH:** He says they are not spiralling out of control. I suggest he get advice on that from the AMA—

*Mr Wingard interjecting:*

**The Hon. M.L.J. HAMILTON-SMITH:** —from the Nurses Federation and from the experts who understand—

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



**The Hon. M.L.J. HAMILTON-SMITH:** —the costs of the health system. If he thinks that the costs of health are not going up, he would be the only person in Australia who thinks so. Ask any professional commentator; the costs of health are the biggest risk—

*Mr Marshall interjecting:*

**The SPEAKER:** I call the leader to order.

**The Hon. M.L.J. HAMILTON-SMITH:** —to state and federal budgets across the nation.

*Mr Marshall interjecting:*

**The Hon. M.L.J. HAMILTON-SMITH:** This has been a national debate.

**The SPEAKER:** I warn the leader.

**The Hon. M.L.J. HAMILTON-SMITH:** The leader appears to be missing from that debate. He appears to have no answers. How states will handle health care is a key issue. During World War II, the commonwealth took the taxing powers away from the states in the face of a world war: a crisis. Those taxing powers were never given back. I remember having a conversation with Liberal health ministers federal and state some years ago when I was reminded that the commonwealth does not run a single hospital, a single police station, a single fire station or a single school; it does not run a single prison. The states run all of those things and have to fund them, but the commonwealth gets all the money.

When the leader can explain to the house how he plans to address this crisis, his comments will have greater credibility and carriage. I have recently reviewed the Liberal Party's health policy prior to the last election, and it is a very empty few pages. My understanding is it was never formally announced. It was a series of little announcements during the campaign. It was pretty pathetic.

**Mr Tarzia:** You supported it.

**The Hon. M.L.J. HAMILTON-SMITH:** Actually, the brilliant contribution by the member for Norwood, who is about to have a lesson in history, might come back to bite him, because there is another motion coming, the substance of which I will not address.

*Members interjecting:*

**The Hon. M.L.J. HAMILTON-SMITH:** Sorry, the member for Hartley, I beg your pardon. There is no member for Norwood anymore, and I am sure—

*Mr Whetstone interjecting:*

**The Hon. M.L.J. HAMILTON-SMITH:** —there won't be in its current guise after the next election.

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

**The Hon. M.L.J. HAMILTON-SMITH:** I just make the point that I was the shadow health minister for some time, and I might say a pretty effective one. Just ask members on this side.

*Members interjecting:*

**The SPEAKER:** The member for Morialta is called to order, as is the member for Hammond.

**The Hon. M.L.J. HAMILTON-SMITH:** I handed that responsibility over to the Leader of the Opposition, whereupon the issues tended to vanish away. I will talk more about that. I would have talked more about that on 14 April, because I note there is another motion on the paper which attacks me. It is from the leader. Of course, he has moved it when he knows we have a trade mission to China, so I will not be here.

*Members interjecting:*

**The Hon. M.L.J. HAMILTON-SMITH:** I would say, if he has any political courage—

**The SPEAKER:** The minister will be seated.

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

**The SPEAKER:** Let's see if you wish to make your point of order after I have ruled. The minister will not impute improper motives to the leader.

**Mr GARDNER:** Point of order, sir. The minister, in describing himself as being on a trade mission on that day, does so knowing that he has not sought a pair and also the opposition, when moving that motion last year, could not have known that he was going to seek a pair that he has still not sought. In doing so, he therefore reflects on his absence from the chamber when he is without leave.

**The SPEAKER:** Strictly, the member for Morialta ought to go out under the sessional order, because that was not a point of order, although it contained some interesting information. The minister is called to order and so is the member for Morialta. This chamber may be substantially unoccupied when question time convenes.

**The Hon. M.L.J. HAMILTON-SMITH:** Thank you for your guidance and wise counsel, Mr Speaker. I would simply point out to the member for Hartley that, somehow or other, from the time I stopped being shadow health minister and the leader became shadow health minister, things dropped off the pace to the extent that the nurses' federation came out during the election and condemned the leader for having no health policy. We finished up going into an election where the Liberal Party was roundly criticised by all the key stakeholders for standing for nothing on health, and that gets me back to the point—

*Members interjecting:*

**The Hon. M.L.J. HAMILTON-SMITH:** That gets me back to the point, and I cannot wait until the next motions, because I am going to go over, step by step, what the leader did and did not do when he was shadow health minister. I am going to go over, step by step, the advice I gave him on health policy which—

*Mr Gardner interjecting:*

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

**The Hon. M.L.J. HAMILTON-SMITH:** Sorry?

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

**The Hon. M.L.J. HAMILTON-SMITH:** He is being terrible, sir.

**The SPEAKER:** Not your good self.

**The Hon. M.L.J. HAMILTON-SMITH:** Thank you for your protection, sir. He is being woeful. I will explain step by step to members opposite just how the leader and the Liberal Party failed on health in the 12 months leading up to the election and why the policy they took to the election was so pathetic.

*Mr Whetstone interjecting:*

**The Hon. M.L.J. HAMILTON-SMITH:** I might even share with you—

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

**The Hon. M.L.J. HAMILTON-SMITH:** I will share with you some emails I sent to the leader personally telling him what he needed to do to sort it out, and I will explain—

**Mr Gardner:** More dodgy documents.

**The Hon. M.L.J. HAMILTON-SMITH:** No; ask the member for Unley about dodgy documents. He is the one who hands them over, member for Morialta.

*Mr Gardner interjecting:*

**The SPEAKER:** I do hope this a point of order.

**Mr GARDNER:** Yes, sir—

**The SPEAKER:** Because I am listening—

**Mr GARDNER:** —he is imputing improper motive onto another member of the house.

**The SPEAKER:** Which member?

**Mr GARDNER:** The member for Unley.

**The SPEAKER:** That the member for Unley brought the dodgy documents to the House of Assembly is a matter of historical record.

**Mr GARDNER:** Nevertheless, improper motive.

**The SPEAKER:** The minister.

**The Hon. M.L.J. HAMILTON-SMITH:** I get back to the point, and I will start to conclude, because I am looking forward to the next motions. I say to the leader: have the political courage to move the next motion so that I am here, because I am dying to participate in it. Secondly—

*Members interjecting:*

**The SPEAKER:** First of all, before the point of order, I now warn the minister for imputing improper motives.

**The Hon. M.L.J. HAMILTON-SMITH:** Thank you, sir, I must have got carried away in the moment. But I would say to the leader just one thing: could you consider this national debate about health policy and how it will be funded? Could you come up with a single idea on health reform, a single contribution about what you would do other than the flaky nonsense that has been put about so that the people who signed this petition could have a remote understanding about what you might do—

**The SPEAKER:** The minister will not make a display.

**The Hon. M.L.J. HAMILTON-SMITH:** It is quite clear that you have no idea what to do, therefore your opposition to the Repat has no credibility whatsoever—

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

**The Hon. M.L.J. HAMILTON-SMITH:** —because you have no plan for health. None whatsoever. How does that help the state?

**The SPEAKER:** Alas, the minister's time has expired. I believe that the member for Schubert had a point of order.

**Mr KNOLL:** The minister was failing to address his remarks through the Chair, sir.

**The SPEAKER:** Yes, I uphold the point of order. The member for Finniss.

*Members interjecting:*

**Mr PENGILLY (Finniss) (11:58):** I do not intend to follow that—

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

**Mr PENGILLY:** Thank you, sir. I do not intend to follow that 10 minutes of absolute verbal diarrhoea. I would like to get back to the substance of the motion that the leader has moved. That concerns the veterans and consumers of the Repatriation Hospital at Daw Park. That is the issue: it is not what the fool of a member for Waite has said. The issue is to do with the multitude of veterans, the multitude of community members who are going to have to completely rejig their lives over the potential closure or the future closure of the Repatriation Hospital. That is what the issue is.

I have plenty of veterans in my community—around 700, as I understand, in my electorate—who are frequent consumers of the Repatriation Hospital. In fact, very recently I was visiting one Vietnam veteran in Ward 17 who was in tears over the impending closure of that facility. That is what it is all about. It is about the people who use the facility: it is not about silly fools who want to come in here and make political points.

I uphold very strongly the leader's motion on this matter. I constantly have conversations with and get communication from people in my electorate who use the Repat very regularly and who want

the Repat to stay there. It would appear that the Repat is not going to stay there. It is going to go and we are going to have whatever the government comes up with.

The government of the day has the right to do that; however, the government of the day has to live by its actions and I suggest that the members for Elder, Ashford, Waite and a few others are going to be looking pretty nervously at what happens at the next election in relation to the Repatriation Hospital. It is a nightmare for people who use that hospital and it is a nightmare for staff. The staff, as I understand it, were allegedly told some time ago that the place was closing before we knew what was going on.

When something works and works well and when it was given to the state by the feds—even though parts of it are antiquated, parts of it are fairly modern—it is indeed a facility that South Australians take great pride in. They talk about going to the Repat: 'I've got to go to the Repat today,' or 'I've got to go to the Repat next week.' They hold it dear to their hearts. They actually own the Repat, not the government: the people of South Australia own the Repat. The government may own the land on which it is built, but they do not own the Repat. It is a sad day for this state. I refer to the actions that took place out the front of this building for week after week after week, through all sorts of inclement weather conditions—

**Mr Whetstone:** 160 days.

**Mr PENGILLY:** For 160 days, those veterans and their supporters stayed out there, 24 hours a day, collecting signatures. What a magnificent effort that was. I know there are members on the other side who, though they could not say anything, were quietly supportive of what was going on. That is politics and they are stuck with that, but they are going to be stuck with the impact of what is happening down there in March 2018 as well. There will be no moving away from that. There will be some regular reminders, I dare say, when that campaign cranks up properly in 2018.

Going back to the leader's motion that this house notes that more than 119,000 people have signed petitions opposing the closure of the Repat, more than 88,000 of which have been tabled in the house, it is amazing. This is after the Minister for Health said that if we could show a petition with over 13,000 signatures, he would have to take notice. Well, they took a lot of notice, didn't they? They just got on and announced that it is closing: that is how much notice they took. This state government treated the people of South Australia and the veterans and community users of that facility with absolute arrogance and absolute contempt, as they have done on other occasions. It is an absolute disgrace.

There are members in this place who are passionate about their hospitals. Madam Deputy Speaker, I know your passion for the Modbury Hospital and you have done an outstanding job there over the years. I have two hospitals in my electorate that I am passionate about as well. We have, in my view, an incompetent country health department that is wreaking havoc and I need to say more about that at another time.

These hospitals are part of South Australia's institution and the Repat is a wonderful place. When I was involved in veterans' affairs some years ago, I talked very regularly to people who worked in the hospital and were part of the hospital, and now I actually deal far more often and more commonly with the veterans.

I am going to ring up my South Coast Veterans' president when I walk out of this chamber and tell him what has transpired today. They meet this afternoon. The South Coast Vets always meet on a Thursday afternoon for a coffee and a chat and to talk things through. There are 15, 20 or 30 and they get out into the community. Similarly, the RSL, particularly in Victor Harbor, is very strong on the Repat. They know what is what and they talk to one another.

If you think that just by shutting the Repat and promising this and promising that you are going to blindside the veterans and the community users of the Repat, you have got another thing coming. It is a stupid and foolish move. The diatribe that came from the Minister for Veterans' Affairs this morning was an embarrassment to the government and to those who have supported him in the past.

Unfortunately, time will tell what happens; but I think it was a disgraceful detraction from the purpose of the motion of the leader, which is a very good motion and should be supported by the

house. We will wait and see what the government does on this; they will probably try to bury it. It is a sad day when what transpired this morning came from the minister. I wholeheartedly hope that the house supports the motion put up by the leader this morning.

**Mr WINGARD (Mitchell) (12:05):** I rise today in support of the motion put forward by our leader:

That this house—

- (a) notes that more than 119,000 people have signed petitions opposing the closure of the Repatriation General Hospital, more than 88,000 of which have been tabled in this house; and
- (b) urges the government to heed the call of the petitioners and the veterans on the steps by reversing its decision to close the Repat.

I worked very hard with a lot of other people in this place to collect those signatures; in fact, it was not that hard. We would go to shopping centres, and people would flock to us. They wanted to come to sign and they wanted to let the government know and more importantly listen to the fact that they did not want this facility to close. Alas, the government continues to turn a deaf ear on what is going on. The veterans were often talked about, and the veterans who slept on the steps for 160 days, as the member for Finnis before mentioned, were really revered by the people out there in supermarkets and in my community, and they were admired for the stand they took in trying to save the Repatriation Hospital.

Last October I tabled 1,000 more signatures for the petition, so it just kept going on and on, and people today, when we are at shopping centres, still come up and talk about it and say what a disgrace it is that this government is going to close the Repatriation Hospital. We know the services they provide, and that is what is talked about a lot—elective surgery, outpatients, urology—and where these patients will go is still very much in the air. The rehab facilities that are offered through the Repatriation Hospital are used and loved by all, and the facility is very much appreciated by the community, and they are very concerned about it moving on. Likewise, as the leader pointed out, the Daw Park Hospice is another service very much loved by a lot of people right around this state.

We know that in the past former premier Mike Rann said that the Repatriation Hospital would never close under a Labor government. We are hearing a lot of this rhetoric, and they are saying that it will never ever close, as the member for Finnis points out, yet it still did. John Hill, the health minister at the time, made the same comments, but now this Labor government is going back on its word and closing the hospital.

They are putting it under the guise of Transforming Health, and they are blaming the feds for a lot of it. Transforming Health seems to be 'closing health' from what I can see and from what people are saying to me when I am out on the streets. They are blaming the federal government for closing three hospitals, as we know, through Transforming Health: Hampstead, the Repatriation General Hospital (that we have talked about) and St Margaret's. They are playing the blame game with the feds, yet no other state is looking at closing hospitals and they are operating under the same federal scheme and budget as South Australia.

We also heard the member for Waite saying before that this government would listen to the people of South Australia, when clearly they have not. He also spoke about where monies would come from. It is a very notable point that the people of South Australia are really starting to see this and scratch their heads when they think about the \$644 million blowout on the new Royal Adelaide Hospital. That is something that could run the Repat Hospital for 30 years. The savings on the blowout that this government has had on the new Royal Adelaide Hospital—\$644 million—is money right then and there that could run the Repat for 30 years. It is quite amazing when you look at it.

More alarming than this is Transforming Health becoming 'closing health'. We know that the Premier has been looking to the feds and blaming them, and he is looking for a cash grab. He is talking about a GST and needing more money, taking more money from South Australians, not to make a better tax system but to grab more money from South Australians. They have done it with the ESL. They continually take money out of the hip pockets of South Australians to prop up their mismanagement, and I talked about the mismanagement on the building of the new Royal Adelaide Hospital to the tune of \$644 million. How do they get it back? It is increased taxes. It has hit

South Australian families and people out there on the street. They take money from their hip pocket to cover up what they have so poorly mismanaged from the budget point of view.

So we look forward at Transforming Health and we fear that it is, in fact, closing health, and we look at the other hospitals as well. I know we have had to fight very hard to keep the Flinders neonatal intensive care unit intact and that took a lot of campaigning. The level six operation, of course, is very important to the people of that area and I know that my daughter is very grateful, and my family is very grateful on my daughter's behalf, that she had such great care when she went through the level six neonatal intensive care unit at Flinders. A big fight ensued and we are glad that the government listened and agreed to keep that open, because that was another part of the closing health operation that they were trying to impose on South Australia.

We can also talk about Noarlunga Hospital. A lot of people contact me about this. A lot of people talk to me about Noarlunga and the emergency department, which has been significantly downgraded. We know the government wanted to close the emergency department in Noarlunga but, again, there was people power and we had to fight very hard to make sure that stayed open, and we are glad that it has.

If we look at what the Premier said just the other day on radio, I think this is the big concern for all South Australians, again, as we work through the Transforming Health program the government talks about which is, in fact, proving to be closing health. The other day on radio the Premier was asked about whether or not hospitals will close, because it does not look like he will be able to increase the GST and increase extra taxes as he so desperately wants to do. He was asked whether he will close more hospitals and he said, 'Absolutely. That is certainly the prospect if we cannot get a response to the funding gap.'

The Premier is talking about closing more hospitals, and that has people in the south, especially people who use and rely on the Noarlunga Hospital, rather concerned. We know that the Premier has looked at downgrading and shutting down elements of the Noarlunga Hospital in the past and, after that comment that it is certainly a prospect that they will look at closing hospitals if they cannot find the funding gap, the people around the Noarlunga district and the southern end of Adelaide are very concerned about what might ensue with the Noarlunga Hospital, and they have every right to be concerned. The Premier has made no bones about the fact that he will look to cut hospital services, and that is incredibly alarming.

I have attended forums about the Noarlunga Hospital with the shadow minister for health and spoken to many people in my electorate about how important the Noarlunga Hospital is and the role it plays in their lives so we know we need to fight very hard to maintain these services in that area in light of what the Premier is saying he is wanting to do.

All in all, the Transforming Health policy that the government is talking about really is shaping as a closing health policy and there is big reason for people out there to be concerned. As I pointed out, we have seen what is happening with the Repatriation Hospital and we know the anger that has caused—and, again, across the board at Hampstead and St Margaret's. Closing hospitals in South Australia has people up in arms, the Repatriation Hospital more than any.

We look across the suburbs (I know it is happening in the north as well but I will speak more about the south where people in my community live and operate and need these services), and people are concerned that the Premier and the government is looking to close down these services. It is alarming and they have reason to be alarmed. The government must not do this.

We know in relation to the Repatriation Hospital, the number of people who signed. Again, I want to pay tribute, in closing, to the people and the veterans who sat on the steps and fought so very hard to keep this alive. They did a marvellous job. We call on the government, as the member for Waite said, to listen and hope that what they say is not just lip service. The government must listen and must act and save the Repatriation Hospital as the people of South Australia have asked.

**Mr WHETSTONE (Chaffey) (12:13):** I, too, would very much like to support the motion that the member for Dunstan has put forward (the Leader of the South Australian Liberal Party). I think it was the responsible thing to do considering the landmark Repatriation Hospital that has been in operation for such a long time. It has been such an important health service for a wide range of

people needing medical treatment but, particularly, our returned service people and the rehab that facility has provided for many years.

I note that the chapel is also a very well-used facility at the hospital. It has been regarded as a landmark or a trademark of what our service men and women have done for us and, in return this facility was put there, predominantly for them to be able to utilise. It was a sign of respect and what we are seeing from this current state government is a lack of respect. Yes, it is in need of an upgrade and it is in need of a maintenance schedule, but that is what hospitals are all about. The hospital is not at the point where it should be walked away from simply because the government are arrogant enough to say, 'We are going to close it.'

It has been promised by previous health ministers and premiers in South Australia under a Labor government that we will not close the Repatriation Hospital. This current Premier has decided to back his health minister to install a Transforming Health policy that simply has no regard for what the Repatriation Hospital has meant to many service people using that facility—and not just from the city. I think we need to understand that service people from all over the state utilise the Repatriation Hospital. It is a meeting centre for people, particularly when they are in rehab, and with many of them being aged, it really highlights that this place has a significant presence in the lives of returned service people.

The signing of the petition outside of Parliament House, I think is a feat that needs to be commended. I think it will go down in the history books. I know it was not the largest petition ever presented to the parliament, but the huge amount of time and commitment given by those returned servicemen was a testament to what they felt needed to be done to express their point of view regarding the continuation of the Repat Hospital.

Of the 119,000 who signed the petition opposing the closure, many were from my electorate of Chaffey. I have a very strong servicemen group in the Riverland and Mallee, and they are very proud of what they achieved to give Australians the democracy and freedom that we enjoy today. I think that is where most people feel let down by this government; that they have been prepared to say, 'Nup, we're closing it. We're going to put another facility elsewhere, even if it is hard to get to.'

It might be a modern facility but I think they are missing the mark. We have a hospital centre, a repatriation centre, that is for all South Australians, and I think we have seen that the impact of the closing of the Repat has been far more widespread than just a ripple effect here in Adelaide. A large amount of country residents who have utilised the services at the Repat are very disappointed. Many of them are getting together, and they have all signed petitions in many electorates. Many MPs have brought in petitions about the Repat closure but, funnily enough, not one government member has brought forward a petition about the closure of the Repat—not one. What is going on?

*An honourable member interjecting:*

**Mr WHETSTONE:** It might be a joke to you over there that it is closing and that you have not presented the feeling of your constituents, but I bet that there are constituents in every electorate in South Australia who are furious that the Repat is being closed, and yet no government members have come to this house and presented a petition. I know that people are squealing over there but I think what I have just said is a very true reflection of what has occurred.

I have met a lot of people who have either spent time in the Repat or who have a family member or a friend who has, and they are devastated at the proposed closure. There is no doubt South Australians want the hospital to remain open, yet we have Premier Weatherill and his Labor government arrogantly snubbing their nose at communities right across the state for the hospital support, proceeding with the devastating cuts to the health system.

There are many facts that will be uncovered along the way. I know that the shadow minister for health, the Hon. Stephen Wade in another place, has done an outstanding job in representing the people who utilise the Repat hospital, people who utilise all of the health facilities, here in South Australia in trying to uncover what is really going on within Transforming Health, and its so-called transparency. It is about giving people the information that they rightly deserve about the impacts on what Transforming Health will mean to them. The closure of the Repat is going to have significant far reaching impacts, and I think that the shadow health minister has done an outstanding

job. He has been fully engaged with the people who are standing up for the hospital, he has been fully engaged with the doctors, the nurses, the people who are working behind the scenes. He is the sort of shadow minister who will make a very good health minister, mark my words.

The closure of the Repat will be devastating to families and veterans; it is the only dedicated veterans' hospital in the state and it is an elective surgery hub for southern Adelaide. As to the representation that the veterans gave on the steps of Parliament House, I think it was a true reflection of what that hospital meant to every person who used it.

Obviously, the government is not listening. The petition was put to this place and it was a significant petition. I wonder whether those people who signed that petition have had some form of a response from the government. I know that every person who signed the petition has had some form of communication in one way, shape or form from the opposition, and I think rightfully so. I think those people have registered their anger, they have registered their concern about what is happening at the Repat hospital, because it is a significant centrepiece to our health system.

Now, 90 per cent of the Repat patients are community patients and the closure of the Repat is going to have a negative and long-term impact on the health of many small communities. We are seeing that the government appears to be going on with the closure of the hospital, or their de-funding of that hospital, without Premier Weatherill and his government broadening the current expressions of interest process, which closed in December, and using it to bring together partners who potentially can maintain the services at the Repat.

I want to acknowledge the many Riverland and Mallee people who have a connection with the Repat. I think it is significant that they have had their concerns tabled on a petition. Before my time runs out I want to reflect on the local member at the Repat, the state government's veterans' affairs minister. His disgraceful performance—

**The DEPUTY SPEAKER:** Order! I remind you that you are on two warnings, and I do not think the Speaker would be very happy at the line you are taking. You are reflecting on another member, and I think—

**Mr WHETSTONE:** His disgraceful—

**The DEPUTY SPEAKER:** You need to be mindful of reflecting on another member.

**Mr WHETSTONE:** —performance—

**The DEPUTY SPEAKER:** You are on two warnings, so I know you will—

**Mr WHETSTONE:** And I am losing my time while I am—

**The DEPUTY SPEAKER:** Well, you may as well stop.

**Mr WHETSTONE:** He did not reflect on the Repat—

**The DEPUTY SPEAKER:** You may as well stop.

**Mr WHETSTONE:** —one little bit this morning other than attacking the opposition. This is just testament to a bad local member.

Time expired.

**Ms SANDERSON (Adelaide) (12:24):** I rise to support the motion that this house notes that more than 121,000 people have signed petitions opposing the closure of the Repatriation General Hospital and urges the government to heed the renewed calls of the people of South Australia and the veterans of our state for the Repat to be retained, not closed, to ease the pressure on our crowded hospital system. On 21 February 2016, the Repat celebrates 74 years of specialising in the health care of South Australia's older people and veterans. This is what is at stake: high quality outpatient services. Each year the Repat provides more than 136,000 outpatient consultations, that is more than 2,600 South Australians each week. The clinics treat conditions like heart disease, sleep disorders and arthritis.

The AMA of South Australia highlighted the critical importance of these services in its response to the Labor government's decision to close the Repat. The AMA has argued that instead



of closing the hospital, the government should build on its outpatient strength so it becomes an ambulatory care centre of excellence. The AMA of South Australia supports this solution for those many patients who would benefit from avoided hospital admissions and reduced length of stay once admitted.

The Repat has state-of-the-art facilities. Over the last decade, \$40 million has been spent updating and expanding the facilities at the Repat, including \$6 million for the 4<sup>th</sup> Generation Rehabilitation Clinics and \$10 million to rebuild Ward 18 (the Repat's mental health facility for older South Australians) and \$20 million for a new state-of-the-art rehabilitation service with 20 new subacute beds and improved rehabilitation services.

Ward 17 is a centre of excellence in the treatment of post traumatic stress disorder. It provides inpatient care in a 24-bed ward, with more than 7,600 outpatient consultations per year. One in five of its inpatients are community patients, such as police and emergency services personnel. For many of Ward 17's clients, the gardens and outdoor areas at the Repat are important for their recovery and wellbeing. The quality of the service provided is built on the skill and commitment of the staff and the culture they foster.

The government wants to separate elective surgery from emergency surgery to promote better health outcomes for patients. The Repat already focuses on elective surgery. More than 80 per cent of surgery done at the Repat is elective, compared with an average of 54 per cent in other metropolitan hospitals. The Repat is accessible with ample parking and ground level access points. This is particularly important for older people and for people with mobility issues. These people benefit from the fact that most of the hospital's services are a short, ground level walk from the car park.

It is a campus for care and rehabilitation. The Repat is a low-rise campus in a garden setting that supports the recuperation and rehabilitation of its patients, both short term and long term. The buildings are mostly single storey and are spread over a 14-hectare site. With almost every ward separated by a garden or courtyard, the Repat has been dubbed 'a hospital in a park'. The Memorial Chapel with its magnificent stained glass windows is another place for quiet reflection and contemplation. The gardens and campus-style layout provide a therapeutic environment conducive to recovery and rehabilitation. One of the most visited outdoor areas is the Peace Garden. It includes a hedge grown from rosemary cuttings that a digger brought back from Gallipoli.

The Daw House Hospice provides palliative care in a comfortable, non-hospital setting. It is also a base for care in the home and for world-class palliative care training and research. The Council of the Ageing of South Australia has advised the government that the palliative care services delivered by the Repat Hospital 'are highly valued by our stakeholders' and said that it was 'deeply concerned' that the government was not devoting enough attention to the services within the Transforming Health process. The proposal to move the hospice also runs the risk that specialist teams built up over decades may disband rather than be shunted from site to site.

The Repat is a hub for training and research, it is a teaching hospital and a major site for clinical placements for Flinders University students. Researchers based at the Repat have attracted more than \$75 million in research funding. Over the past 40 years, thousands of students undertaking medical, nursing, social work, allied health and other health-focused studies have completed part of their training at the Repat, including around 2,000 medical practitioners. A quarter of Flinders University medical students spend time at the Repat. The university's Vice Chancellor, Colin Stirling, has said that the university would need to consider how the closure of the Repat would affect its capacity to deliver outstanding medical and health research and to meet the education demands of the future health professional workforce.

The Repat patients speak highly of the care, quality and commitment of the hospital staff. The teams at the Repat have forged a great culture which is treasured by many South Australians, especially veterans. Twenty per cent of the Repat's admissions are veterans; on average that is 10 times the level of veteran admissions to South Australia's other public hospitals.

The Repat is needed. The 250-bed Repat Hospital is a vital component of Adelaide's hospital network—an engine room for elective surgery, rehabilitation and ambulatory care. For example, a quarter of all orthopaedic and neurological elective surgery performed in Adelaide is done at the

Repat. The Repat is centrally located. It is only four kilometres from the Flinders Medical Centre and less than eight kilometres from the Royal Adelaide Hospital. It has good public transport connections to both these hospitals.

The Australian Medical Association of South Australia highlighted the critical importance of these services in its response to the Labor government's decision to close the Repat. The sheer size of the petition highlights how connected South Australians are to the hospital. Many have either used the hospital or have had family members receive treatment at the facility or have trained at the Repat.

Under Labor's cuts patients will have to wait longer and travel further for medical care. Under Labor's plan the number of general hospital beds in the southern region of Adelaide will drop by 22 per cent. Major metropolitan hospitals are already stretched to the brink and are not in a position to cope with the additional demand if the Repat closes.

We urge the government to listen to the will of the people and to heed the wishes of the 121,000 people who signed the petition calling on this government to save the Repat. I call on this Labor government to stand by its word not to close the Repat as stated by former premier the Hon. Mike Rann and the former health minister the Hon. John Hill.

This facility was gifted to the state government by the federal government for the people of South Australia, not to be sold off. The state Liberals strongly oppose the closure of the Repat and will continue to fight until this decision is reversed.

**Mr PEDERICK (Hammond) (12:31):** Thank you, Madam Deputy Speaker, and I rise to support the motion of our leader:

That this house—

- (a) notes that more than 119,000 people have signed petitions opposing the closure of the Repatriation General Hospital, more than 88,000 of which have been tabled in the house; and
- (b) urges the government to heed the call of the petitioners and the veterans on the steps by reversing its decision to close the Repat.

I do really want to pay tribute to Augustinus Krikke and his mates who stuck it out on the steps. They defied all means of getting rid of them. They set up camp, and businesses along North Terrace and elsewhere looked after them. They offered them food. I know that a lot of people walking past offered them food and support.

I can recall going to a breakfast one morning and hearing a story about the great success of Golden North and its ice-cream, so I brought back some Giant Twins for the boys. It might have been a bit early at 9 o'clock but I think they enjoyed them very much anyway.

These people show what it is really like to have loved their country and served their country and what they wanted to do for their fellow men and women who have served this state and this great nation; and also for their support for the many regular citizens who use the services of the Repat.

It is disappointing when going to a briefing to hear from the current health minister, minister Snelling, that one of his reasons for wanting to shift the Repat into central Adelaide is to get it closer to veterans. Well, I can assure the minister that not all the veterans live in Northern Adelaide or Edinburgh. Just because we have a battalion stationed there now, veterans come from not just all over Adelaide—it may come as a surprise to the Labor Party—but all over South Australia.

Wherever they have come from they have given great service for this state and this nation, and far too many have paid the ultimate sacrifice and we have far too many suffering PTSD (post-traumatic stress disorder). They have paid a huge price and we owe these people a significant debt. You could not put in monetary terms the losses that many of these people have faced, not only with their mental injuries or their physical injuries but what a lot of these people have lost in regard to losing whole families and partners because of the service they endured and the things that happened. A lot of us could barely imagine the situations that these people have been placed in.

My brother served for 23 years. He did a couple of tours. He served in Rwanda, which was upgraded to full military service (it was United Nations service) and he also served in Iraq. He appears to be alright; you never know when things could change, but he certainly appears fine.

Notwithstanding that, the Daw Park Repatriation Hospital has been and is a real icon of excellence for the veterans and civilians that use the premises, gifted to the state by the commonwealth, and in no way, shape or form has the commonwealth ever wished for that land to be on-sold. We note that former premier Rann and former health minister the Hon. John Hill both said it will never ever happen. It is a bit like our current Premier saying there will never ever be a rise in the GST. It seems to be a common thread with the Labor Party in this state: 'never ever' becomes very much a lie when things get turned around. The people in this state need to realise that: when they hear 'never ever' from the Labor Party, never to believe it, because this looks like it is going to happen.

It is a great tragedy for this state, and people need to look far further forward than just their complete mismanagement of the state's finances for the past 14 years. If the state's finances had not been so mismanaged for the past 14 years, they would not have to be making such ridiculous decisions as selling the Repatriation Hospital at Daw Park. There were years in the early 2000s before I came in here and even from when I was here in 2006 when there were hundreds and hundreds of millions of dollars of unbudgeted GST money that flowed from Canberra into this state—unbudgeted—all blown up, all gone, all Labor's folly, just gone with the wind.

Here we see, just like the forests, the MAC, the lotteries—I just make the point that especially the lotteries and the forests were money-making ventures, yet we see the Labor Party in this state sell ventures that actually make money, because they think there is a risk because they have no idea how to manage businesses—

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

**The DEPUTY SPEAKER:** The member for Newland—

**Mr PEDERICK:** Chuck him out, ma'am.

**The DEPUTY SPEAKER:** —will make a contribution rather than interject. It can be your turn next, if you wish.

**Mr PEDERICK:** Thank you, Madam Deputy Speaker, for your protection.

**The DEPUTY SPEAKER:** I throw myself in front of danger where you're concerned, member for Hammond.

**Mr PEDERICK:** Thank you, ma'am, and I always do respect your strong support when I am on my feet, because sometimes I do need that valuable protection, and I appreciate you taking the bullet. What I will say is that the Labor Party are so afraid of running profit-making businesses that actually were putting money into the coffers of this state. The forests, for instance, were \$43 million on average, although I have heard the Canadian superannuation firms turned that into \$75 million annually, so you can understand how perhaps private operators can turn a far bigger profit.

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

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

**Mr PEDERICK:** We hear some distant bleating from the other side trying to defend their case, but it is an absolute disgrace. The lotteries—

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

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

**Mr PEDERICK:** Chuck him out, ma'am. The Labor government just keeps selling off items, one by one, until there will be nothing left. In fact, the former member for Port Adelaide, the former treasurer Kevin Foley, actually tried to sell a building and he did not own the land under it.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**Mr PEDERICK:** Someone had to inform him that it was not his to sell. This is a real tragedy for this state, and I think the government really need to have a good look at themselves. As I said, many people have used the services at Daw Park. I have used them in the past and I have found the

staff extremely good to work with. They are extremely well-caring people, throughout the nurses and doctors and all the staff there.

In fact, I had a very interesting conversation about EPAS, the electronic patient record system, and the fact that well over \$100 million—and probably heading to \$200 million-plus by now—has been wasted on this electronic system which is going into the botched new Royal Adelaide Hospital which I note does not have the room to have paper files and shows how much of a debacle is happening in the so-called Transforming Health policy in the state.

We have a hospital where the opening is being put off by months and months, and I will be surprised if that hospital even opens this year. There are already a great number of faults being picked up from what I am told out there in the real world by people who work in these situations, whereby some people who get diagnosed by a doctor and who happen to be on their bed in their room will not be able to get through the door back into the hospital because it is not wide enough for a bed. They will have to be put back onto a barouche and trolleyed through. When a figure of up to \$2.3 billion to \$2.4 billion and rising has gone into the hospital, which I must say is an overspend that would have built the Adelaide Oval all over again, it is disgraceful.

With the mismanagement of this project, we also see water pipes leaking and water flowing right throughout the building, so what hope do we have for health in this state when we have facilities closed? And some of these facilities out at Daw Park have not been opened for many years at all—but oh no, we will just trash them and run the bulldozer through them and be done with it, and forget about the veterans and the good citizens of this state who have used the Daw Park Repatriation Hospital for many years. As for the local member, the member for Waite, I did not hear one cogent argument from him this morning about anything to do with the hospital. In fact, he was just trying to give us his version of history which I do not believe many people would agree with.

**Mr TARZIA (Hartley) (12:41):** I also rise today to support the motion:

That this house—

- (a) notes that more than 119,000 people have signed petitions opposing the closure of the Repat General Hospital, more than 88,000 of which have been tabled in this house; and
- (b) urges the government to heed the call of the petitioners and the veterans on the steps by reversing its decision to close the Repat.

As we have heard this morning from the arrogance of one of the government ministers, this government has, quite frankly, more front than John Martins. It is absolutely disgraceful.

**The DEPUTY SPEAKER:** There is no such thing.

**Mr TARZIA:** It is absolutely disgraceful that 119,000 people—yes, I do remember John Martins, Deputy Speaker—119,000 people—

**The DEPUTY SPEAKER:** Order! I did not ask you to recall John Martins.

**The Hon. T.R. Kenyon:** I just told you it doesn't exist anymore.

**Mr TARZIA:** It doesn't exist anymore, member for Newland—

**The DEPUTY SPEAKER:** Order! I am on my feet.

**Mr TARZIA:** —and neither does the credibility of the state government.

**The DEPUTY SPEAKER:** Now I know the Speaker is listening, and he is going to be heartily disappointed in the behaviour here. Standing order 131 means no-one speaks over the top of anyone else. I would remind members that we do need to listen to the member for Hartley's contribution.

**Mr TARZIA:** My part in this was small; however, I managed to gather probably just over 1,000 signatures in my time by going out into my community and talking to people, talking to the veterans and their families, and engaging their thoughts on this matter. I did this at the Glynde RSL, the Magill RSL, the Kensington Park RSL and the Payneham RSL; and it was quite clear very early in our campaign that this was a huge issue, not only at Daw Park and in the vicinity of that area, but across the state, because for many families, past and present, this is more than just a hospital. Even I had a relative who was treated at this hospital, and so many South Australians have been treated

at this hospital not only after their time at war, but are also being treated for other conditions. It is certainly more than a hospital.

What this government is doing is ripping the soul out of South Australians. This government has no credibility when it stands here and says that it is now going to demolish the Repat—sell the Repat—after saying to the people of South Australia before the election that it was not going to do so. It has absolutely no credibility and it is an absolute disgrace.

Given the choice to stand with the veterans or stand with the Labor government, I stand with the veterans. I have no doubt that, if the state government follows through on this disgraceful plan to demolish this site, it will come back to bite them hard. I stand with the veterans of this state, I stand with the families of the veterans of this state and I stand with the other over 100,000 people who signed this petition. It is the height of arrogance for this government to ignore such a large pool of people in this state on any matter, let alone this one.

Twelve months ago, as part of what have certainly been controversial health cut plans, the state Labor government announced that the iconic Repat Hospital would be closed, in addition to three emergency departments being downgraded and cuts being made to metropolitan hospitals. The government must start honouring its promises.

We know that the closure of the Repat would see, amongst other things, the loss of what is significant expertise not only in veterans' health but also in ageing health. I know a number of people who have, for example, diabetes treatment at that hospital. In terms of the delivery of post-traumatic stress disorder services in Ward 17, the current plan of the government to rebuild Ward 17 at Glenside is certainly a downgrade of the services that are currently offered.

We know that 90 per cent of Repat patients are community patients, just like my uncle, just like some of the families of veterans—people who choose to go to the site. The closure of the Repat would certainly have negative serious and long-term impacts for the health of the community. What we need are more beds, not fewer beds. What we need is for health service professionals to be treated better, not worse. What we need is more funding, not less. What we need is a government that takes these matters seriously.

The new Royal Adelaide Hospital, as my colleague alluded to earlier, has been riddled with problems before the doors are even open—computer glitches, staffing issues and so on. Nurses are being approached at the current Royal Adelaide Hospital and are being asked to work ridiculous hours, longer than they otherwise should. The unions know this; the nurses know this; it is common knowledge.

It is all because of Transforming Health. What is this monster called Transforming Health? The member for Waite, I believe, in an earlier radio interview made the admission that this is not about efficiency in health services: it is about money. All this is about is money for this government. They will go to whatever lengths it takes to cut hospitals.

No hospital is safe under this government; that has been shown now. How can you trust a government that says it is not going to shut down the Repat and then does? It is absolutely disgraceful. There have been no announcements on the future location of various Repat specialist services. Take, for example, orthopaedics, ophthalmology, urology, rheumatology as well as sleep disorders, respirology and diabetes.

Closing the Repat would actually mean abandoning over \$40 million—\$46 million, in fact—of capital works at the hospital in the last 13 years. It is absolutely ludicrous that a building would have \$46 million of capital works added to it and then you would close it down after 13 years. We know that the Australian Medical Association's recent public hospital report card showed that South Australia is 10 per cent worse than the national average on the key indicators of emergency department waiting times. I commend the motion to the house and I ask the government to reverse this disgraceful decision to close the Repat Hospital.

**The Hon. T.R. KENYON (Newland) (12:49):** I just rise very briefly to oppose the motion, one of a number of ridiculous motions brought before the house by the members opposite—no surprise there. Partly the burden of opposition—

*Mr Tarzia interjecting:*

**The DEPUTY SPEAKER:** Order! The member for Hartley is called to order.

**The Hon. T.R. KENYON:** —is that you expose yourself to ridiculousness, and we are seeing that, of course. Today we had—

*Mr Tarzia interjecting:*

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

**The Hon. T.R. KENYON:** They had a few examples. Just recently the member for Hartley, the new member for MacKillop just saying the same speech over—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. T.R. KENYON:** —and over again. Just a few little changes here, but which can be neatly summarised as 'Labor, bad; Liberal, good'. That is essentially his argument in any motion that comes before the house, and it is no different here, we have not seen anything new. We had the new Bernie Sanders, the member for Hammond, advocating government control of the means and mode of production, essentially, that the government should own profit-making businesses—

*Mr Hughes interjecting:*

**The DEPUTY SPEAKER:** Order, the member for Giles!

**The Hon. T.R. KENYON:** The new socialists—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. T.R. KENYON:** —on the other side of the house, ma'am—

*Mr Tarzia interjecting:*

**The DEPUTY SPEAKER:** The member for Hartley is warned for the second time.

**The Hon. T.R. KENYON:** The new socialists over there—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. T.R. KENYON:** —are neatly forgetting their own record—

**The DEPUTY SPEAKER:** No reflections.

**The Hon. T.R. KENYON:** —whilst in government, neatly forgetting their own record of privatisation. The TAB sold for less than one year's revenue—sold for less than one year's revenue. It immediately turned into a \$400 million profit; it might have been a \$200 million—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

**The Hon. T.R. KENYON:** —profit making enterprise, and somehow that is a bad thing, according to the Liberal Party. The private ownership of business is somehow evil now, according to the member for Hammond, so maybe he will be voting for Bernie, if he is a US citizen. Maybe he might be on Bernie's team advocating, standing there in the caucus in Bernie's corner—

*An honourable member interjecting:*

**The Hon. T.R. KENYON:** Yes, holding up the placards at the rallies. Maybe we are seeing the insidious fellow travellers insinuating themselves into the Liberal Party. Let's not forget the substance of the motion and let's not forget that the only 6 per cent of veterans use the Repat, given that most of them have gold cards, which is a far better way to thank them for their service, allowing them to use the hospital that best serves their needs either in terms of geographical location or

services offered. Let's also remember that none of the services currently at the Repat will be lost to the system; in fact, many of them will be vastly improved, not the least of which will be Ward 17 being made more available to more veterans because it will be in a better geographic location. With that, I oppose this motion, and the government will be opposing this motion. I commend our position of opposition to the house.

Motion negatived.

### DAVIS, MR STEVE

**Mr WHETSTONE (Chaffey) (12:52):** I move:

That this house—

- (a) celebrates the outstanding 25 year career of South Australian international cricket umpire Steve Davis upon his retirement in June;
- (b) acknowledges Steve Davis's commitment to cricket in which he umpired 57 tests, 137 one day internationals and 26 T20 international matches; and
- (c) recognises the important role played by umpires, officials and volunteers in grassroots, state, national and international sport.

I think it was worthy that I put up this motion. We often acknowledge many athletes and sporting identities who have performed admirably in their chosen sport. Despite their importance, the careers of umpires are often overlooked and they really do not get the recognition that they deserve. Steve Davis's career in cricket circles is nothing short of outstanding. A South Australian-based umpire, Steve had a remarkable lengthy career; in fact, he did his job so well that often they said that you would not notice that he was there as the umpire, which is great praise particularly for a cricket umpire.

Steve Davis announced his retirement in June 2015 after a five match one-day international series between England and New Zealand. Steve represented South Australia proudly on the world cricket stage, with an umpiring career spanning 25 years: 57 tests, 137 one day internationals and 26 international T20s.

He made his first-class debut umpiring in 1991 and umpired his first one day international game in 1992 when he officiated between Pakistan and the West Indies in Adelaide. His first test appointment was five years later in Hobart when he stood in in the match between Australia and New Zealand. In 2002, he was selected for the Emirates International Panel of International Cricket Council Umpires before being promoted to the Emirates Elite Panel of International Cricket Council Umpires in 2008. Cricket Australia's CEO, James Sutherland, described Davis as 'one of Australia's leading officials, held in high esteem by match officials and players alike'.

I have recently been to the Allan Border Medal presentations and spoke to the current Australian captain, Steve Smith, and a number of cricketers, and they all hold Steve Davis in awe as just a great sportsman, they call him, not just an umpire. Over time, he has been regarded as one of the nice guys in sport. He said that meeting all the great players, meeting all the people in different countries, having a chance to travel and stand in the best spot to watch some of the greatest cricket ever has been a great opportunity in his life.

One of the drawbacks he had was being involved in a terrorist attack in Lahore. Steve remained involved in the game despite the horrific circumstances of that terrorist attack. He was in a minivan travelling behind the Pakistan team bus. Steve Davis described that terrifying ordeal to the local media in which eight people were killed, including six Pakistani policemen and two civilians. He described it in these terms:

We pulled up to a halt behind the Sri Lankan bus—

not the Pakistani bus—

which had stopped, and we knew things were on because our van started getting hit by bullets. The driver, before he got hit, told us to get down and stay down. The driver was killed with two bullet wounds and died instantly. Glass was shattering everywhere and there were noises of bullets and other ammunition just pelting at us from all sides—back, both sides and the front. I thought we were all going to be killed. I thought they would just do away with us.

Steve's character stood up and he continued his illustrious career. Just recently, I caught up with Steve at the sportspersons of the year awards at which he was named the umpire of the year. We had a beer and a lot of laughs about some of the times we had previously caught up in life's walk. He is currently in England officiating at a cricket series, even though he is officially retired.

I think it is vital to recognise the role played by umpires, officials and volunteers in all sports in South Australia. Without umpires we do not have competitive sport: it is just as simple as that. In conclusion, I would like to congratulate Steve on an outstanding career and wish him well in retirement, albeit he is still umpiring. My motion is about recognising umpires such as Steve who are great South Australians, unsung heroes of our sports and who, too often, do not get the recognition they deserve.

**Mr WINGARD (Mitchell) (12:58):** I rise, too, to briefly speak in support of the motion put forward by the member for Chaffey to recognise the great efforts of Steve Davis as an international cricket umpire. I was lucky, in a previous life, to get to know Steve and see him around the traps and have a few chats with him and listen to some of his tales. It was an amazing career, indeed. As the member for Chaffey said, we recognise what a great job umpires do right across the board. At the elite level, in his 25-year career, Steve is to be commended for his 57 tests, 137 ODIs and 26 T20 internationals as well. He has umpired at the world cups, champions trophies and, also, the ICC World Twenty20 events.

He has done myriad things. It is what young people can aspire to. I meet a lot of young people in my community who are into umpiring across a number of different sports and it is great to have role models like Steve out there. They do not have the profile of the international sports people, as such, but they do a marvellous job and a lot of young people look up to them for what they have achieved and what they have done, and we hope to have more people following in their footsteps. I often say to people that, if my wife would allow me to be an international cricketer later in life, I would love to do it. I think it would be a fantastic job. I am glad that Steve has had such a wonderfully successful life.

**The Hon. T.R. Kenyon:** Umpire, or cricketer?

**Mr WINGARD:** Umpire, I think. I'm too old to play cricket anymore, in response to the member for Newland. As Steve says, he was never the world's best cricketer but he loved the game so much he went on to umpire, and I think that is just a great thing. For all young people out there, it is a great thing to aspire to. I will finish by saying that I commend this motion to the house and would like to take this opportunity to congratulate Steve Davis for all the wonderful work he has done umpiring around the world and representing his country with great professionalism.

Motion carried.

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

#### *Bills*

### **FIREARMS BILL**

*Assent*

His Excellency the Governor assented to the bill.

### **LOCAL GOVERNMENT (BUILDING UPGRADE AGREEMENTS) AMENDMENT BILL**

*Assent*

His Excellency the Governor assented to the bill.

#### *Parliamentary Procedure*

### **VISITORS**

**The SPEAKER:** I welcome to parliament today, John Kiosoglous, who has had a long and distinguished career of service as Chair of the Multicultural and Ethnic Affairs Commission, but today we are having a reception to celebrate his 25 years as Chair of the Ethnic Schools Board. He is accompanied by his wife, Christine; by the Consul-General for Greece, Mr Andreas Gouras; and by the only priest of whom the Treasurer is in fear, the Reverend Christos Tsoraklidis.



**The SPEAKER:** The Minister for Investment and Trade—and before the minister rises, the minister and many members of the opposition are on two warnings already as a result of contretemps during private members time.

### PAPERS

The following papers were laid on the table:

By the Minister for The Arts (Hon. J.J. Snelling)—

Adelaide Festival Corporation—Annual Report 2014-15  
Carrick Hill Trust—Annual Report 2014-15  
Country Arts SA—Annual Report 2014-15  
South Australian Film Corporation—Annual Report 2014-15

By the Minister for Ageing (Hon. Z.L. Bettison)—

Ageing, Office for the—Annual Report 2014-15

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

Dog Fence Board—Annual Report 2014-15  
Water Amendment (Murray-Darling Basin Agreement) Commonwealth Regulations

### *Ministerial Statement*

### OFFSHORE PATROL VESSELS

**The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (14:03):** Thank you, Mr Speaker, I do not know what came over me. I seek leave to make a ministerial statement.

Leave granted.

**The Hon. M.L.J. HAMILTON-SMITH:** The future of Australia's naval shipbuilding industry and the many jobs that depend upon it are in the hands of the federal government. We need the federal government to commit to a continuous build of surface ships and submarines, and this begins with the offshore patrol vessels in South Australia. Last night the Defence Minister, Marise Payne, told a Senate Estimates Committee that the evaluation process for the offshore patrol vessels did not require them to be built here in Adelaide.

This is a significant departure from the commonwealth's previous assurances that jobs in South Australia have been secured. Former prime minister Tony Abbott announced in August 2015 that major shipbuilding projects would be brought forward. That work would start in 2018 and would be 'centred on South Australia'. I remember that the Leader of the Opposition flew up for a cup of tea and a biscuit with the minister the day after her appointment and assured the house and South Australians that he would fix it all. Following this announcement, senior—

*Members interjecting:*

**The Hon. M.L.J. HAMILTON-SMITH:** Here they go.

*Members interjecting:*

**The Hon. M.L.J. HAMILTON-SMITH:** Oh, how unsavoury, Mr Speaker. How unsavoury of them. Following this announcement—

*Members interjecting:*

**The Hon. M.L.J. HAMILTON-SMITH:** I think they're HMAS failures! Following this announcement—

*Members interjecting:*

**The Hon. M.L.J. HAMILTON-SMITH:** And they get launched daily, sir—launched and commissioned daily as HMAS failures. Following this announcement, senior cabinet minister Simon Birmingham said:

Around \$40 billion of investment on Future Frigates, Offshore Patrol Vessels and other surface ships will provide a steady stream of work for shipbuilders in Adelaide.

The commitment was welcomed by local industry. It was taken at face value by workers and by this government. That commitment evaporated last night. Building the offshore patrol vessels (OPVs) and Future Frigates in the same precinct is vital. Delivering these projects from different shipyards will compromise the success of the Future Frigates project and lead to cost premiums associated with starting up the shipyard from scratch.

In late 2014 the commonwealth government commissioned a report on naval shipbuilding prepared by the RAND Corporation. It identified the offshore patrol vessels as the most promising and cost-effective transition from the current air warfare destroyer project to the Future Frigates. The skills capability and infrastructure needed for the construction of frigates, submarines and OPVs already exists here in South Australia. South Australia has the infrastructure—

*Mr van Holst Pellekaan interjecting:*

**The Hon. M.L.J. HAMILTON-SMITH:** Well, convince your federal colleagues to make a decision then, shadow minister. South Australia has the infrastructure, the skilled workforce and the experience to build new ships.

*Members interjecting:*

**The SPEAKER:** Minister. The minister has been granted leave. He shall be heard in silence. If one no longer wishes to hear the minister the remedy is simple, and the minister will not respond to interjections.

**The Hon. M.L.J. HAMILTON-SMITH:** Thank you, sir. The South Australian government has lobbied the commonwealth Prime Minister and defence ministers (former and current) at length, and we have supported a nationwide advocacy campaign. I have visited all three submarine proponents and spoken at numerous national meetings on this issue.

This week the Premier and I met with Mr Shunichi Miyanaga, President and CEO of Mitsubishi Heavy Industries. We met with Dr Hans Christoph Atzpodien, Chairman of the Supervisory Board and Dr John White, Chairman of TKMS. This afternoon we met with Sean Costello and Ms Marie-Pierre de Bailliencourt of DCNS.

*Mr Marshall interjecting:*

**The Hon. M.L.J. HAMILTON-SMITH:** Have you got something intelligent to say, leader? It would be the first time this year. The South Australian government will fight to the end for this work to be committed to Australian industry and to Australian workers based in Adelaide, and we would like to see those opposite join us.

*Question Time*

#### MODBURY HOSPITAL

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:09):** Thank you very much, sir. My question is to the Minister for Health. Does the minister acknowledge that the member for Newland was incorrect when he informed his constituents that, under Transforming Health, less than 1 per cent of Modbury patients would be transferred to another hospital?

**The SPEAKER:** Leader, that sounds a little bit like asking whether a media report is correct.

**Mr MARSHALL:** No media report, sir. There is no media report whatsoever, sir. I am sure it will be in the paper tomorrow.

**The SPEAKER:** I suggest the leader reframe that question, because I don't think it's currently in order, because the minister is simply not responsible for the member for Newland's newsletters.

**Mr MARSHALL:** Is the minister aware of a letter which has been sent from 30 doctors from the Modbury Hospital who have written to him suggesting that 7,500 Modbury patients will be transferred to the Lyell McEwin hospital each year, and does he accept those claims?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:10):** I have not seen this supposed letter. I look forward to having a look at it and, when I do so, I can check the veracity of any claims made in there. But I do know a few facts. One is that, of the current presentations at Modbury Hospital, only a very small number of patients are actually admitted.

Overwhelmingly, the majority of patients who present to Modbury Hospital are seen and treated at the moment, so we would anticipate that any changes—as I have said ad nauseam in this place previously, the overwhelming majority of patients who currently go to the Modbury Hospital and are treated would still be seen in the Modbury Hospital and will still be treated. It would only be a very small number of presentations that would have to be transferred. I look forward to reading this correspondence. It would be nice to actually see a copy of this correspondence, and I am more than happy to examine its contents.

*Mr Marshall interjecting:*

**The Hon. J.J. SNELLING:** Thank you very much. Who signed it?

**Mr Marshall:** Thirty doctors.

**The Hon. J.J. SNELLING:** Well, I look forward to reading it, but can I say one thing. We do know that, in the northern suburbs of Adelaide and the Northern Adelaide Local Health Network, almost half of patients have to be transferred outside of their local area in order to be treated—almost half. I think it is 44 per cent. That compares to 12 per cent for other parts of Adelaide. That is a terrible anomaly that so many patients in the north are not able to be treated in the north—they have to be transferred—but if you live in the southern or central suburbs of Adelaide, that is simply not the case, and I am determined to fix that.

The way we will fix it is by making sure that the Lyell McEwin is able to offer the full suite of tertiary services that you would expect a tertiary hospital to do, because that means residents in the northern suburbs will be able to be treated in their local area. They will not have to be transferred to other hospitals in order to get treated. It is an essential reform.

With regard to the doctors at Modbury Hospital, we will work and we are working closely to address legitimate clinical concerns that they have. I know that one of the concerns that they had was with regard to patients who deteriorate overnight—an elective surgery patient who deteriorates overnight—and are needing a theatre to be treated if they deteriorate and need to go back into theatre. They had concerns about transferring those patients, and we addressed those concerns. We made a change so that there will be an emergency theatre available to overnight patients who have elective surgery for at least six months while we assess this program.

So, where there are legitimate clinical concerns, we will address those, but one thing I will not do is cave in to some doctors who simply are not willing or interested in working in Elizabeth. I will not countenance doctors whose only opposition is based on not being willing to drive out and look after people at the Lyell McEwin Hospital because of its being in Elizabeth and because of snobbery. There is no way.

*Members interjecting:*

**The Hon. J.J. SNELLING:** I will not give in to snobbery, because unlike those opposite, I am concerned about the fact that almost half of patients who live in the Northern Adelaide Local Health Network (and that includes the north-eastern suburbs) have to be treated outside of the Northern Adelaide Local Health Network to get the medical treatment they need.

**The SPEAKER:** I call to order the members for Kavel, Newland and Morphett, and I remind these members that they are on two warnings: the Minister for Investment and Trade, and the members for Chaffey, Hartley and Morialta. In particular, if I hear a peep out of the member for Hartley out of order, he will be out.

**MODBURY HOSPITAL**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:14):** Supplementary to the minister: can the minister advise the house how many transfers from Modbury there currently are to Lyell McEwin and how many there will be after Transforming Health is fully implemented?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:15):** I do not have the exact numbers at hand, but I'm more than happy to provide anyone with a briefing about what we expect those numbers to be.

**MODBURY HOSPITAL**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15):** Supplementary, sir: does the minister disregard the advice of the 30 doctors currently based at Modbury who suggest that this number will be around 7,500 patient transfers at the cost of between \$7.5 million and \$15 million each and every year going forward?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:15):** I am not going to comment on a letter that has only just been presented to me in question time, but I will say this: it will be a very small proportion of the people who currently present at Modbury Hospital. We do not expect it to be very large, because we know the current profile of presentations at the Modbury Hospital emergency department. Currently, the number of patients who need to be admitted is relatively small. It is certainly the minority; I think it is overwhelmingly the minority. Overwhelmingly, patients who present to Modbury Hospital are seen, treated and discharged, as they do not require admission. We would not expect that to change.

One thing we do know is that, at the moment, one of the problems we have particularly at the Lyell McEwin Hospital is orthopaedic patients. We do not have, as you would expect in a tertiary hospital, a 24/7 orthopaedic service. That means that, generally, elderly people—elderly ladies—who break a hip have to sit in the emergency department of the Lyell McEwin Hospital. If they have a fall on a Friday and present to the hospital, they have to wait over the weekend, and they can be there until Monday before they see the orthopaedic surgeon so that they can have the surgery that they need.

It is simply not good enough for that to happen—for us to have a 150-hour average wait for orthopaedic patients waiting to present at the Lyell McEwin Hospital. Now, this might not be of any concern to those opposite; they don't care about people presenting to the Lyell McEwin Hospital who need orthopaedic surgery. They do not care about patients waiting in our emergency departments, because they do not give a fig for people who live north of Gepps Cross. They do not give a fig!

The simple fact is the changes that we are making will see, instead of 50 per cent of patients living in the northern suburbs having to travel outside of the northern suburbs for their treatment, we will get it down, with these changes, to around 20 per cent. It means you will get rehabilitation, elective surgery, and emergency surgery when you need it, in the northern suburbs. You will not have to be moved or shuttled around Adelaide as currently happens. Of course, I am not surprised—

*Members interjecting:*

**The Hon. J.J. SNELLING:** I am not surprised that, for the Leader of the Opposition, that is not of any concern to him at all, but I can assure the house that, on this side of the house, it is a concern that patients have to travel outside of their local area to get the treatment they deserve. I am determined to make sure that our vision of the Lyell McEwin Hospital as a tertiary hospital, able to offer the full suite of services to the hardworking people of the northern suburbs—people the Leader of the Opposition does not care about—ensures that they get the services they deserve.

**The SPEAKER:** Before the minister commenced to violate standing orders by debating the answer, the member for Hartley had already defied my authority by interjecting and so I ask him to leave, under the sessional order, for an hour because he is a repeat offender.

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

**MODBURY HOSPITAL**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18):** My question is to the Minister for Health. Does the minister agree with public statements made by the member for Florey when she said to her electorate that the hospital would retain all of its current services?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:19):** One thing I know is always to agree with the member for Florey. I do not think there is anyone who would dare disagree with the member for Florey, and certainly not me.

**MODBURY HOSPITAL**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19):** Could the minister perhaps update the house on the status of the high dependency unit going forward under the Transforming Health arrangements?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:19):** All this is out in the public domain; we don't need to rehearse it here in parliament. It's all out there in the public domain. We have made quite clear what the planned changes are for the Modbury Hospital, and the Leader of the Opposition is just being disingenuous in pretending not to know.

**MODBURY HOSPITAL**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19):** Supplementary: did the member for Florey get it wrong when she informed her electorate that there would be no diminution of services at Modbury?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:19):** One thing I know about the member for Florey: she never gets it wrong, and I'm certainly not going to be one to question her.

**INVESTMENT ATTRACTION AGENCY**

**Ms WORTLEY (Torrens) (14:20):** My question is to the Premier: can the Premier please inform the house how today's announcement of a new partnership between two local companies facilitated by the Investment Attraction Agency delivers on the government's economic priorities?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:20):** I thank the member for her question. I had the great pleasure to join the Minister for Small Business, who is also the Minister for Investment and Trade, earlier today down in Regency Park to announce a big win for jobs in Adelaide's northern suburbs and a big win for the Investment Attraction Agency—the first fruits of the work of that agency.

Today we announce that ScreenAway, a South Australian start-up company which develops a unique retractable flyscreen and blackout blind, is partnering with an automotive supply company, Adelaide Tooling—which, of course, is facing a bleak future with the closure of the car industry—to actually create 300 jobs in South Australia based in the northern suburbs. This is a fantastic story for South Australia, and it is a fantastic story for the northern suburbs—

*Ms Chapman interjecting:*

**The Hon. J.W. WEATHERILL:** I notice those opposite are critical of this. I notice that there is not one word, not one word—

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

**The SPEAKER:** Point of order.

**Mr GARDNER:** Standing order 98: the Premier is debating. He is also attributing statements to members of the opposition that weren't said.

**The SPEAKER:** Normally, what the opposition does or doesn't do is not relevant to the answer, but I will listen to what the Premier has to say.

**The Hon. J.W. WEATHERILL:** Thank you. I am happy to ignore them, as most of South Australia does, but if they could stop interjecting, for once, because this is a piece of good news for South Australia and it deserves to be listened to, because it shows the future for the transformation of the South Australian economy. It is precisely the sort of thing—

*Mr Marshall interjecting:*

**The Hon. J.W. WEATHERILL:** It is precisely the sort of thing that we should be doing more of. It is a small, innovative company which has come up with a new product and a new design, and through the good offices of the Investment Attraction Agency, they have found Adelaide Tooling Company, a company in relative decline, and matched them up with this company. So instead of this—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** Instead of ridiculing this, could you please listen to a South Australian good news story? And what they have done is they have connected up with a—

*Members interjecting:*

**The SPEAKER:** The member for Schubert is called to order and the leader is warned for the second and the final time. Premier.

**The Hon. J.W. WEATHERILL:** Mr Speaker, they revel in bad news, but when it comes to good news, not one word of congratulation has emanated from those opposite. Not one word of congratulation to this fantastic South Australian company showing the way of our manufacturing for the future of this state.

**Mr Knoll:** The press release went out a few hours ago.

**Mr Gardner:** You're just misleading the house there, actually.

**The Hon. J.W. WEATHERILL:** Well, Mr Speaker—

**The Hon. A. KOUTSANTONIS:** Point of order, sir.

**The SPEAKER:** Point of order.

**The Hon. A. KOUTSANTONIS:** I would ask that the member for Morialta withdraw that accusation or move a substantive motion.

**Mr GARDNER:** I'll withdraw in the form.

**The SPEAKER:** I'm sorry?

**Mr GARDNER:** I'll withdraw in the form requested, sir.

**The SPEAKER:** No, I think you just withdraw.

**Mr GARDNER:** I withdraw.

**The Hon. J.W. WEATHERILL:** The reason why this is such a powerful announcement for South Australia is that it speaks to a number of the key elements of our economic plan. It's about South Australia being the best place to do business. This company got in touch—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** The Investment Attraction Agency set up its business on 1 October. Within a few days they were put in touch with it. Within a month, the handshake deal occurred. Within a few more months, we now have an investment-ready program where, of the—

*Members interjecting:*

**The Hon. J.W. WEATHERILL:** —where, of the 45 employees that exist in Adelaide Tooling, 30 of them are now transitioning across to this new company with prospects of that growing to 100, and then 300 in two years' time. And this is before this company has even considered the overseas investment opportunities.

This is an extraordinary example of agility and speed from a new agency doing the very thing we set it up to do. The other element of our economic plan that it speaks directly to is innovation in start-ups—companies that actually have great ideas and are prepared to use their imagination and back their skill in and export to the nation and export to the world.

**The SPEAKER:** Supplementary, deputy leader.

#### INVESTMENT ATTRACTION AGENCY

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:25):** How much of the \$5 million allocated for this year from the said fund has the Premier allocated to this company?

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:25):** \$40,000.

*Members interjecting:*

**The Hon. T.R. Kenyon:** Should he spend more or just give away cash? Is that what you're saying?

**The SPEAKER:** The member for Newland is on two warnings. Leader.

#### DAW PARK SITE

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:25):** My question is to the Minister for Health. How many and which organisations have lodged an expression of interest for the Daw Park site?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:26):** I just need to remember what I can say publicly. We did put out a press release about it at the time. Perhaps the member for Schubert might help his leader by doing a quick google. A bit of google. Get onto google and look up 'Daw Park expressions of interest repat' and I think you will find the press release there. But I can say, because—

*Members interjecting:*

**The Hon. J.J. SNELLING:** I don't know, maybe the member for Schubert is not cooperating with the leader. I don't know. There's not a flow of information there between the member for Schubert and the Leader of the Opposition, but what I can say, and no doubt the member for Schubert can assist if I'm wrong, is there has been—

*Ms Sanderson interjecting:*

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

**The Hon. J.J. SNELLING:** There has been very strong interest in the site, but most importantly strong interest which complies with what the government said are our conditions on who we partner with on the site, that is, that use be restricted to aged care, veterans and rehabilitation and health-type purposes. There has been strong interest. I just need to check about what more I am able to say at this stage, given that we are going through an evaluation at the moment, and I am hopeful—

*There being a disturbance in the strangers' gallery:*

**The SPEAKER:** I'm sorry, minister. Would the attendant please remove that person who is using flash photography in the parliament and escort him from the building.

**The Hon. J.J. SNELLING:** What I can say, though, is that there has been very strong interest and we are very, very happy with the interest that has been shown in the site. I do hope that—

**Mr Knoll:** There is no mention of Daw Park in the press release on the website.

**The Hon. J.J. SNELLING:** Sorry?

**Mr Knoll:** The words 'Daw Park' come up with nothing on the website.

**The Hon. J.J. SNELLING:** Look, I'll find it for you. If you go into [www.premier.sa.gov.au](http://www.premier.sa.gov.au), there you will find all the media releases and you will find in there a media release that was put out

not that long ago on this exact topic. I don't know. Look, I thought the member for Schubert was very tech savvy. He is very good on the internet, so I understand. He has a lot of experience on the internet, so I am disappointed that the member for Schubert hasn't been able to find a press release that was put out not that long ago, but no doubt—I am happy to help him. Certainly, the interest has been very strong and I am very, very pleased with it.

#### DAW PARK SITE

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:28):** My question is to the Minister for Health. How and when will the veteran community and the public have the opportunity to have their say on the proposals outlined in the expression of interest submissions as promised last year by the then acting minister for health?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:28):** Well, they have been involved at every stage. We have been very much involved with veterans at all stages of this process, through the various representative groups of veterans. Indeed, the RSL has already flagged that it is part of a group that is part of the EOI process. They've identified themselves, so that's no particular secret. I'm very confident and very happy with veterans' engagement at all stages of this project.

#### DAW PARK SITE

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:29):** Can the leader shed some clarity? The acting minister at the time said that both the veterans community and the public would have an opportunity to have their say on the expressions of interest which were submitted. You can't even tell us how many have been submitted. What was the process to engage veterans and the public?

**The SPEAKER:** The leader will address his remarks through the Chair.

**Mr MARSHALL:** Thank you.

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:29):** I don't think anyone can seriously say that we have not been engaging seriously with veterans at all stages of this project. The veterans community have been very much engaged. We had a full consultation process as part of developing the EOI. We engaged with Mitcham council as well, because they had some concerns about the future use of the site, so their views were taken into account. There's been extensive consultation on this, and the Leader of the Opposition very well knows that.

#### DAW PARK SITE

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:30):** Further supplementary, sir: can the minister advise the house which veterans were consulted and, indeed, whether or not those veterans, and the public, have actually seen the expressions of interest which have been submitted?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:30):** Well, of course they haven't seen the expressions of interest that have been—

*Mr Gardner interjecting:*

**The Hon. J.J. SNELLING:** We're going through a process at the moment, an evaluation. There's a panel who are evaluating various proposals that are put in it, but we are not in a position—

*Mr Gardner interjecting:*

**The Hon. J.J. SNELLING:** Obviously, the veterans and the community have been involved as we went through—

**Mr Gardner:** Another broken promise.



**The Hon. J.J. SNELLING:** —the EOI process, and as we said what the requirements were as part of the EOI, but, of course, there's not an opportunity. I don't know of any other example where tenders to government have been put up for general public consultation.

*Mr Gardner interjecting:*

**The Hon. J.J. SNELLING:** It's just unbelievable the Leader of the Opposition would think that that met any probity requirement.

*Mr Gardner interjecting:*

**The Hon. J.J. SNELLING:** Perhaps the Hon. Rob Lucas, who is the one member on the other side who's ever served in government, might take him through what happens as part of a tender process.

*Mr Gardner interjecting:*

**The SPEAKER:** The member for Morialta has interjected repeatedly and will now leave for the next half hour under the sessional order.

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

#### DAW PARK SITE

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:32):** My question is to the Minister for Health. Is part of the ViTA building at Daw Park an SA Health-owned asset accommodating SA Health patients?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:32):** No, it's not, as I understand it. I'll double-check, but my understanding is it's not an SA Health owned property: it is part of the ViTA building which we rent, and we have patients and clinicians, on occasions at least, in there. I'm happy to get more information and bring it to the house.

#### DAW PARK SITE

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:32):** And whose land is that asset sitting on, then? Is that crown land?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:32):** I'll need to check. It was done before my time. I think it was done under the arrangements entered into when the Hon. John Hill was the minister for health, so I don't know exactly what the legal arrangements are for ViTA to use the site. I would hazard a guess it's probably on the basis of it being a peppercorn lease, but I would need to double-check. If I sense where the Leader of the Opposition is going is to try and say that the ViTA facility is in some sort of doubt, or under threat, or something like that, I can completely repudiate that that might be the case at all.

#### DAW PARK SITE

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:33):** Supplementary, sir: can the minister advise the house why this part of the Daw Park campus has been specifically excluded from the expressions of interest process?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:33):** Because there's a building on it that's being used. It's called ViTA. I think they might be—

*Ms Chapman interjecting:*

**The SPEAKER:** The deputy leader is warned.

**The Hon. J.J. SNELLING:** I think the people who run ViTA might come to me with a few questions if they find an EOI document which has the bit of the Repat site that they are using as part of the EOI process. I can't believe the stupidity of that question.

**The SPEAKER:** The member for Colton.

**DAW PARK SITE**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:34):** One final supplementary, sir, and then I've finished my entire set.

**The SPEAKER:** Well, we'll give you the supplementary.

**Mr MARSHALL:** Thank you, sir, you're very generous. If SA Health services can be provided on that part of the Daw Park site, will the government now broaden the criteria for the expression of interest to allow for proposals which involve the delivery of SA Health services on that site?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:34):** I'm kind of stunned. Really, the Leader of the Opposition does need to get some decent staff who can write questions. He is suggesting that SA Health will be part of the EOI process to actually bid to use the Repat site that we currently have and that we have announced we are getting off. So the Leader of the Opposition thinks that SA Health would put an EOI into our own process saying, 'Everything we've said about getting off that site we no longer want to do and we actually want to be part of the EOI process to go on the site.'

**The SPEAKER:** Point of order.

**Mr VAN HOLST PELLEKAAN:** The minister is clearly debating the substance of the question.

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

**The SPEAKER:** Yes, I uphold the point of order. If I hear another peep out of order from the member for Newland, he will join the members for Hartley and Morialta.

**The Hon. J.J. SNELLING:** To avoid all debate: no, SA Health is not putting in a tender to the EOI process that it is running for itself. No.

*Mr Pengilly interjecting:*

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

**INVESTMENT AND TRADE INITIATIVES**

**The Hon. P. CAICA (Colton) (14:35):** My question is to the Minister for Investment and Trade. Can the minister provide advice on the government's commitments to trade investment for South Australia?

**The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (14:35):** I thank the member for his question. Like me, he would be very concerned about misinformation out there that points to the negative rather than the positive on investment and trade. The South Australian government is committed to supporting and growing the state's trade and investment program—

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

**The SPEAKER:** The member for Wright is called to order.

**The Hon. M.L.J. HAMILTON-SMITH:** Official data shows around 65,000 jobs relate to exports, and we aim to increase that number. In this year's budget we allocated \$19.4 million towards trade and investment.

**The Hon. A. Koutsantonis:** Hear, hear!

**The Hon. M.L.J. HAMILTON-SMITH:** It is good to hear the Treasurer saying, 'Hear, hear!' I might get some more out of him next year. I'll do my best. This commitment included establishing the Investment Attraction Agency to drive investment opportunities with the potential to transform our economy. As part of the Mid-Year Budget Review, the Treasurer announced an additional \$10 million to boost exports and jobs and \$1.7 million extra for the Export Partnership Program.

But some factually incorrect claims have been made by both the shadow minister for investment and trade and the opposition leader that this government—they claim—has slashed

export stimulation funding from \$30 million to \$19 million. I can assure the house that this is not the case. Under this government, the allocation of funding has grown year on year from \$9.8 million in 2011-12 to \$19.3 million in 2015-16. Anyone who could read the budget papers properly could establish that fact, so where does the often quoted \$30 million figure come from?

*Ms Chapman interjecting:*

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

**The Hon. M.L.J. HAMILTON-SMITH:** It appears just once, in the 2011-12 Mid-Year Budget Review, reflecting grants paid through the renewable energy fund which had originally appeared in the Department of the Premier and Cabinet budget line in the 2011-12 budget. Those who know how to read a budget paper would have noticed that it was a one-off unusually high figure, because they would have read the explanatory note saying in plain English that \$11.7 million was for the renewable energy fund and that it was being removed from that budget line. The explanation appeared again, in case they missed it, on page 88 of Volume 3 of the 2012-13 budget agency statements. There it was in black and white, not once but twice.

Yet, the member for Dunstan—the Leader of the Opposition, who wants to be the Premier—touted the \$30 million figure yet again in his media release on 4 June, and his shadow minister for investment and trade repeats it often. The leader stated that, since 2011-12, Labor has slashed funding for the main state government program aimed at stimulating exports from \$30 million to \$19 million when, in fact, anyone who could read a budget paper knows that is factually untrue and not correct.

We need a shadow minister and a Leader of the Opposition who can read a budget paper. The only way you could describe it is 'wok-in-a-box economics'. It is wok-in-a-box economics from a Leader of the Opposition who cannot read a budget paper and gets his facts wrong and a shadow minister who can't count. For heaven's sake! And they want to be called an alternative government. Heaven help us.

#### INVESTMENT AND TRADE INITIATIVES

**Mr WHETSTONE (Chaffey) (14:39):** Supplementary, sir: my question is to the Minister for Investment and Trade. Minister, can you explain to the house why South Australia's export revenue represented 7.9 per cent of the nation's exports but today only represents 4.6 per cent, under your ministry?

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

**The SPEAKER:** Before the minister answers, the member for Newland can leave us for half an hour for violating the sessional orders—violating the standing orders, but he is being thrown out under the sessional order.

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

**The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (14:39):** I must say that I was somehow anticipating this question, because you have to be a very special shadow minister to get thrown out of question time before it has even begun, yet that managed to happen yesterday. The shadow minister's question is yet more wok-in-a-box economics. I can explain to the shadow minister why that is so. First of all, his claim is factually wrong. He just repeated yet again that he claims that 7.9 per cent of trade in 2002 was South Australia's. If he checks his facts he will find it was 7.4 per cent. So, he is wrong for a start in the very facts he claims as part of his explanation. Secondly, I would invite him to consult any year 10 or 11 student of business economics at any high school in our excellent schools, because they could explain the question.

What has happened, I say to the shadow minister, is a remarkable thing that he might have missed from 2002 onwards. It's called a mining oil and gas exploration and production boom and it happened everywhere; in fact, the Howard government was a beneficiary of the extraordinary revenues from it. When the shadow minister lines up to do year 10 economics what they will tell him is this, that in 2001-02 Queensland's exports were \$23.2 billion, but in 2014-15 Queensland's exports

were \$46.5 billion. Why is it so? He would know when he talks to the year 10 economics students that in 2001-02 Western Australia's exports were \$30.2 billion, but now in 2014-15 Western Australia's exports are \$110.8 billion. Why is it so? It is called a mining and exploration boom.

Do you know what happens? When the states that have got minerals, oil and gas, when their exports go up our share looks smaller, but in fact—and he could probably go to a grade 7 student for this answer—our exports have actually gone up from about \$9 billion to well over \$11 billion and heading towards \$12 billion. So, do you know what? Our exports have gone up; it's just that the wealthy mining states have gone up more.

We really need a shadow minister and a leader who understand economics. We really need a shadow minister and a leader who can read a budget paper. We really need a shadow minister and a leader who just understand economics. So, yes, I can explain why it appears that our share of exports hasn't gone up as fast as WA's and Queensland's and the shadow minister and the leader would be the only two people I know in public life in Australia who would be dumb enough to ask that question, but even dumb enough, further, not to understand the answer.

**The SPEAKER:** The member for Wright is warned. The minister was in violation of standing orders and so were most of the opposition, so in accordance with the advice of the Treasurer I just let it flow. The member for Reynell.

### COPPER MINING

**Ms HILDYARD (Reynell) (14:43):** My question is to the Minister for Mineral Resources and Energy. Can the minister inform the house of any significant outcomes from trials of a new process to improve the quality of copper in concentrate from South Australia's copper belt?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:44):** More good news, sir, hence the wailing from members opposite. I want to thank the member for her keen interest in all things resources and her keen interest in realising the full potential of our mining boom. The copper belt at the heart of our state is home to Olympic Dam and Prominent Hill, and with many more explorers actively seeking similar world-class deposits, this government continues to fund and update geological surveys.

*Members interjecting:*

**The SPEAKER:** Will the minister be seated. Against all our expectations, the minister is providing the house with information in accordance with the standing orders. At this stage, interjecting will not receive benefit of clergy. Members who interject are in violation of standing orders and will be warned and removed under the sessional orders. I expect the minister to be heard in silence while he continues to comply with the standing orders.

**The Hon. A. KOUTSANTONIS:** While my spiritual father is here I am going to be cooperating completely with the house. The state government also provides practical support for research into innovations that will improve the way we process the copper, so we can do more to find it and make it more cost-effective to export to markets across the globe.

A year ago we announced that the state government would grant \$10 million to OZ Minerals to support an \$18 million research program into advances in processing. OZ had identified HydroMet as a potential game changer for copper producers by increasing the copper in concentrate and therefore adding value to the metal we export from South Australia.

OZ Minerals recently told its shareholders that the company had successfully completed a 19-week trial of the HydroMet process. I am advised that HydroMet combines new chemistry with existing proven technology into a process that can significantly reduce export costs by increasing the quality of concentrate to be shipped. The joint study supported by the University of Adelaide—while members opposite are trying to find if this is publicly available, I am informing the house; I know they are not that happy about OZ being successful.

**Mr van Holst Pellekaan:** This is great news.

**The Hon. A. KOUTSANTONIS:** Good, then be quiet and listen. The joint study supported by the University of Adelaide is seeking to further add value to concentrates produced in South

Australia's copper belt. About 150 tonnes of copper concentrate from OZ Minerals' copper and gold mine at Prominent Hill was treated in two separate parcels of differing quality. The first parcel achieved an upgrade to 53 to 55 per cent copper, while the second parcel was upgraded to 58 to 60 per cent.

We wholeheartedly support the remarks of OZ Minerals Chief Executive, Andrew Cole, when he says: 'This is a great result for OZ Minerals and a great result for the South Australian copper industry.' The technical data has been collected and reviewed and will be used to make cost-effective improvements so that the process can be applied to a full-scale plant.

These improvements will then be integrated into the future planning for Carrapateena, a copper-gold deposit discovered using PACE funding and acquired five years ago by OZ Minerals. The joint investment in research means that the company has been able to bring forward a decision on its Carrapateena project to 26 February. Quite frankly, without HydroMet, OZ Minerals would almost certainly not be able to build Carrapateena and I look forward to the board's decision.

Our \$10 million investment, which was criticised by the opposition, is part of a comprehensive copper strategy that has always been about supporting research that improves the case for Carrapateena and proven technology that can be shared with other copper projects across South Australia to bring forward their investments.

OZ Minerals is now proudly South Australian with the Premier cutting a ribbon on its new head office—unfortunately I couldn't be there—just before Christmas. I wish the Chairman, Mr Neil Hamilton, and the team led by Andrew Cole every success with the results this week showing record copper production and 168 per cent increase in net profit after tax. This South Australian company is already enjoying outstanding returns on their investment, and I hope members opposite now change their view on us investing in OZ Minerals.

#### **PUBLIC SERVICE EMPLOYEES**

**Mr PISONI (Unley) (14:48):** My question is to the Minister for Higher Education and Skills. Can the minister advise the house as to whether the investigation into departmental employee Jillian Pyle's use of public sector resources to run her Semaphore hotel is complete and, if so, what was the outcome? In May last year, it was first revealed a departmental employee, Ms Pyle, was using public sector resources from her government office in Waymouth Street to run her Semaphore Hotel. In July the then skills minister, the Hon. Gail Gago in the other place, told the Estimates Committee that an investigation had in fact been underway since May 2015 and that Ms Pyle was suspended on full pay. In subsequent answers to questions in September and again in November 2015 the minister indicated that the investigation was still ongoing.

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:49):** I will inquire and report back to the house.

#### **PUBLIC SERVICE EMPLOYEES**

**Mr PISONI (Unley) (14:50):** Supplementary, sir: will the minister also report how much Ms Pyle has been paid since the investigation began?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:50):** I will take advice from the department on the appropriateness of that and, if the advice is that it is sound to do so, then I am happy to report to the house.

#### **RIVERBANK PRECINCT**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:50):** My question is to the Minister for Housing and Urban Development. Can the minister inform the house how long the footbridge over the River Torrens will be closed as part of the festival precinct redevelopment?

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:50):** I thank the deputy leader for her question. I think it is a little premature to presuppose that it will be closed during the redevelopment, but, at such time as I have a detailed project plan for the construction works and that I am able to advise the impact

on that thoroughfare, let alone any others which may be relevant not just to her interests as spokesperson on behalf of the opposition for these matters but also to other MPs and stakeholders in the precinct, I will make that information available.

#### RIVERBANK PRECINCT

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:51):** Supplementary: will the minister make an inquiry as to whether that has already been estimated—as our understanding is that it is up to 18 months—and report back to the house?

*The Hon. P. Caica interjecting:*

**The SPEAKER:** The member for Colton is called to order. Minister.

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:51):** In order to furnish the information to the house that I just spoke about, I would need to make an inquiry. I do not necessarily agree with her supposition that any decision has been made about the accessibility of thoroughfares.

**Ms Chapman:** That's what I'm asking.

**The Hon. S.C. MULLIGHAN:** Well, the deputy leader says, 'That's what I'm asking.' No, that is not what she was asking. She was inferring that decisions had already been made and time frames had already been set.

**Ms Chapman:** No, I didn't.

**The Hon. S.C. MULLIGHAN:** Yes, you did, indeed, and what I am putting to the house, Mr Speaker, is that I think that it is a little early to come to that conclusion.

**Ms CHAPMAN:** Point of order.

**The SPEAKER:** If it be a point of order.

**Ms CHAPMAN:** As the minister clearly had not understood my question in respect—

**The SPEAKER:** That is not a point of order.

**Ms CHAPMAN:** A further supplementary?

**The SPEAKER:** Oh, dear! The deputy leader is on two warnings already and has just committed a sin of a bogus point of order.

**Ms CHAPMAN:** Well, I am seeking a further supplementary, sir. That is what I am asking for.

**The SPEAKER:** Go ahead.

#### RIVERBANK PRECINCT

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:52):** Thank you, sir. Is the minister aware of any commitment by the government—

*Members interjecting:*

**Ms CHAPMAN:** Let him hear the question. Be fair, let him hear the question. Is the minister aware of any commitment made by the government for public servants to occupy the Walker Corporation building proposed in that precinct?

**The SPEAKER:** I am sorry, how does that relate to the main question?

**Ms CHAPMAN:** It is all about the redevelopment, sir, of the Riverbank precinct which involves a delay. I have inquired.

**The SPEAKER:** Point of order.

**Mr PICTON:** It is quite clear that supplementary questions have to come from the answer to the previous question. There was nothing from the answer that related to the building.

**The SPEAKER:** I uphold the member for Kaurna's point of order. Member for Florey.

### SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

**Ms BEDFORD (Florey) (14:53):** My question is to the Minister for Education. Would the minister provide details to the house on SACE results achieved by year 12 students last year not only across the state but most particularly from my electorate of Florey?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:54):** I am so delighted to talk about SACE partly because the qualification itself is such an outstanding one. The revision of the SACE in 2011, in my view, has been utterly vindicated by the combination of more kids finishing school with a qualification and better and better quality of results resulting in students being able to go to university and excel and achieve.

The fact that it is both about quality and equity makes it an astonishingly good high school qualification and I am extremely proud of it. I was delighted to travel to China last year to sign up more schools that are interested in teaching our qualification in their high schools, because they recognise the importance of the breadth and the well-roundedness of the qualification for the students.

Last year in South Australia we broke records again: 14,500 students completed their SACE, 500 more than the previous year. There were double the number of Aboriginal students as in 2011—that in itself is a vindication of the new SACE and it is a vindication of the education system and the efforts that the students put in.

The member has asked particularly about Modbury High School, and I suspect she is particularly interested to know about one extraordinary young woman. Her name is Alyssia Baker, and despite losing her mother to mental illness last year, this young woman was able to achieve a merit in chemistry, a university entrance rank of 99.25 and also received the Governor's commendation this year. She is an exemplar of the extraordinary young people we have in this state and in our public education system, and that Modbury High School was able to support her through that time and that she was able to shine intellectually at an awful period in her life tells me that she is going to have a remarkable future in this state. I thank the member very sincerely for asking the question and therefore enabling me to put on the record my esteem for that young woman.

### SOUTH AUSTRALIAN CERTIFICATE OF EDUCATION

**Ms BEDFORD (Florey) (14:56):** Supplementary: could the minister inform the house, in light of the fact that this is the second year in a row that Modbury High has produced a student with such outstanding results, what sort of trend is that indicating to her for the public education system and most particularly in Modbury High School?

**The SPEAKER:** Minister. A good answer is a quick answer.

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:57):** Modbury High School is clearly an excellent high school. We have many good high schools and schools indeed in this state, and I would like to take this opportunity to point out that there is increasingly a trend for parents to feel that there are only certain schools that are good enough for their children. That is not the case. The soundness of the education system, and it is expressed at Modbury High School, is that it is a good system. It is backed up by broad services that support all of the schools. So, while I do celebrate the achievements of Modbury High School, I do so in the context of the entire system being a strong one.

### APY LANDS, TAFE CAMPUSES

**Mr PISONI (Unley) (14:57):** My question is to the Minister for Skills and Training. Now the minister has had 48 hours to check, can she inform the house whether she believes it is acceptable that TAFE has spent \$8.9 million for just 71 students to complete a TAFE course in the APY lands over the last five years since 2011?

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (14:58):** Two days ago, I took that question on notice and an answer will come to the house.

### MENTAL HEALTH SERVICES

**Dr McFETRIDGE (Morphett) (14:58):** My question is to the Minister for Health—the Minister for Mental Health and Substance Abuse, I beg your pardon. There are several changing places in this space. Is the minister aware that at 2pm today the emergency department dashboard showed three mental health patients had been waiting in EDs for over 24 hours? Is the government now revising its 1 January target of having no mental health patient wait for more than 24 hours, and what is the new target?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:59):** I thank the member for Morphett for his question. It is well known that we have three ongoing targets for mental health patients at EDs. This year, we have a 24-hour target. In fact, we have had some incredibly good news and progress in that space in the last 15 or so months. Next year, we have a target of eight hours, and the year after that we have four hours. Whilst one person staying more than 24 hours is undesirable, the health system is making great strides to achieve these targets, and it is a priority as I, as mental health minister, will be pursuing.

### MENTAL HEALTH SERVICES

**Dr McFETRIDGE (Morphett) (14:59):** Supplementary, Mr Speaker. I am not sure whether the minister heard my figures, that there are currently three mental health patients—

**The SPEAKER:** The member for Morphett will ask a question.

**Dr McFETRIDGE:** Is the minister able to tell the house why three mental health patients have waited more than 24 hours in two of our hospital EDs?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (15:00):** I am happy to make inquiries.

### ALCOHOL AND OTHER DRUG STRATEGY

**Mr DULUK (Davenport) (15:00):** My question is also to the Minister for Mental Health and Substance Abuse. I note the minister's correction to the record yesterday that federal funding cuts were not responsible for funding changes to the Treatment Intervention Program or the Aboriginal—

**The SPEAKER:** Can the member ask a question?

**Mr DULUK:** Yes: will the minister now explain why state funding for both programs have been ceased or reduced despite it being reported that they were effective and exceeding KPIs in the government's 2014 Alcohol and Other Drug Strategy progress report?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (15:00):** We continue, as the taxpayers would expect, to review all programs, and if we can achieve them on existing KPIs for less money that is in the taxpayers' best interest. These decisions were made in 2013, I believe, and I am advised.

### ILLCIT DRUGS

**Mr VAN HOLST PELLEKAAN (Stuart) (15:01):** My question is to the Minister for Mental Health and Substance Abuse. Does the minister agree with statements made by her colleague the member for Fisher in this house yesterday that:

There is conjectural evidence that an overbearing police presence and zero tolerance policies are forcing partygoers to take unnecessary risks, such as overloading on drugs...

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (15:01):** Harm minimisation and reduction for those people with substance abuse issues are important to all people in this state, and we need to adopt a complex, across-the-whole-society approach. It is unwise to encourage any young person to participate in illegal drug use.



**ILLCIT DRUGS**

**Mr VAN HOLST PELLEKAAN (Stuart) (15:01):** Supplementary, sir: given that the minister said it is unwise to encourage anybody to participate in unwise use of drugs, does the minister believe that 'overbearing' police policies are doing that?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (15:02):** Policing policies are not under the scope of the ministry for mental health.

**KEOGH CASE**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:02):** My question is to the Attorney-General. Has the Attorney now received an answer as to why the report dated 22 November 2004 from Professor Vernon-Roberts was not disclosed to Henry Keogh's legal representatives in that case until 5 December 2013? He took that question on notice last year.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:02):** So far as I am able to recall, there has been an attempt to find out an appropriate answer to that question which would be informative, and so far that has not happened.

**KEOGH CASE**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:03):** Supplementary: given that the Attorney indicated last year that he had inquired of the DPP, the Crown Solicitor or both, has he had any discussions with either of those since December 2015?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:03):** I almost certainly have had discussions with both of those people. Whether I have had discussions on this particular topic, I cannot recall. I just think it is probably relevant for me to put in a bit of context what this is about.

There was, at one stage—well, more than one stage, probably, but the particular incident we are talking about was there was a petition to the Governor by those seeking to support Mr Keogh, seeking the Governor's clemency in respect of Mr Keogh. I can inform the house, for those who are not familiar with the process, that the normal way in which that happens is that the Governor, in effect, seeks advice from the solicitor-general of the day. The solicitor-general of the day then goes about informing him or herself as they see fit, and in that process they examine, certainly whatever materials have been urged upon them by the petitioners, but perhaps other materials as well, and they ultimately provide a recommendation to the Governor. My understanding is that is exactly what happened on this occasion.

As to exactly what materials the solicitor-general of the day turned his mind to—bear in mind we are not talking here about a couple of manila folders, we are talking about enormous volumes of material. We are talking about volumes of material; this is not a light matter. I think that ultimately the answer to the question that is being posed by the deputy leader is that, at this point in time, it is virtually impossible to ascertain exactly what material the individual concerned had regard to and what weight they put on what, and what ultimately informed the decision-making that they ultimately put forward to His Excellency.

**KEOGH CASE**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:06):** Supplementary: as the solicitor-general of the time is now the Chief Justice of the Supreme Court, in respect of the document we are talking about, namely, the Vernon-Roberts medical report—

**The SPEAKER:** Could the deputy leader ask a question.

**Ms CHAPMAN:** Will the Attorney indicate whether he has had any discussions with the Chief Justice as to why that report wasn't released for 10 years?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (15:06):** Well, I can indicate that I have not had a discussion with the Chief Justice, because I consider it would be inappropriate to do so. But never mind that; for a great part of the period of time that the member speaks of, the current Chief Justice was not the solicitor-general, and what happened to that during his tenure is a matter which covers only a couple of the years concerned. Thereafter, the matter was in the hands of others if, indeed, anyone was going to make a decision. My belief is that nobody turned their mind to this particular matter at all.

**Ms Chapman:** How do you know that? You haven't had any conversation with these people yet.

**Mr Marshall:** We've got this amazing new technology: it's called a phone.

*Mr Pisoni interjecting:*

**The Hon. J.R. RAU:** I must get one of those.

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

*Mr Pisoni interjecting:*

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

#### MODBURY HOSPITAL

**Dr McFETRIDGE (Morphett) (15:07):** My question is to the Minister for Health. Will the Modbury Hospital emergency department maintain its current level of accreditation by the Australasian College of Emergency Medicine after the Transforming Health process is implemented?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:08):** I'll double-check, but my recollection is yes, it will. But I will double-check.

#### MODBURY HOSPITAL

**Dr McFETRIDGE (Morphett) (15:08):** My question is again to the Minister for Health. Given that acute surgery and orthopaedics will be transferred from the Modbury Hospital to the Lyell McEwin Hospital as part of Transforming Health, will patients have to come back to Modbury if they need rehabilitation?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (15:08):** I imagine they will want to. If you live in Modbury or in the environs of Modbury and you need lengthy rehabilitation then yes, you would.

I would say a couple of things: firstly, there will be rehabilitation for the initial phase of someone's treatment at the Lyell McEwin Hospital, and they have the facilities to do that, but for the longer-term rehabilitation, that will be done at Modbury Hospital. Indeed, with the new building what it would mean is that patients will have to spend less time in hospital because they will be able to undertake rehabilitation in an outpatient environment rather than having to be kept in hospital for extensive periods of time.

*Ministerial Statement*

#### AGIUS, AUNTIE JOSIE

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (15:09):** I table a copy of a ministerial statement made in the other place by the Minister for Employment entitled Auntie Josie Agius.

*Grievance Debate***NATURAL RESOURCES MANAGEMENT LEVY**

**Mr BELL (Mount Gambier) (15:09):** I rise today to talk about the NRM levy. Make no mistake, this will cost jobs in the South-East. To think of a government that wants to slug an additional \$6.7 million through the disguise of an NRM levy is absolutely outrageous. The fact that the agriculture minister will not answer a question in here about that is equally outrageous.

**The Hon. L.W.K. BIGNELL:** Point of order, Mr Speaker. The member for Mount Gambier has accused me of not answering a question in this place. It was a question asked on a matter that I have no responsibility for. It is the responsibility of the minister in another place.

**Mr GARDNER:** Point of order, sir. This is not a point of order. The minister is out of order and should be thrown out for interrupting a griever.

**The SPEAKER:** Could the member for Mount Gambier be seated while I deal with this? The appropriate course would be for the minister to make a personal explanation at the end of grievances. I had mercy on the member for Bragg making a bogus point of order. Accordingly, I will not remove the minister under the standing order. Member for Mount Gambier.

**Mr BELL:** Thank you, sir, and for clarity, my question related to the productivity for agriculture once this \$6.7 million slug occurs to primary producers. Make no mistake, this will cost jobs. I want members of the house to understand exactly what this \$6.7 million extra slug on primary producers is going to do. The people of the South-East will be contributing 33 per cent of that money to the state coffers. Many businesses will see an increase from the current \$42 to many thousands of dollars for the NRM levy. Businesses like Carter Holt Harvey, Kimberly-Clark, OneFortyOne, various timber mills, Kraft cheese factory all employ large numbers of people. It is good that our Treasurer is here today to listen to this, because this will cost jobs.

How can you expect businesses that are running on paper thin margins to go from an NRM levy of \$42 a year to the \$10,000-plus mark. In fact, if my calculation is correct, one of the organisations that I have just mentioned will go from \$42 to \$18,000 per year every year. That is of great concern to my residents and it is of great concern to me, and I want to make sure that this parliament understands what is actually going on.

In case the government does not realise it, most farmers are asset rich but cash poor. We are in the grip of a drought in the South-East, particularly in the Upper South-East, with below average rainfall, which is costing yields and costing revenues. To have this type of burden come on top of low yields and low revenue is going to hurt many farmers. In fact, I have had a number of farmers say to me that it will bring them to the brink of selling up, all at a time when agriculture should be the bright star in the economy.

We have Chinese investment looking at dairy farms. We have milk factories starting up, and when they start to look at their costs and where to establish these factories—South Australia or 15 minutes across the border into Victoria—I want to make sure that South Australia stacks up every time. The problem is that levies, fees and high electricity prices are forcing many businesses to evaluate their viability and possibly move across the border to Victoria which, as I said, is only about 15 minutes away. I call on the Minister for Agriculture to stand up to this government. I call on the Minister for Agriculture to support the farmers of the South-East and other catchment areas and fight for them and make sure that they get—

**The Hon. L.W.K. Bignell:** Stop grandstanding.

**The DEPUTY SPEAKER:** Order!

**Mr BELL:** —a fair deal, because if you do not get it, move out and let somebody else come in this place who will fight for farmers and agriculture. Stop pretending to be just the Minister for Tourism; come out and be the Minister for Agriculture.

**The Hon. L.W.K. Bignell:** That's what I do; that's what I do every day. Stop grandstanding, you clown.

**Mr BELL:** Clown? That's a new one.

**The DEPUTY SPEAKER:** I am on my feet. Grievances need to be heard in silence. I remind everybody, but particularly the Minister for Agriculture, that 131 must be observed at all times. You can have an opportunity to respond in your own time later if you wish.

**Mr BELL:** Thank you, Deputy Speaker. All I will finish with is that I would like this house to understand what a \$6.7 million extra tax on the people of South Australia, particularly primary producers, is going to do to that industry. It is going to destroy it, it is going to cost jobs, and I am asking for the minister to stand up and defend those people.

**KIOSOGLIOUS, MR J.**

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:16):** Today I rise to pay tribute to one of South Australia's great community leaders, a man who has dedicated decades to serving our state in a range of fields, especially in promoting and preserving languages and culture. For 25 years Mr John Kiosoglous MBE has overseen the operation of South Australia's ethnic schools as the chair of the Ethnic Schools Board, and that is just one part of his long contribution to our state.

With John, his family, friends and other special guests present in the gallery, I am very pleased to highlight some of his many achievements and thank him for his service. It is fair to say that through his dedication to language education and our ethnic communities, John has been instrumental to the success of multiculturalism in South Australia. Multiculturalism is one of our state's great success stories. We are rightly proud of the way that many cultures that make up our state not just coexist but also interact.

I saw this firsthand recently at the Al Salam Festival, where South Australians from a range of ethnicities gathered to celebrate and learn more about Muslim culture. With Australia Day just behind us, we continue to reflect on who we are as a nation and how we envision our future. We are a nation with an ancient history, a proud Indigenous people and a rich and diverse multicultural population. The economic, cultural and social contribution of migrants, their children and grandchildren has shaped our state for the better. John Kiosoglous is an outstanding example of the way migrants and their children have enriched our state.

Born in Port Pirie of Greek heritage, John qualified as a lawyer, practising for more than 40 years, including three decades as a magistrate and a senior member of the Australian Administrative Appeals Tribunal. Alongside his dedication to the law, John has long held a strong passion for the preservation of languages and culture, no doubt inspired and enriched by his own experience as a descendant of Greek migrants.

One of John's most significant and proudest achievements has been supporting ethnic communities to keep their cultural traditions and languages alive in younger generations. John has helped to shape the language education in South Australia through his roles as inaugural chair of the South Australian Secondary School of Languages, a longstanding member of the Multicultural Education Committee, chair of the Nationally Addressed Languages Advisory Committee and, of course, as chair of the Ethnic Schools Board. The impact of this cannot be overestimated.

Chair of Linguistics and Endangered Languages at the University of Adelaide, Professor Ghil'ad Zuckerman, says, 'Languages are essential building blocks of community, identity and authority'. Language is fundamental to cultural identity. Through a common language, values and traditions are shared and preserved. And, of course, understanding other languages and cultures will place our young people in a stronger position to succeed here and on the global stage. This is the driver behind our state's bilingual school initiative, which will see our first Chinese bilingual school begin lessons in 2017.

This government is proud to support our diverse communities to maintain their languages and culture through our ethnic schools. From the first German and Polish schools in the late 1800s to the newer schools catering for arrivals from Africa, Asia and the Middle East, our ethnic schools have driven language education in South Australia and promoted the wellbeing and sustenance of our ethnic communities. On week nights and weekends, students and teachers, many of whom are volunteers, gather in schools and halls across the state to learn languages. They are a hub—a place to come together to support each other, especially those newly arrived, and for young people to learn about their heritage.

In 1986, at the request of the then education minister (Hon. Lynn Arnold), John Kiosoglous chaired a review into the ethnic school system which led to the establishment of the Ethnic Schools Board as a ministerial advisory committee under then education minister Hon. Greg Crafter. John was appointed inaugural chairman in 1990 and it is an indication of his impact that he held this position for 25 years until the board concluded its term in July last year. Bringing together and regulating the existing schools, some of which were well established and others very new, and planning for future ones was a challenge but one that John and the board worked hard to achieve.

Under his leadership, the board has notched up many notable achievements, including the growth in both the number of languages taught (from 35 to 49) and the number of ethnic school authorities (from 80 to 95) and the introduction of funding agreements as well as regular graduation ceremonies to recognise the achievements of students and staff. John has also been instrumental in sustaining the rich cultural life and diversity of this state, and for that and all his many roles I thank him on behalf of this chamber.

### **ASHBY, MR G.**

**Mr TRELOAR (Flinders) (15:21):** I rise today to pay tribute to one of the icons and stalwarts of South Australia's rural and pastoral industry. Recently, Graham Ashby, of Gulnare, passed away, after a lifelong contribution to livestock, farming, sport, community and his family. He had had a busy and fulfilling life and, sadly, was taken ill. In the last few months, he suffered and battled with leukaemia and died at the age of 78, just a few weeks ago.

Few people have had a greater passion for Merino sheep and shorthorn cattle than Mr Ashby, and he was one of the industry's most successful stud breeders and one of the great livestock marketers. In fact, he was carrying on the family tradition, being involved in the early days in a partnership established by his grandfather trading as W.B. Ashby & Sons. The tradition continues because his sons and grandchildren are continuing with the love, breeding and sale of stud livestock. Throughout his life, he formed many enduring friendships right across rural South Australia and Australia, and even overseas. His contribution to the genetic makeup of the flocks and herds in South Australia, across the nation and, once again, even overseas, has been considerable and significant.

He judged, first, as a 19-year old at the Wudinna Show which, as it happens, is in the electorate of Flinders, and he quickly gained respect amongst his peers and went on to judge sheep and cattle at every royal show in Australia. Further to that, he officiated in the judging in Argentina in 1987 and 1988 and in Scotland in 1989. Breeding stock, whether it was sheep, cattle or horses, he said was always about the three Cs—constitution, conformation and consistency. It was not just about being the best but about being consistent.

As well as a life spent farming and breeding, Mr Ashby was also a talented footballer, playing country footy for Gulnare and then Gulnare-Redhill, where he played and coached five premierships in 12 years. He also spent three seasons playing league football for North Adelaide from 1962 to 1964. He came down to Adelaide as a relatively mature footballer and was selected in the state squad after playing just five matches in the South Australian National Football League. He played in the 1963 grand final, which was a highlight for him even though they lost, because for a country boy to play in front of 55,000 people was quite an experience.

He also was a very good cricketer, playing for many years for the Gulnare cricket club in the Rocky River Cricket Association. He was a member of the Gulnare CFS and the Gulnare Bowling Club, where he played for 30 years.

I first met Graham when I arrived in Adelaide to go to boarding school. Graham's son Tom was in the same year as me. We were young lads, wet behind the ears, fresh in town and we became firm friends and we have stayed friends ever since. It was my privilege to attend Graham's funeral a couple of weeks ago. In striking up a friendship with his son Tom, it was not long before I was invited up and was staying weekends at a beautiful property called Bundaleer, which lies between Gulnare and Spalding, which was the home of the Ashby family and home of both of their Shorthorn and merino studs.

Families grow and evolve and eventually W.B. Ashby & Sons was dissolved and they went on to form their own family company. They always valued their ability with stock. The funeral was

held at Gulnare and many hundreds of people from around the state gathered in the church. Graham will be remembered as a passionate and well loved man. He was passionate about his livestock, about nature, about his farm, about his sport, and about his town, his family and his friends. Vale, Graham Ashby.

### STEEL INDUSTRY

**Mr HUGHES (Giles) (15:26):** Last year, I spoke in this house on a number of occasions about the plight of the steel industry in Whyalla and the challenges faced by Arrium's iron ore export operation. I indicated that the job losses that have happened and whereabouts it has happened amounted to the equivalent of the number of jobs that would be lost if the smelters in Port Pirie closed. I said that would be seen as a disaster for that community and, clearly, the job losses to date are a disaster for the Whyalla community. I said that the job losses were devastating but it was not clear whether this was the end of a very trying period, given the ongoing uncertainty that surrounds both the iron ore export operation and the steelworks.

Whyalla is a member of the Upper Spencer Gulf Common Purpose Group. As the member for Giles, I sit on a forum of elected members hosted by the Upper Spencer Gulf Common Purpose Group. The mayors of Whyalla, Port Augusta and Port Pirie participate in the forum, as does the member for Stuart, the member for Frome and the member for Grey. The purpose of the forum is to provide an opportunity for elected representatives from across the three levels of government to discuss current initiatives and potential collaboration that might support growth, economic diversification and the sustainability of the Upper Spencer Gulf.

We recognise that, despite our different political alignment, we have a mutual interest in the economic, community and environmental prosperity of the Upper Spencer Gulf and in securing the future of Whyalla, Port Pirie and Port Augusta. We recognise that if one suffers we all suffer, and the whole region depends on the future of the three cities. Clearly, at the moment, the community that is suffering is Whyalla. It is worth providing a quick sketch of the current economic circumstances of the three cities in order to help illustrate Whyalla's position.

The Mayor of Port Pirie, John Rhode, recently said that Port Pirie's economic future is assured following the state government's underwriting of the Nyrstar smelter transformation to a new multimetals recovery facility. He went on to thank the state government for underwriting a more positive future for Port Pirie.

Port Augusta has been hit by the inevitable closure of the brown coal thermal power station and that has happened sooner than anticipated. Approximately 200 direct job losses in Port Augusta is the result. On the plus side of the ledger, Sundrop Farms continues to expand and will end up as a major employer. The state government is investing in the expansion of the Port Augusta prison, which in turn will generate additional jobs. There are a number of potential renewable energy projects.

Port Augusta remains the administrative hub for the broader region and it has advantages flowing from being at the national crossover point for east-west and north-south vehicle movements. In other words, its future is assured. I think any objective analysis would indicate that Whyalla is currently the city that needs significant support. The state government is providing leadership when it comes to addressing the challenges faced, especially on working towards securing the future of steelmaking.

High-level negotiations are taking place between Arrium and the state government, and the outcome of those negotiations will determine the shape of any potential assistance. Just as the state government did not walk away from Port Pirie in its hour of need, we will not walk away from Whyalla and we will do all in our power to assist.

We are holding a steel summit next week to discuss the new steel procurement policy—a policy that has been acknowledged by the steel industry as the best in the country. I say again, the federal government needs to replicate our policy at a national level and it needs to address the weakness in our anti-dumping regime.

Probably the most important initiative to date to assist with the diversification of Whyalla's economic base is the agreement between the state government and Arrium to develop a framework

to facilitate third-party use of the Whyalla harbour. That particular initiative is likely to generate very positive long-term benefits for Whyalla, the region and the state.

### **BEACH FOR ALL**

**Mr SPEIRS (Bright) (15:31):** On Australia Day 2016, Seacliff Beach in the heart of my electorate, became South Australia's first accessible beach. This was the result of Beach for All, a community movement which saw internet-based crowd funding raise \$10,000 to pay for a moveable pathway which extends from the esplanade at Seacliff in front of the Seacliff Hotel across the soft sand towards the water's edge.

The mat which comes in several rolls of interlocking plastic, is the first of its type in Australia. It is now being rolled out at Seacliff during surf lifesaving patrols, 1pm to 5pm on Saturday, Sunday and public holidays until Easter.

Beach for All started as an image on social media. I was tagged in an example of a pathway on a beach overseas and so I took time to investigate it. I immediately felt that this was something we should have in South Australia and it would be even better if it could happen in my electorate. This was a project that would have huge benefits and it needed to be delivered quickly. I approached Surf Life Saving South Australia and Seacliff Surf Life Saving Club to see if they would be willing to be partners in this project. They agreed and it was full steam ahead.

A crowd funding website was established and promoted in the local community. The community caught the vision and were quick to give. Donations rolled in, many from individuals, but others from community groups, service clubs and businesses. In 16 short weeks, this project went from being an image on social media to being a solid surface rolled out across Seacliff beach that Charlie Rowland, a 17-year-old Seacliff Park resident and spinal atrophy sufferer, was able to travel down as our inaugural user.

There is no doubt in my mind that when Charlie travelled down the Beach for All pathway at Seacliff, this was the most impacting moment of my career in parliament. There are a number of significant people who I would like to thank for their involvement in this project: Andrew Chandler, President of Seacliff Surf Life Saving Club and recently named City of Holdfast Bay Australia Day Citizen of the Year, who embraced the project and brought his club along on the journey; Claire Harris, Chief Executive of Surf Life Saving South Australia who saw the vision and cleared any barriers out of the way. Her no-nonsense approach to leadership is a breath of fresh air and the partnership with Surf Life Saving South Australia was phenomenal.

The Rotary Club of Brighton which was wound up in 2015, provided the balance of their funds, a total of \$5,000 to Beach for All. Their contribution provided half of the total funds needed and made a huge difference to the project. Special thanks to Alison and Mark Rogers for their commitment to this project. The City of Holdfast Bay which donated \$1,000; the Lions Club of Hallett Cove and Districts which donated \$500; Jane and James Hall from enerG+ Personal Training who raised \$500 through Workout for a Cause with a group of 25 or so people, me included, at Seacliff early one Saturday morning; Susan Craig of Solarsuit Australia who donated 10 per cent of her company's December/January net profits; and of course the many people, local residents and those from further afield who made donations, big and small, via our My Cause crowd funding website.

Beach for All has become a social media sensation. My office has received inquiries from all over the world about how we went about making this project a reality. It has changed lives and, having visited the pathway on several occasions, it has been amazing and emotional to watch people visit the beach for the first time in their lives and to feel the salt water lap over their feet.

Seacliff beach may be the first accessible beach in South Australia, but, Deputy Speaker, I am certain it will not be the last. Something good has begun.

Time expired.

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

### CHINESE LUNAR NEW YEAR

**Ms WORTLEY (Torrens) (15:35):** Thank you, Deputy Speaker. On 18 January I had the pleasure of attending the opening ceremony of the Consulate General of the People's Republic of China at the Adelaide Town Hall where I met the newly-appointed Consul General Mr Hongwei Rao. I know that its opening was welcomed by the Chinese community here in South Australia, and it was a timely opening with the Chinese New Year just around the corner.

The Chinese New Year is the longest and most important celebration in the Chinese calendar, and many in China enjoy seven consecutive days of holidays known as 'The Golden Week'. In China people get together with family and friends for the New Year's Eve dinner, making Chinese New Year the world's largest annual migration of people with, I am told, an estimated 200 million people travelling at this time.

A growing number of Chinese people choose also to spend the New Year travelling internationally, and I am pleased to say that just this past weekend I met with a Chinese gentleman who chose this time to travel to Australia, to Adelaide, to visit his daughter who is studying nursing here.

To the Australian/Chinese community here in South Australia it is an important family time. Chinese New Year celebrations kicked off in Adelaide last week and celebrations will continue with cultural performances and banquets across the state. This coming Saturday 13 February from 11am to 10.30pm the Adelaide 2016 Lunar New Year street party in Moonta Street, Chinatown and Gouger Street will showcase performances from different cultural groups and traditions of arts, crafts and foods.

Chinatown Adelaide President Mr George Chin said that calling the event Lunar New Year rather than Chinese New Year recognised the state's multicultural community. He said that South Australia is very good at promoting multiculturalism and this event celebrates all Asian culture but especially Chinese culture, and this is significant given that the Vietnamese New Year celebrations are taking place at the same time.

Also on the same day in the evening I will be attending the opening of the Vietnamese New Year Tet Festival 2016 at Regency Park. Tet is the most important celebration in the Vietnamese cultural calendar. It celebrates the arrival of spring and is based on the Vietnamese variation of the Chinese lunar solar calendar. Tet is generally celebrated on the same day as the Chinese New Year except when the one hour time difference between China and Vietnam results in a new moon occurring on a different day, and I was told this last evening at a Vietnamese restaurant by one of the people serving there.

Vietnamese customs include preparing special holiday food, ancestor worship, New Year's greetings and giving lucky money to children. It is a time for pilgrims and family reunions and visiting relatives and also temples.

Deputy Speaker, the People's Republic of China follows the Gregorian calendar for its day-to-day business, however, the dates of the Chinese New Year and other festivals are determined by the Chinese calendar. Each successive year is named after one of 12 animals with the 12-year cycles repeated. There exists a number of versions of the story behind the development of the Chinese zodiac and all are based on a race called by an emperor to determine the animals to be represented. According to the Chinese zodiac you take on the characteristics of the animal associated with the year of your birth (and I am talking personality-wise not physically speaking), with these characteristics also influenced by the time you were born and the fixed element you belong to, either water, metal, wood, fire or earth, as well as the influence of Yin and Yang.

Babies born in the 2016 Chinese calendar year, the year of the monkey, will share characteristics of being smart, witty, versatile and intelligent. I wish our South Australian Chinese, Vietnamese and all Asian communities that celebrate this event a happy, prosperous and healthy new year 2016 and look forward to attending their celebrations over the next couple of weeks.



*Condolence***AGIUS, AUNTIE JOSIE**

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (15:40):** On indulgence, I would like to take a moment today to honour a great South Australian, an Aboriginal Elder of the highest standing and a simply beautiful soul in the late Auntie Josie Agius. Josephine Marjorie Agius left the physical world on the second last day of 2015 at the age of 81, but this proud Kurna, Narungga and Ngadjuri woman lives on. She lives on in the memories of all those who knew her and were in some way touched by her. She lives on in the richly varied contribution she made to our state and to our collective striving for practical reconciliation.

I had the privilege of speaking at Auntie Josie's funeral, which was held on 14 January at Alberton Oval, the home of her beloved Port Adelaide Football Club. I do not think I have ever attended a funeral that, in spirit and gesture of those present, spoke so completely and eloquently of the person being farewelled. There were folk there from all walks of life and of all ages. There were Aboriginal people representing many language groups, including the West Coast, the APY lands, the South-East and the Riverland, and of course there were countless stories: stories of Auntie Josie's energy, her cheeky sense of humour and the trailblazing work she did to improve the lives and engender understanding of Aboriginal people and their culture.

Auntie Josie was born in Wallaroo in February 1934, and she grew up in Point Pearce on the Yorke Peninsula. In the late 1950s, she married a cray fisherman named Fred Agius who, sadly, died in 1982. As a child, the young Josie travelled widely, across the state and beyond, living with her family variously in Adelaide, Leigh Creek and Alice Springs. Part of her formative teenage years were spent at Taperoo in the heart of the Lefevre Peninsula. It was here, within a large community of Aboriginal people, that she spent her spare time fishing and swimming at the beach. She also loved to go to the dance halls that were much more numerous in Adelaide back in those days. Later in life, she never missed the opportunity to dance at the annual NAIDOC Ball.

During her involvement in Kurruru, the youth performing arts group, she helped make both traditional and contemporary dance central to that company's productions. Besides Kurruru, she was involved in many Aboriginal arts and cultural organisations in Adelaide, including Tandanya and some innovative collaborations. In particular, she played an integral role as a cultural adviser in the co-production between Kurruru and the Vitalstatistix Theatre Company about a decade ago of a production called *Second To None*. This piece of work, which included drama, dance and music, was about the trade union movement's historical support for Aboriginal people in the Port Adelaide area.

In a more general sense, Auntie Josie had a knack of bringing young Aboriginal people, especially some initially sceptical ones, into the arts fold and quickly earning their respect. When I look at the success of last year's inaugural Tarnanthi Arts Festival, I cannot help thinking that she helped in an indirect way to prepare the ground for such an event by raising the profile of Aboriginal arts.

Auntie Josie's working life was remarkable for its breadth and for its inherent leadership. In the 1970s, she was one of our first Aboriginal health workers, making community nursing available to people in their own homes. In this particular role, she influenced policy in regard to the provision of specialist Aboriginal health services in South Australia. For example, she was part of a team that developed a cultural framework for how hospitals and community health services responded to and assisted Aboriginal people.

From 1984 to 1991, Auntie Josie was an Aboriginal education worker at Taperoo Primary. Among her many achievements at that school were the introduction of Aboriginal culture week and making sure that children were involved in NAIDOC Week activities. Also, from 1988, she was the main organiser of the Annual Aboriginal Youth Concert, which showcased the talents of Aboriginal students from across Adelaide.

From an early age, she developed a love for education and language and a determination to keep Aboriginal culture alive, and so many of the community activities she undertook can now be seen through the prism of this belief and commitment. There was, for example, her invaluable work on the National Aboriginal Languages Project—an initiative that produced a popular songbook in

Narungga and Ngarrindjeri and Kurna languages. There was her appointment in 1995 as the first Aboriginal Community Networker at Kurruru Youth Performing Arts.

Throughout her life, Auntie Josie was heavily involved in sport. She was a regular at annual football and netball carnivals. She took her children to football, soccer, basketball and baseball matches, and she herself was an excellent netball player. She started her sporting life at Pioneers netball club in Alice Springs, and later played for teams in Wallaroo, Point Pearce and Taperoo.

In the minds of everyday South Australians, Auntie Josie was probably best known for the traditional welcome to country she would extend on behalf of the Kurna people at public events and ceremonies. I witnessed that welcome, given in the Kurna language, on so many occasions. I always found it to be gracious and warm in spirit, and I know that it was greatly appreciated by people including dignitaries from overseas and interstate. Her message was this:

Let's not dwell on the bad things of the past, but let's not forget the past, and let us, as Aboriginal and non-Aboriginal people, walk together in harmony.

By using this particular set of words, Auntie Josie was extending the hand of friendship and touching on an indisputable truth about the lives of Aboriginal people, and that truth is that dispossession is at the heart of their experience and current disadvantage. It was an elegant yet profound way of saying something which needed to be said. Auntie Josie did her final welcome to country last year and, given her love of sport, it was appropriate that it was at the start of the cricket season and occurred at Adelaide Oval.

To the extent Auntie Josie sought status or recognition, it was only ever for her people in order to advance their cause, which she felt was so important. Nevertheless, she was accorded many formal honours and appointed to many positions in her life. Time does not permit me to list every one of those honours, but I do mention a few. On the occasion of the arrival of the new millennium on 1 January 2001, Auntie Josie was awarded a Centenary Medal under the Australian honours system, for her service to the community, particularly youth.

She was the recipient of the David Unaipon Award, and bestowed with the titles of Aboriginal of the Year and Elder of the Year. She was ambassador for the Port Adelaide Power Cup. In 2009, she was inducted to the South Australian Women's Honour Roll. In 2013, Life Without Borders acknowledged her support for that organisation by naming the main meeting room at its headquarters after her. And, at Alberton Primary School—the school where my two daughters attend—the meeting place known as the Agius Ward Hall is named in part after Auntie Josie and her family.

Eighteen months ago, I presented Auntie Josie with the 2014 Premier's NAIDOC Award in recognition of the way she had made a positive difference to the lives and wellbeing of Aboriginal people. Perhaps the most moving form of recognition she received related to her work on NAIDOC Week, the annual celebration of Aboriginal culture and heritage.

In 2014, the status of host city for national NAIDOC Week events passed from Brisbane to Adelaide. Auntie Josie and two other Aboriginal leaders, Dr Roger Thomas and Dr Alitja Rigney, were scheduled to attend the big NAIDOC Ball on the Gold Coast and receive the traditional message stick that signifies the handover. Friends and family were a little concerned about Auntie Josie making the trip and getting up on the stage, as her health and legs were not quite what they used to be. Nevertheless, she was determined to make the journey. In the end, she walked on the stage with strength and pride, and she accepted the message stick with her usual grace and generosity of spirit.

One year later, after Adelaide had hosted successful national-level NAIDOC Week celebrations, Auntie Josie closed the circle by formally passing on the message stick to the City of Darwin at the NAIDOC Ball. When she took to the stage of the Adelaide Entertainment Centre to perform that task, the 1,500 people in the audience stood as one and gave her a heartfelt and unforgettable ovation. That spontaneous outpouring of love and admiration was not just recognition of her efforts to support NAIDOC Week, such as through her roles as ambassador and patron, the moment also spoke to the respect with which she was held by Aboriginal leaders across Australia and to the lifelong contribution she made to her cause.

Josephine Marjorie Agius was an outstanding community leader, a fine, engaged citizen of our nation. She understood who she was, where she came from and what she wanted to achieve in

life. Above all, she was personable, inclusive and selfless. As mentioned at her funeral, Auntie Josie dedicated her life to making sure her family was okay and worried about everybody else before herself.

Our state's Aboriginal communities and South Australians as a whole will rarely have in our midst a more generous soul. On behalf of members on this side of the house, I extend my condolences to her children: Kate, Raymond and Fred; to the wider Agius and Warrior families; and to her many grandchildren, and others who loved her. May Auntie Josie rest in peace now after a life of love, goodwill and service.

**Mr MARSHALL (Dunstan—Leader of the Opposition) (15:51):** On indulgence, I would like to commend the words of the Premier and also join in our expression from this side of the house on our condolences to the family on this very sad occasion in the recent passing of Auntie Josie Agius.

I was lucky enough, as I know many of the other people in this house were, to have met Auntie Josie many times over the years. She was a highlight at many South Australian functions both large and small as she gave her welcome to country in her much loved Kurna language, and I certainly commend the Premier for his reflection on that very unique welcome to country which he spoke about at her funeral. I think the way that you put it, Premier—'elegant and profound'—was absolutely spot on. Let's not forget the past, but let's not dwell on the past. I know it was always a pleasure to hear her speak on these occasions just as it was a pleasure to chat with her about our shared passions of reconciliation, Aboriginal culture and, of course, our much-beloved Port Adelaide football club, which I know the Premier himself also supports.

Born in Wallaroo in 1934, Auntie Josie grew up a proud Narungga, Kurna, Ngarrindjeri and Ngadjuri woman. She grew up in the community of Point Pearce on Yorke Peninsula and later lived in Leigh Creek, Mile End, Alice Springs and Taperoo. She attended primary school at Thebarton. She had a hard start to life losing her father when she was just three years old; her brother when she was only 12; and then later, her mother, when she was 16. She was fiercely proud of her heritage and her people, and maintained her strong connections with the region even after her career took her to Adelaide. Auntie Josie's was a life defined by 'firsts' and breaking down barriers.

Auntie Josie left school at age 14 and immediately started her working life, taking on three jobs to make ends meet. Some of her early jobs included milking cows on a farm at Pine Point, a live-in role at the Franklin Hotel, and then later moving into aged care. She loved working in aged care due to her naturally friendly nature and her innate ability to connect with people. She once reflected on her time in aged care:

That was fun I can tell you...you didn't know what the oldies were going to do next—they'd come out with nothing on sometimes!

She then went on to work as one of the state's first Aboriginal health workers in the 1980s, and was an integral part of the team that developed a cultural framework for how hospitals and community health services respond to Aboriginal people.

Her commitment to education included working for many years as an Aboriginal education worker at the Taperoo Primary School. She was passionate about the importance of education for Aboriginal young people and spoke to me about this on a number of occasions. She reflected on the difficulties of trying to get a genuine education as a young Aboriginal person in the 1940s, saying in one of her interviews:

We moved around quite a bit...Thebarton school was our first school in Adelaide. It was a bit of a shock. The teachers were alright, but it was just getting used to the other people. It was a bit sad because coming into your first school you hope people will be good to you, but maybe we were all a bit frightened of each other—we worked at it I guess.

Such was her dedication to education that in 1995, at the age of 61, Auntie Josie went back to school. She had not studied in 47 years but did not let this deter her, and she successfully studied tourism and the Kurna language at the Aboriginal College, Tauondi, in Port Adelaide. This dedication to study was recognised with her appointment as the 1998 South Australian ambassador for Adult Learning Week.

Auntie Josie had a great love for the Port Adelaide community and worked as an advocate for Port Youth Accommodation and as a cultural adviser for Kurruru Youth Performing Arts for over a decade. She described her love for Port Adelaide, saying:

Port Adelaide is so good. There are so many other cultures here...I never knew all these years ago that I was going to do this stuff and that I get to be at these events and get to know these people.

From 1988, Auntie Josie was the main organiser of the annual Aboriginal youth concert which gave young Aboriginal people an opportunity to showcase their talents to a wide audience. She was a tireless advocate for reconciliation and had a strong desire to share her culture with non-Aboriginal Australians.

These deeply held commitments contributed to her being inducted into the SA Women's Honour Roll in 2009. In addition to becoming patron of the 2014 and 2015 NAIDOC SA Awards, Auntie Josie was awarded the 2014 Premier's NAIDOC Award, the David Unaipon Award and the Port Adelaide council Aboriginal Person of the Year Award.

She was a strong believer in the importance of the Kurna language and personally worked to ensure that it would not be lost. She worked on the National Aboriginal Languages Project, which produced a songbook in Narungga, Ngarrindjeri and Kurna languages. I understand that this book remains an important cultural document today. In an interview she gave in 1998, she reflected on having to learn the Kurna language as an adult, rather than in her childhood:

A lot of us didn't learn all that because we weren't taught it and our language was taken away...It's important for us to know our own connections and our own culture...If you don't teach them now, they will probably forget about it and we don't want to see that happening...It gives them an identity, it makes them aware of who they are and where they come from.

Auntie Josie was a highly respected Aboriginal elder who made an enormous contribution to the state through her commitment to Aboriginal people and especially the youngest in her community. Her funeral was attended by more than 1,000 people, Aboriginal and non-Aboriginal alike, such was the impact she had on people's lives.

Auntie Josie was a compassionate, funny, intelligent and dedicated woman who always gave others the benefit of the doubt. Her death is a loss for all South Australians and is an especially acute loss for Aboriginal South Australians. I for one will greatly miss seeing her smiling face at events. On behalf of the Liberal Party, I extend my sincere condolences to Kate, Raymond and Fred and to the wider Agius and Warrior families. Vale, Auntie Josie.

**Honourable members:** Hear, hear!

**Ms HILDYARD (Reynell) (15:57):** I rise today to briefly add to the lovely comments already made (and those that I am sure will be made) by my parliamentary colleagues about the sad loss at the end of last year of Aboriginal elder, Kurna, Narungga, Ngarrindjeri and Ngadjuri woman, Auntie Josie Agius.

Auntie Josie was a very much loved daughter, wife, mother, grandmother and sister and a deeply respected and loved auntie to many in our South Australia community. Auntie Josie was also an outstanding activist, deeply committed to making a difference with and for Aboriginal community members and particularly Aboriginal children across South Australia. She was an extraordinary leader who both gently and assertively led in a way that brought people together and inspired future leaders.

Auntie Josie was a proud Australian Education Union member, committed to ensuring respect for all workers through working together with her colleagues for positive change. I was fortunate enough to get to know Auntie Josie during my years at the Australian Services Union where she often spoke with members and at many public events about her thoughts on fairness and equality. On every occasion that she spoke, she would unfailingly start by asking me and others how they were going and she would almost always start a speech by making a couple of very cheeky and very funny jokes.

Auntie Josie was an ambassador for our Australian Services Union's equal pay campaign with and for 200,000 community workers around Australia, 85 per cent of whom were women. This campaign was highly successful but long and hard fought and, in addition to being filled with many

activities in workplaces, parliaments, public arenas and elsewhere, the equal remuneration case itself was filled with technical detail.

Amongst this, Auntie Josie absolutely cut through in terms of articulating what was important about it and why it was so important to value the work of women and the community sector's role in supporting our most vulnerable community members. In this and in all other matters concerning equality she was one of the clearest, most engaging and passionate advocates for what was fair and what was right.

Auntie Josie's leadership in every cause she was active on was exemplary. She was courageous, unfailingly kind and quietly determined. She was relentlessly active on issues that deeply affected her Aboriginal brothers and sisters and particularly Aboriginal children. She led from the centre in a way which brought people together nurtured them, empowered them and saw them similarly focused on the need to be active on the issues that they were passionate about. Auntie Josie was generous. Her leadership was never, ever about self-aggrandisement but always, always, about engendering leadership in others.

Auntie Josie's steadfast support and advocacy throughout her life for the rights of women was something I deeply admired, and on many occasions it built my courage and the courage of others to speak up and out until injustices were righted. I know that as we approach International Women's Day Auntie Josie's absence will be felt by everyone who attends our various IWD functions and events. Her very generous welcome to country at these will be remembered with a smile but sadly not heard.

Of all of the many events that I have the pleasure to attend, breakfasts are, of course, ones that I love, but they are not held at my favourite time of day. At all of the breakfasts that Auntie Josie attended, including the spectacular UN women breakfast here in South Australia, she always made a joke about how incredibly early it was held and how she might just pop back to bed as soon as possible after it. I am sure she did not; I am sure she always had far too much to do. We will miss Auntie Josie's cheeky sense of humour and the way she made us all feel so welcome on Kaurna land at so many important moments. There will always be a gap in our hearts at these community gatherings where she once stood, welcomed and held us enthralled.

Auntie Josie's packed funeral service was a testament to the thousands of lives she touched. I was honoured to attend and pay my respects amongst the huge crowd of mourners each of whom has been touched in some way by Auntie Josie's kindness, resolve, courage and leadership. It was wonderful to see her passion for the mighty Port Power on display and, importantly, it was wonderful to be comforted there by the knowledge that through her touching so many young people's lives many will continue her work for fairness, equality and compassion in all aspects of community life.

My sincere condolences to Auntie Josie's family and everyone in our community who loved and admired her. Vale Auntie Josie, and thank you. You will be remembered with love and will continue to inspire us for decades to come. We are all stronger and kinder for your work and your big and kind heart.

**Dr McFETRIDGE (Morphett) (16:02):** Ngтакты Pitjantjatjara nintini tjuku tjuku Kaurna nia, munta. Palu, ngyalu nankatyi, nyangatja mant nyangatja manta, Kaurna manta, Rawa.

I speak a tiny bit of Pitjantjatjara, and I am sorry that I do not speak any Kaurna, but what I said is that this land that surrounds us that we are on now is Kaurna land and always will be Kaurna land.

This morning I was at a funeral for a fifth-generation Coromandel man I have known for 30 years. I thought I knew Hugh Magarey quite well, but it was during the eulogy that I found out so much more about him. He was a fine man. The pastor this morning said that we come together to grieve at funerals but we also come together to celebrate the person's life.

I knew Auntie Josie through my role as the shadow minister for Aboriginal affairs and going to functions, as you do, as members of parliament. While she was vertically challenged, she was a huge spirit. When you meet Aboriginal people in South Australia who are leaders in their communities and also leaders in the wider community you understand the achievements they have made in their

lives. When you then hear about their backgrounds, the obstacles that they have overcome in their lives, you can have nothing but utmost admiration for them.

Auntie Josie was an absolutely wonderful person. We have all heard from the Premier and the Leader of the Opposition about the wonderful achievements that she made during her life. Every time I met Auntie Josie and heard her speak, I was continually in awe, not putting it too grandly, of how she was able to be the person she was and do the job she was doing. She was one of those role leaders we look for in Aboriginal communities today, and in all communities, who are upright, forthright, straight as a die and always looking not to improve themselves but to improve others. For the Agius and Warrior families to have lost someone like Auntie Josie is obviously a huge gap in their lives.

The funeral at Alberton Oval was an amazing occasion. You could sense the loss and grief that was there but, at the same time, you could sense the celebration of this woman's life. The words and the pictures portrayed only a very small part of what she achieved. I, for one, will miss Auntie Josie and her welcomes to country. Uncle Lewis O'Brien will continue to try to do his bit but that special touch that Auntie Josie had will be something we will all miss. I pass my sincere condolences to the Agius and Warrior families. I will miss her very much.

**The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (16:06):** I rise as the member for Port Adelaide to pay tribute to one of the most special constituents I had and to express my deep sorrow at her passing. For me, Auntie Josie was one of the best expressions of being a South Australian because of her combined history in our first peoples. To be Narungga, Kurna, Ngarrindjeri and Ngadjuri in one person is an incredibly rich cultural history and I understand that she was in touch with and understood the depth of that history and the importance of it for the first peoples of this nation.

Her capacity and willingness to improve not only the lot of her people and work tirelessly for their improvement but to reach out and share the strength of her people's culture with those who came to dispossess her ancestors is a mark of a truly remarkable human being, and I am grateful to have known her even a little.

Auntie Josie, for me, was also quintessential Port Adelaide. I know she was born in Wallaroo and brought up in Point Pearce, but her characteristics are what I identify in Port Adelaide—Port Adelaide the community, the place and, also, our glorious football team—and there is no more fitting place for so many people to be able to come and commemorate her life at her funeral than the grounds of Alberton Oval.

Auntie Josie exhibited loyalty. Auntie Josie showed that once you were part of her community you were never lost to her. She showed that it is important to be tough (another Port Adelaide trait), it is important to speak the truth, and not to gloss over the reality of the truth of what we all know about the birth of South Australia and the birth of Australia. But also she had the generosity that is part of the Aboriginal people and the Port Adelaide people, the generosity of spirit that allowed her, as has been quoted, to say to all of us, 'Let us not dwell on the bad things of the past but let us not forget the past.' She had the profound wisdom of that combination and the profound generosity to allow people not of Aboriginal background to feel welcome, truly welcome, to country and truly able to participate but on the understanding that that is based on a difficult history; to acknowledge that, but to walk together, Aboriginal and non-Aboriginal, in harmony.

So I say to Auntie Josie's family that I am very sorry for the loss you have experienced. I am sure you are very grateful for the great gift of her life and how she has affected all of you and I, too, share your sorrow, although of course at much greater distance, and I share your gratitude that she lived amongst us.

**Mr WINGARD (Mitchell) (16:09):** I rise also to support the condolence motion for Auntie Josie Agius, a well respected South Australian Indigenous elder. As has been said, Auntie Josie was born on the Yorke Peninsula and had deep ties with that community and the Adelaide community through her work in health and education and advocacy for her people. I had the great pleasure of meeting Auntie Josie on a number of occasions when I hosted numerous events around the city and Auntie Josie was often on hand to give the Kurna welcome to country. She was small in stature but large in character.

Auntie Josie had a delightfully endearing nature and was loved by all those who met her. One of her greatest qualities was her willingness to hand over her knowledge, learnings and beliefs to the next generation of Kurna people. I would often see her sharing time with Indigenous footballers, especially at the Port Adelaide Football Club. She would always get the ear of players like Gavin Wanganeen, Byron Pickett and Daniel Motlop, and to see them now give back to the Indigenous community and the state at large would make Auntie Josie crack one of her famous heartwarming smiles, full of pride. I was exceptionally lucky because Auntie Josie was always kind and warm to me, especially around the Port Adelaide Football Club, but I think it was because she thought I was Chad's brother.

Whilst Auntie Josie played her part in supporting the Kurna community, for anyone interested in knowing more about the Kurna ways and to know what Auntie Josie was about they could visit the Living Kurna Cultural Centre and Warriparinga on the corner of Sturt and Marion roads on the boundary of my electorate. It is a wonderful place to learn more about the Kurna ways. I have always revelled in Auntie Josie's words, 'Let's not forget the past, but let's not dwell on the past.' She would also call on Aboriginal and non-Aboriginal people to walk together in harmony. My condolences to the family. Vale, Auntie Josie.

**The Hon. T.R. KENYON (Newland) (16:11):** I would like to add my voice to this condolence motion. I did not know Auntie Josie particularly well, but I saw her at a lot of functions. I would just make this observation: when I first started to see her—because I was working for Kevin Foley at the time and started going to a lot of official functions—Auntie Josie would, of course, often do the welcome to country at those things. She seemed to me to be quite shy and a little retiring. As I progressed over many years, through the ministry and even recently, that shyness dropped away and she became quite sunny, even to the point of impromptu speeches while she was there. It got to the point where I would often find myself smiling when she came up onto the stage because I was looking forward to what she would say.

A couple of people have mentioned her stature. I can honestly say I have never reflected upon that until now. I never even thought about her as a short person because I was always quite taken by her personality up on the stage. For someone such as myself who did not really know her very well at all, to feel that sadness when you hear of someone's passing, I can only imagine the effect it is having on the family, so I offer my condolences and also my thanks for her service to this state in so many different capacities over such a long time.

**The Hon. S.W. KEY (Ashford) (16:12):** It is with great sadness that I contribute to this condolence motion today. I certainly pass on my respect and condolences to the family and friends of Auntie Josie. I had the pleasure of working with Auntie Josie on a number of projects. I must say that I really appreciated being able to ask her what would be seen as fairly ignorant questions about how a white person would behave and what sort of respect and address needed to be used for people who were leaders and elders of our Aboriginal community and I really thank her for helping to educate me in what was appropriate.

We bonded together pretty well straight away because although, as has been mentioned, Auntie Josie was not born in Port Adelaide, I was, and so she was very happy about having an association with me and because I grew up particularly in the Taperoo, Largs Bay and Largs North area we had a lot of things in common that we could discuss. There were a lot of families that I went to school with and a lot of people who were my neighbours, particularly in Largs North, who knew Auntie Josie and also the other family. It is a very multicultural area, I might add.

When I say the projects that we worked on together, Auntie Josie was one of the main people who helped Amanda Vanstone (who was then Senator Amanda Vanstone) and myself establish the Indigenous Women's Gathering. This was on a national basis, and we managed to get funding. I must say Senator Vanstone has to take a lot of credit for the federal funding to make sure that Indigenous women could meet and that that net was spread wider than Australia.

I remember Auntie Josie being particularly impressed with the very assertive New Zealand women, the Maori women, who talked about a lot of rights, including something that had not occurred to me before which was 'air rights'. I think that was very instructive. I must say that Amanda Vanstone and I were wondering what we had actually created, because the power from these women was

wonderful. Also on a state level, we were fortunate in convincing the treasurer of the time, Kevin Foley, that it was important that we had a regular state-based meeting and that people were able to access that meeting by being supported for both travel and accommodation. That has become a feature of South Australia's women's policy area as well.

I understand the comments that have been made about Auntie Josie's height—not that I am a very tall person—but I particularly remember the Aboriginal apprenticeship scheme which Auntie Josie helped support, and also encouraging young women to take up apprenticeships as well as young men. One of the problems with some of the occasions that we had where we gave out awards and supported people who had done very well in the apprenticeship schemes was that the lecterns were always too big and, basically, if Auntie Josie addressed people from the lecterns, you could not see her at all.

She would actually do a little bit of slapstick comedy routine about the fact that no-one could see her and she would peep out from behind the lectern and entertain people with her speech but also with her slapstick routine. Fortunately people from the further education and training area got the message and started making sure that we could actually see our very special speaker at these events.

The other really important thing that I remember was being introduced to the Aboriginal grannies. This was something that I had not really appreciated before that time about the work that the grandparents in the Indigenous community contribute, and Auntie Josie made sure—again, we had the meeting in Taperoo, of course—that I had an opportunity to hear about some of the issues I needed to know about as social justice minister.

Also, I knew as youth minister that one of our strong agendas that everyone supported was the school retention program that we needed to enforce. Auntie Josie and the Aboriginal grannies were part of some of the original ideas about how that would be successful. It is good to have policy, as she would say, 'but we actually need to come up with practical ways of making sure that that policy happens. Words are good but action is good too, and that was certainly the political message that she gave to me.

Like other speakers, I am going to be very sorry not to see her at gatherings. We really enjoyed her contribution, which was quite often a very good perspective of what the day was about, and she was always keen to make sure it was successful. Vale, Auntie Josie and condolences, as I said, to her family and friends and all of her supporters.

**The Hon. P. CAICA (Colton) (16:18):** I will be very brief. I too pass on my sincere condolences to each and every one of you as members of the family, and of course those members of the family who are not here today. What I recall in all my dealings with Auntie Josie was the love, care and pride she had for her family and, in turn, I know that it was reciprocated by her family and I feel very strongly about your loss and indeed the loss to all South Australians. Auntie Josie was just—how can I describe it? People talk about her stature, but I found her to be a giant of a human being. In all aspects of what she did she was a decent human being. As the member for Ashford mentioned, I learnt a lot from her, particularly during my time as the minister for youth, the minister for further education, training and employment and then in my too short a time as the Aboriginal affairs and reconciliation minister in this state.

She was a person who was immediately likeable, but when you spoke to her you knew her deep, profound understanding of a whole lot of issues. In fact, I do remember one time, too, we were having a discussion about some of the difficulties that were occurring down at Port Adelaide between some of the young people from the emerging communities and some of the young Aboriginal people down there. She said, 'We've got to get them working together. It's no use fighting each other, because they are both suffering from the same problems.'

The idea was to get them to work together to look at, I guess the common enemy is too strong, but the difficulties they were facing jointly and that they should work together. That was the premise that Auntie Josie worked on all the time; that is, we need to work together to make things better than what they were.

I told my wife Annabel when I learnt of her passing and she loved Auntie Josie very much as well, because, as I said, Auntie Josie made everyone feel welcome. I think she treated on all



occasions everyone equally. She came with no preconceptions about anyone. She judged people on how she saw them; and, as a consequence of that, those people who met her were instantly attracted to her ideals, the way she thought and her quality as a human being.

I feel very sorry for your loss and the loss for all South Australians, but I know that you will take strength in the love and the care that she had for you, and I know that you will take strength from the magnificent contribution that she has made for all South Australians and this state. Vale, Auntie Josie.

**Ms WORTLEY (Torrens) (16:21):** I rise to add my voice on the condolence motion before us today. On many occasions I was present when Auntie Josie Agius gave her welcome to country. I recall us speaking briefly about our mutual love for Port Adelaide, or Port Power, and the occasional mention of the high heels that I wore, because when I took mine off I was much closer to Auntie Josie's height.

Along with her family and friends, South Australia farewelled Auntie Josie at Alberton Oval in January. She was a remarkable woman, and today I just want to extend my condolences to her family for sharing her with us on the many occasions that she did. I know that her time, giving her welcome to country, meant that she was not with you, but we thank you truly and sincerely for her being present with us.

**The DEPUTY SPEAKER (16:22):** I acknowledge that we gather on Kaurna land today, and the many members of Auntie Josie's family who have joined us for our condolence motion. Auntie Josie Agius has been a kind, warm and consistent presence in my life since I first became an MP.

Before I knew the difference between an acknowledgment or a welcome to country, Auntie Josie was at events I was attending as I tried to learn everything I could about Aboriginal and Indigenous matters, and she was always present officiating at functions all over Adelaide. As has been said about her height, I am fairly short of stature, too, and she always made me feel very tall. There was a quote in *The Advertiser* on 22 February 2014 which said.

Her personality dwarfed her petite frame, leaving a lasting impression on crowds of hundreds and often thousands.

Family was her greatest love, perhaps because she lost her father, her mother and her brother at such an early age, and I know that you all know she especially loved her family, her children, her grandchildren and her great-grannies. One mob who always welcomed Auntie Josie and her welcome to country was the South Australian Public Schools Music Society. They always were thrilled when Auntie Josie came on to open all the concerts every year.

She was highly regarded and loved by many other organisations throughout Adelaide, among them the Aboriginal Legal Rights Movement, Catholic Education South Australia, Tandanya, the Aboriginal Health Council and the Aboriginal Lands Trust. Auntie Josie was always a very humble person, and I would like to continue on from a quote you had, leader, which finished off by saying:

I get to be at these big events and get to know these people, the important people of Adelaide.

She went on to say:

For us it was such a big thing for anybody to come and talk to us, especially from the big mob.

She was a very humble person and I know she was pleased when the Aboriginal flag was flown here permanently at Parliament House, and again when speaker Breuer introduced the custom of acknowledging country here in this chamber.

Although Auntie Josie did not ever have a chance to address us, she followed the activities of the Florey Reconciliation Task Force quite closely. She was supportive of our activities on recognition and closing all the gaps. It is poignant perhaps that this week sees the anniversary of the apology and that tomorrow many of us will gather at the breakfast. I am sure Auntie Josie will be there with us in spirit. I was not able to attend the funeral because of the birth of a child, and I know Auntie Josie would understand that.

We pass on our condolences to all of you in your loss. I ask members to stand as a mark of respect in their places to pass this motion.

Motion carried by members standing in their places in silence.

*Sitting suspended from 16:26 to 16:34.*

### *Bills*

## **EMERGENCY MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL**

### *Introduction and First Reading*

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (16:34):** Obtained leave and introduced a bill for an act to amend the Emergency Management Act 2004. Read a first time.

### *Second Reading*

**The Hon. J.W. WEATHERILL (Cheltenham—Premier) (16:35):** 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.

Recent local and world events, whether within the context of natural disaster or terrorism, remind us of the need to maintain effective emergency management arrangements.

This Government is committed to ensuring that South Australia's emergency management and protective security measures to prepare for, prevent (where possible), respond to, and recover from emergency situations, continue to be appropriate in the interest of community safety.

The State Emergency Management Committee (SEMC) initiated a review of the *Emergency Management Act 2004* to enable consideration of lessons learned from previous events in the interest of ensuring our emergency management arrangements continue to be relevant and effective.

This Bill is a result of the Review and will:

- clarify the authority of the State Emergency Management Plan (SEMP)
- enable the efficient operations of the State Emergency Management Committee (SEMC)
- ensure the emergency management arrangements are clearly defined
- provide for protection from Liability
- provide Objects and Principles to address clarity on role and function
- clarify powers that may be exercised in relation to disconnection of water and drainage
- clarify various emergency management definitions.

The *Emergency Management Act 2004* (the Act) provides the legislative framework for the management of emergencies in South Australia.

The Act establishes the strategies and systems to enable effective response and recovery from a disaster event, as well as appropriate planning and preparedness to mitigate disasters. In short, the Act ensures that South Australia has the capability to properly manage any emergency, whether it is a natural event, a pandemic or a terrorist act, by making sure that the key elements of the state emergency management arrangements, including roles and responsibilities, are clearly articulated.

This Bill is based on an extensive review of the legislative framework, overseen by the SEMC. The review took into account lessons learned from activations of the state's emergency management arrangements since implementation of the Act, as well as from the experience of disasters elsewhere, to ensure that best practice emergency management arrangements are supported and contemporary practices reflected.

The changes proposed as a result of the review are intended to strengthen the arrangements that support emergency prevention and preparation activity. These changes will ensure the state is aware of potential risk, and is prepared to mitigate or respond accordingly. Clarifying the roles and responsibilities of all government stakeholders will improve the state's ability to respond effectively to an emergency event.

The Government believes that the Act and arrangements are substantially sound, but that a number of amendments to improve the clarity, certainty and operation of the Act are required to support best practice emergency management arrangements. These include more comprehensive definitions of emergency management arrangements and a clearer outline of roles and responsibilities.

The importance of clear arrangements and roles and responsibilities is of particular interest to the Government given the importance accorded to these matters during the Victorian Bushfires Royal Commission and the Queensland Floods Inquiry.

The recommendations to update and strengthen South Australia's emergency management arrangements align with the South Australian Government strategic priority 'Safe communities, healthy neighbourhoods'. The process will reassure the community that South Australia's emergency management arrangements are being updated to ensure best practice, and encourage community resilience through coordinated planning and disaster preparedness activities.

The updated Act will contribute to the South Australia's Strategic Plan vision 'We are safe in our homes, community and at work' which makes specific reference to the potential impact of natural disasters and notes that everyone has a role to play to be prepared for such events.

The Bill proposes to clarify the authority of the State Emergency Management Plan (the SEMP).

The SEMP is prepared by the SEMC to provide strategies for the prevention of emergencies in the state, and management of events that do occur. The SEMP is the primary mechanism for defining the roles of government agencies during an emergency. It forms the basis of actions taken by all agencies in response to an emergency incident in South Australia and therefore has far reaching impacts upon individual agency operations.

During the course of the review a number of submissions were made seeking clarification of the legal status of the SEMP and the agencies and community groups it is intended to apply to. Legal opinion obtained during the review confirmed that the current role, function and authority of the SEMP is consistent with the Act and that its application to all sectors of the community is consistent with the intention of Parliament when the Act was passed.

Nevertheless, in the interests of ensuring the status and scope of the SEMP is clear, the Bill contains an amendment to specify that the SEMP applies to all levels of government, business, and the non-government sector.

The Bill seeks to improve upon the efficient operations of the SEMC.

The SEMC is established under section 6 of the Act and currently consists of eighteen members. Following the review, an opportunity was identified to simplify the SEMC appointment process and to make it easier to have appropriate membership in place at all times. This has been achieved through the *Statutes Amendment (Boards and Committees-Abolition and Reform) Act 2015* as an outcome of the Review of South Australian Government Boards and Committees.

Section 9 of the Act specifies the various functions of the SEMC including its role in emergency management planning, the preparation of the SEMP and the need to undertake risk-assessments.

Specifically, the Act allows SEMC to monitor and evaluate the implementation of the SEMP and the response and recovery operations taken during or following an emergency if it is declared under the Act. There have been only three declared events in the last ten years, but there have been many other non-declared events from which we can learn more about emergency management.

The Bill will widen the strategic management functions of SEMC to allow it to focus on any emergency, not just one that is a declared event, including interstate and international events. The Bill will allow the SEMC to determine and target, within a set of guidelines, appropriate incidents for examination and review. This will allow the Government to expand on lessons learnt, improve its knowledge base and identify improvements to state arrangements.

The Act currently states that the SEMC must, as soon as practicable after the commencement of this Act, establish an Advisory Group to advise SEMC in relation to recovery operations. This was specifically inserted to ensure that the recovery element of emergencies was adequately addressed during a time when recovery was not clearly understood or appropriately considered.

The State Recovery Committee was established under the Act as the advisory group to advise SEMC in relation to recovery operations. It is therefore proposed that this section be removed as the establishment of the State Recovery Committee renders the clause redundant. The Committee will continue to operate under the general advisory group provisions of the Act. It is chaired by the Chief Executive of the Department for Communities and Social Inclusion (DCSI).

Ensuring emergency management arrangements are clearly defined is another purpose of the Bill.

Recent reviews commissioned by state governments in response to natural disasters elsewhere in Australia have highlighted the importance of clear roles and responsibilities within emergency management arrangements. While the roles associated with response and recovery activities in this South Australia are considered sound, there is less clarity around those roles associated with planning and preparedness.

To improve the clarity of key roles, functions and responsibilities within the South Australian emergency management arrangements the Bill formalises the role of Hazard Leaders and Zone Emergency Management Committees.

Hazard Leaders provide a leadership role in planning emergency management activities across the prevention, preparedness, response and recovery spectrum for a specific hazard. This role was established in 2005

to support a fundamental shift in emergency management beyond response and reaction, to anticipation and mitigation.

In developing Hazard Plans, the State Mitigation Advisory Group (SMAG) and Hazard Leaders found that a lack of recognition of the role of Hazard Leaders has been a significant impediment when requesting action by State and Local Government, non-government and private sector stakeholders.

To ensure that the hazard mitigation role of a Hazard Leader is clearly articulated within the hierarchy of planning, control and management processes, and to give appropriate status and focus to the planning and prevention aspects of our emergency management arrangements, it is appropriate to include the Hazard Leader role within the Act.

The Government acknowledges that the practice of emergency management requires cooperation between and across all levels of government and with the community. Our Zone Emergency Management Committees are the glue of local communities when it comes to emergency management arrangements.

The state is divided into Emergency Management Zones which are aligned to the government regional boundaries. The SEMP specifies that each zone will have a Zone Emergency Management Committee (ZEMC), responsible for emergency risk management at a zone level, including the development of Zone Emergency Management Plans which support the SEMP.

The Bill appropriately reflects the important role of the ZEMC in the structure of the South Australian emergency management arrangements.

So too, the role of local governments with respect to emergency management, whilst critical, is not clearly defined. Principal emergency management legislation in other states refer specifically to the role of local governments thus providing greater clarity regarding arrangements.

The Bill will include the high level role of local government in relation to emergency management and will reflect the emergency management functions of a Council as described in the *Local Government Act 1999*.

The inclusion of the role statement will be consistent with the incorporation of Objects into the Act that, among other things, recognise that effective arrangements require a coordinated approach from the community, local government and the State Government to build community resilience, reduce vulnerability to emergency events and ensure a seamless transition to recovery after an emergency.

The Government currently ensures protection from liability for those people who act in good faith in accordance with the Act. The Bill will extend appropriate coverage of individuals executing directions in accordance with the SEMP. This option will allow any group of persons carrying out directions or requirements issued under either the Act or the SEMP to be provided with appropriate protection.

Local government has a particularly important role to play in mitigating risks, and supporting emergency service agencies in response to an emergency as well as during community recovery processes.

The inclusion of a high level local government role statement in the Act, implies that a level of responsibility is assumed by local government within the spectrum of their own emergency management activities. However, it is reasonable for councils to have limited protection from liability when individual workers are directed by an authorised officer of the Crown in an emergency response situation.

During the review, local government identified concerns about council liability if a worker is injured after being directed by an authorised officer of the Crown in an emergency response situation. The government has commenced work on a number of initiatives to address this concern including the provision of appropriate training and equipment to workers, and an initiative to address the specific issue of workers compensation.

The Government believes that the South Australian arrangements would be better formed and explained if the Act contained aims and objectives in a similar manner to the *Public Sector Act 2009*.

The Objects and Emergency Management Principles address a number of the issues that were raised during the review where clarity on role and function was sought, but where formal legislative change was not deemed necessary or appropriate. The objects also address various agreements reached at national levels to ensure a nationally consistent approach to emergency management.

The Bill contains the following Objects and Emergency Management Principles:

The objects are as follows:

- to establish a state emergency management framework;
- to promote prompt and effective decision making;
- to promote comprehensive and integrated planning; and
- to build community resilience and reduce vulnerability to emergency events.

The emergency management principles are:

- Comprehensive coverage
- Integrated arrangements
- Community resilience
- Risk-driven approaches

In addition, the Bill proposes a number of other legislative amendments aimed at improving the functioning of the Act, including:

- Amending Section 25 to allow disconnection and reconnection of water and drainage so that it reflects the provisions of Section 26.
- Proposing standard national emergency management definitions.

South Australia is currently the only state not to include standard definitions within our emergency management legislation. The Bill proposes that definitions of prevention, preparedness, response and recovery are included, consistent with the approach of other jurisdictions.

The Government consulted with key stakeholders on the review and the draft Bill, including all members of the SEMC and the chairs of the SEMC Advisory Groups. The SEMC is chaired by the Chief Executive of the Department of the Premier and Cabinet and includes the Commissioner of Police, chief executives of South Australian Government departments, SA Water and the Local Government Association of South Australia, and Chief Officers of emergency response agencies.

The review, upon which the Bill is based, included extensive consultation with State and Local Government stakeholders. Sixteen written submissions were received, as well as numerous oral submissions during a targeted stakeholder interview process.

Changes specific to local government were arrived at following extensive consultation with the Local Government Association and with the agreement of the SEMC.

Key stakeholders were sent a copy of the exposure draft of the Bill on 21 December 2015 with a two week comment period. One agency provided a written response expressing concern that the language in the Bill was too vague and allowed potential for certain provisions to be ignored, and that the scope of Hazard Leaders was not clearly defined in terms of their state-level role.

The Government reflected on the comments and issues raised by the agency and, after meeting with that agency to discuss, determined that both matters would be resolved through amendments to the SEMP, a review of which is occurring concurrently with the passage of this Bill.

The Government believes that the proposed changes will update and strengthen South Australia's emergency management arrangements, providing reassurance to the community and encouraging community resilience through coordinated planning and disaster preparedness activities.

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 *Emergency Management Act 2004*

###### 4—Insertion of section 2

This clause inserts the proposed objects and guiding principles for the *Emergency Management Act 2004*.

###### 5—Amendment of section 3—Interpretation

This clause inserts definitions consequential to the new objects and guiding principles inserted by clause 4 and also updates the definition of *recovery operations* and *response operations*.

###### 6—Insertion of Part 1A

This clause inserts new Part 1A providing expanded provisions relating to the preparation, review and maintenance of the State Emergency Management Plan (*SEMP*).

###### 7—Amendment of section 9—Functions and powers of SEMC

This clause updates references to the State Emergency Management Plan to 'SEMP' and also provides that the State Emergency Management Committee may determine to monitor and evaluate the implementation of the SEMP and the response and recovery operations taken during or following emergencies of any kind that it thinks fit. Currently this only applies to any identified major incident, major emergency or disaster declared under the Act.

8—Amendment of section 11—Establishment of advisory groups by SEMC

This clause deletes the requirement for the State Emergency Management Committee to establish an advisory group to advise SEMC in relation to recovery operations. This advisory group will be able to be established under section 11(1) of the *Emergency Management Act 2004*. Clause 2 in Schedule 1 operates to continue the advisory group in existence under section 11(2), after the commencement of this measure, as if it were an advisory group established under section 11(1) of the *Emergency Management Act 2004*.

9—Amendment of section 15—Functions and powers of State Co-ordinator

This clause updates references to the State Emergency Management Plan to 'SEMP'.

10—Amendment of section 19—Co-ordinating agency

This clause updates references to the State Emergency Management Plan to 'SEMP'.

11—Amendment of section 20—Control agency

This clause updates references to the State Emergency Management Plan to 'SEMP'.

12—Amendment of section 25—Powers of State Co-ordinator and authorised officers

This clause updates references to the State Emergency Management Plan to 'SEMP'. This clause also extends the powers of an authorised officer to shut off, or cut off, the supply of water or any drainage facility to connect, disconnect, reconnect, shut off or cut off such a facility.

13—Amendment of section 27—Recovery operations

This clause updates references to the State Emergency Management Plan to 'SEMP'.

Schedule 1—Transitional provisions

1—Continuation of State Emergency Management Plan

This clause provides that the State Emergency Management Plan in force under the *Emergency Management Act 2004* immediately before the commencement clause 6 of the measure continues after that commencement as the State Emergency Management Plan under section 5A of the *Emergency Management Act 2004*.

2—Recovery operations advisory group

This clause provides that the advisory group in existence under section 11(2) of the *Emergency Management Act 2004* will continue, after the commencement of this measure, as if it were an advisory group established under section 11(1) of the *Emergency Management Act 2004*.

Debate adjourned on motion of Ms Chapman.

## OCCUPATIONAL LICENSING NATIONAL LAW (SOUTH AUSTRALIA) REPEAL BILL

### *Introduction and First Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:36):** Obtained leave and introduced a bill for an act to amend the Occupational Licensing National Law (South Australia) Act 2011 and provide for related matters. Read a first time.

### *Second Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:37):** I move:

That this bill be now read a second time.

On 3 July 2008, the Council of Australian Governments agreed to develop a national trade licensing system for multiple occupational trades. The national licensing system was established through

cooperative national legislation. To implement the licensing scheme, South Australia enacted the Occupational Licensing National Law (South Australia) Act 2011.

The national licensing system created by the enacting legislation was to initially apply to air conditioning and refrigeration, electrical, plumbing and gasfitting, and property-related occupations. On 13 December 2013, COAG decided to discontinue the national licensing system. I seek leave insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

The COAG Communique stated:

'COAG noted that, following the outcome of extensive State-based consultation, the majority of States decided not to pursue the proposed National Occupational Licensing Scheme reform. Most jurisdictions identified a number of concerns with the proposed NOLS model and potential costs. States instead decided to investigate approaches that would increase labour mobility and deliver net benefits for businesses and governments.

To this end, States agreed to work together via the Council for the Australian Federation (CAF) to develop alternative options for minimising licensing impediments to improving labour mobility and to manage the orderly disestablishment of the National Occupation Licensing Authority from early 2014.'

To give effect to the COAG decision in South Australia to discontinue the National Licensing System, this Bill:

- repeals the *Occupational Licensing National Law (South Australia) Act 2011*;
- dissolves the national entities that have been established; and
- provides for savings and transitional arrangements consequent to the dissolution of the national entities.

I commend the Bill to Members.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

This clause is formal.

###### 2—Commencement

The measure will come into operation, or will be taken to have come into operation, on the day on which the Occupational Licensing National Law Act 2010 of Victoria is repealed.

###### 3—Interpretation

This clause defines certain words and expressions to be used in the proposed Act.

###### 4—Repeal of National Law Act of this jurisdiction

This clause provides for the repeal of the *Occupational Licensing National Law (South Australia) Act 2011*.

###### 5—Dissolution of National Licensing Authority, National Licensing Board and Advisory Committees

This clause provides for the repeal of the following entities insofar as they are constituted under the South Australian Act:

- (a) the National Occupational Licensing Authority;
- (b) the National Occupational Licensing Board;
- (c) each Occupational Licence Advisory Committee.

Each of those entities was separately established by the Victorian Act, the SA Act and the adoption Acts of the other participating States and Territories. However, the relevant Parliaments adopting the Occupational Licensing National Law declared their intention that the Law has the effect of establishing a single national entity.

Clause 5 also provides that:

- (a) the members of the Licensing Board or a Licence Advisory Committee cease to be members and are not entitled to any remuneration or compensation as a result; and
- (b) any remaining assets, rights or liabilities (if any) of the dissolved entities become, on their dissolution, the assets, rights and liabilities of the Crown in right of the participating States and Territories; and

- (c) any act, matter or thing that is authorised or required to be done in relation to those assets, rights or liabilities by the dissolved entities is authorised or required to be done by the Secretary of the NSW Treasury.

6—Abolition of National Occupational Licensing Authority Fund

The National Occupational Licensing Authority Fund is abolished by force of this provision and any money or property standing to the credit of the Fund immediately before its abolition are assets to be dealt with under clause 5.

7—Final Licensing Authority financial statements

This clause makes provision for any final financial statements of the National Occupational Licensing Authority for the period before its dissolution that have not been prepared, audited and published to be prepared, audited and published after its dissolution by the Secretary of the NSW Treasury.

8—Transfer of certain records to NSW Treasury

This clause transfers to the custody of the NSW Treasury the records of the entities dissolved by the proposed Act and provides that the *State Records Act 1998* of New South Wales and other laws of New South Wales apply to those records as if they were the records of NSW Treasury.

9—Regulations

The Governor will be able to make regulations for the purposes of this Act, including regulations of a savings or transitional nature.

Debate adjourned on motion of Ms Chapman.

## SOUTHERN STATE SUPERANNUATION (PARENTAL LEAVE) AMENDMENT BILL

### *Introduction and First Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:38):** Obtained leave and introduced a bill for an act to amend the Southern State Superannuation Act 2009. Read a first time.

### *Second Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (16:38):** I move:

That this bill be now read a second time.

This bill seeks to amend the Southern State Superannuation Act 2009, which contains the government's Triple S superannuation scheme for public sector workers. The main proposal dealt with in the bill seeks an amendment to the definition of 'salary' to ensure that the requirement to pay superannuation on parental leave payments is reinstated. I seek leave insert the remainder of the second reading explanation in *Hansard* without my reading it.

Leave granted.

Up until November 2012, superannuation had been payable to members of Triple S on parental leave payments. However, the *Statutes Amendment and Repeal (Superannuation) Bill 2012* amended the definition of 'salary' under the *Southern State Superannuation Act 2009* to bring the definition of remuneration on which employer superannuation contributions are payable into conformity with the requirements of the Commonwealth's *Superannuation Guarantee (Administration) Act 1992*, and in doing so made it clear that payments in respect of parental leave are not a component of 'salary' that would attract an employer superannuation contribution. Notwithstanding the legislative provisions, payment of superannuation on parental leave is not prohibited. An employer may elect to make payments or additional payments over and above any prescribed minimum.

Concerns have recently been expressed by public sector groups over parental leave payments not attracting superannuation on the basis that the public sector is the employer of choice for women and that women in employment must not be disadvantaged in terms of their superannuation entitlements. In addition, the WPEA: Salaried 2014 provides a commitment that existing conditions of employment will not be reduced, as did the South Australian Government Wages Parity (Salaried) Enterprise Agreement 2009 which was in operation at the time of the legislative amendment. It is also apparent that other interstate jurisdictions continue to pay superannuation on paid maternity and adoption leave, irrespective of federal legislation. This includes Queensland, Tasmania and Western Australia.



The Bill therefore seeks to amend section 3(1) of the *Southern State Superannuation Act 2009*, so as to rescind section 3(1)(ba) to reinstate the payment of superannuation on parental leave. It is proposed that this amendment will operate with retrospective effect from 19 November 2012. This is considered appropriate given the nature of the payment and the potential industrial and social implications canvassed above. There is also no budget impact as a result of the proposal to make the amendment retrospective, as no reductions were ever made to agency budgets in 2012 when the original legislative change was made.

I commend the Bill to Members.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

This clause is formal.

###### 2—Commencement

This clause provides for the measure to be taken to have commenced immediately after paragraph (ba) of the definition of salary was inserted by the *Statutes Amendment and Repeal (Superannuation) Act 2012*.

###### 3—Amendment provisions

This clause is formal.

##### Part 2—Amendment of *Southern State Superannuation Act 2009*

###### 4—Amendment of section 3—Interpretation

This clause proposes the deletion of paragraph (ba) from the definition of salary. As a consequence of this amendment, parental leave will be a component of salary for the purposes of the Act.

###### 5—Amendment of Schedule 1—Transitional provisions

This clause proposes the deletion of a transitional provision that was inserted when the definition of *salary* was amended to exclude parental leave.

Debate adjourned on motion of Ms Chapman.

### **SURVEILLANCE DEVICES BILL**

#### *Final Stages*

Consideration in committee of the Legislative Council's amendments.

(Continued from 10 February 2016.)

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

That the Legislative Council's amendments be agreed to.

I will be very brief about this. This matter has been around and around the parliamentary mulberry bush for a very long time, and, whilst it has returned to us in a slightly less perfect form than that in which it was originally conceived, it is nonetheless better than leaving all things undone. Accordingly, the amendments are accepted.

**Ms CHAPMAN:** I would like to place on the record my appreciation to those in the other place who have presented to us amendments in two areas. This is a bill which needed to come before the parliament to contemporise how we deal with ensuring privacy from not just the audio surveillance but, obviously, from pictorial presentation, and to understand that we are now living in a much more advanced technological world. So, it was necessary for us to update the Listening and Surveillance Devices Act to ensure that we accommodated that. We also needed to ensure that the police had at their disposal legislation which was modern to accommodate the fact that they also needed to carry out their duties in the modern world.

At all material times over the last three or four years we have said, from this side of the house, that modernising the act for the purpose of amendments for the police was consented to. This bill has taken a long time because of other reasons, not because of that. I think every party agreed that the updating in relation to the amendments for the police were with the support of everyone, and it is disappointing to our side of the house that the government was not prepared to, as it were, excise those aspects to enable them to be promoted and passed. I am not aware that the Police

Commissioner has given any indication that the efforts of his force were impeded by not having these advances, but, nevertheless, that is disappointing.

In relation to the amendments specifically, there were two areas that needed to be resolved given that the government had presented a new model of how we approach these matters, that is, balancing public interest with privacy. In our view, the government had gone too far by narrowing the definition of 'media organisations' and also from not having the definitive provision as to what was 'private activity', and both of these issues are remedied by the amendments that are before us. Secondly, the government also took the view that, in trying to broker a resolution of the impasses on this bill, it was prepared to put in some exemption clauses just to cover the media and also the RSPCA, because they have both been representatives of each of these industries and organisations and very vocal during the development of this legislation and the discussion and debate around the bill.

That was, I suggest, really a cheap way of trying to resolve this matter: 'Well, look, we've got the noisiest people. We're just going to give them an exemption clause and everything can go through.' As it turned out, even those industries and associations remained vehement in their opposition to approaching it in that manner.

During the course of those discussions late last year, the government did accede and I thank them for, at least in the end, agreeing to resubmit the bill in the Legislative Council, to make amendments to clause 3 and to ensure that we have consistency with the definition that applies under the commonwealth Privacy Act of 'media organisation' which, I would hope, will at least provide some consistency for any of the legal and judicial officers who have to interpret this in the future and help them in their deliberations.

Secondly, I would like to place on the record my appreciation to personnel: Ms Clare O'Neil, Director of Free TV Australia; Georgia-Kate Schubert, Head of Policy and Government Affairs at News Corp; Peter Campbell, a partner of HWL Ebsworth Lawyers; Rocco Perotta, who was then president of the Law Society of South Australia; Tim Vasudeva, who is the Chief Executive Officer of the RSPCA; Mr Frank Filosi, General Manager of Channel 10; Mr Sean O'Brien, who is the Managing Director of Channel 9; and the executive representatives from Channel 7 at that time, namely, Mr Tony Davison, Mr Graham Archer and Mr Terry Plane.

These people gave valuable advice and I appreciate that throughout the time. To the extent of trying to make this legislation more effective so that we do not end up with our court system being absolutely overloaded with applications, thankfully—

*The Hon. J.R. Rau interjecting:*

**Ms CHAPMAN:** The Attorney might laugh at that, but let's face it, we have crumbling courts as it is; they hardly have room for more unnecessary applications. I also wish to thank the advisers to the Attorney who were prompt in their provision of briefings and in the communications through the negotiation of the matter.

I do not think I could go so far as to say that the Attorney was as forthcoming in that regard, but nevertheless, he was not obstructive in the end and was duly cooperative. Certainly I wish to convey that to his staff. It does help to deal with these matters efficiently when that level of communication and, I think, respectful dialogue is undertaken. With those few words, I look forward to the passage of the bill.

**Mr KNOLL:** I rise today to place on the record very quickly my pleasure at the fact that this bill is being passed today. I have long thought it was a great idea for a number of reasons. First, the issue of cross-jurisdictional warrants for police is quite important and the modernisation in that area has long been asked for. In fact, I think it is over a decade since it was suggested through a COAG process. It is great that we can finally get our act together on that.

Division 2 of the bill talks about publication of materials. There has certainly been a lot of debate around that, as there should be, but division 1 is the part that excites me most. To somebody who very much believes in a right to privacy in a world that is increasingly taking that privacy away, division 1 of the bill is extremely important in ensuring and, in a sense, protecting that privacy, so

that people can feel safe and so that private activities they undertake are protected from being listened to and recorded in a multitude of ways.

Regardless of the publication side of the bill, I think division 1 is a fantastic thing and puts in place that de facto right to privacy through this piece of legislation and also, where people break the law in this regard, there certainly will be remedies to that. I am very excited to see the passage of this bill, and I am very much looking forward to the third reading.

**The Hon. J.R. RAU:** I thank the members who have contributed and worked on this legislation. I would also like to acknowledge my staff, as the deputy leader has acknowledged, particularly Peter, who has devoted his life to this project almost 24 hours a day, seven days a week for as long as I can recall. It is a fantastic day for him, because today an enormous burden is lifted from his shoulders, and he is going to be a very happy young man.

As I said at the beginning, I think all of us as members of parliament really need to think very, very seriously about the matter that the member for Schubert mentioned in his brief remarks, that is, the balance between the privacy of the individual and an increasingly technologically advanced and intrusive world and the role of law enforcement in interfering with that and, on the other hand, the right of busybodies to interfere with that for commercial gain. I would make the point that quite obviously there is a substantial difference between what is in the public interest and what is of interest to the public.

If we have a proper definition of 'in the public interest' and it does not include matters which are simply 'of interest to the public', then I guess that is not a bad outcome. I personally will be watching this very carefully, because anybody, any sort of busybody, using technology to intrude in other people's personal affairs and then use that intrusion as a way of either titillating an audience or making money, or both, is not a legitimate activity. As I said, I will be watching this very carefully.

In respect of the media organisation, the definition that has been given is one that does concern me. Again, I make it clear that I am accepting this, because I want this to go through and I think it is worth giving it a try, but I do make the point that this legislation is not meant, at least in my mind, to enable any Tom, Dick or Harry, who consider themselves to be a home broadcaster or a 'citizen journalist', to go around doing whatever they like with the reputation of anybody else or the private information or whatever of anybody else on the grounds that they consider themselves to be an artiste, or a journalist, or a social commentator, or some form of Übermensch who has the right to go around commenting on everybody because they feel like it.

Hopefully, the definition we have got here does not let that sort of cohort of individuals into the relatively protected world of the definition of media organisation. Again, I will be keeping an eye on that. I do add, again: I am confident this is not the end of this issue about privacy for this parliament. Hopefully, today we see the end of this bill for a period of time—a long period I hope—where we do not need to disturb it again. I think all of us need to think about the very, very intrusive nature of—

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** Well, I am waiting for the moment in time—

*Ms Chapman interjecting:*

**The Hon. J.R. RAU:** Yes, but this is a fascinating thing. I will just say this. George Orwell's little commentary about the English language does warrant reading. It is a short passage but he does talk about how words actually become lies. It is a great little passage, and I ask everybody to look at it. It also gives you five simple tips as to how to construct good English, and the fifth one is do anything to ignore the first four rather than do something that is appalling. Anyway, that is by the bye.

The point is that some people who talk about privacy, perversely enough, are actually speaking about something which is contrary to the public interest, and even private interest. You find this in government. The pursuit of 'privacy' sometimes means that government does not provide the best service it can for its citizens, because elements of government—

**Mr Duluk:** Not this government, anyway.

**The Hon. J.R. RAU:** That was a chortling one, wasn't it? Very quick.

**The CHAIR:** We need to report.

**The Hon. J.R. RAU:** I am done now. I am very happy.

Motion carried.

*Sitting extended beyond 17:00 on motion of Hon. J.R. Rau.*

## CONSTITUTION (DEADLOCKS) AMENDMENT BILL

### *Second Reading*

Adjourned debate on second reading.

(Continued from 10 February 2016.)

**Mr KNOLL (Schubert) (16:57):** Without wishing to reflect on the presence of any members in this house—

**The DEPUTY SPEAKER:** Which you wouldn't do.

**Mr KNOLL:** No, I wouldn't, but I might say some not nice things, whether or not some might want to hear them. The intent of these deadlock provisions that are sought to be amended in the constitution bill before us today mirrors, I think, what happened in the Constitution (Appropriation and Supply) Amendment bill that we have also been discussing. I think the intent is the same, and I will not again go over Lord Acton's sage words. I certainly will not again go over the similarities of the Attorney-General to Pope Pius IX, except to say that this is exactly what we are seeking to do here.

It is the intention and prerogative of, and also necessary for, the Legislative Council to review legislation. We say all the time to children who participate in team sport that the whole is greater than the sum of its parts, that is, the idea that working together as a team can produce a better result. Somehow the idea that pieces of legislation put forward by single ministers are perfect and without fault and should be pushed through this parliament and both its chambers without dissent or amendment goes against what we tell every single child as they grow up.

Indeed, if we genuinely believed that we did not need an effective and operative second chamber, why do we have a parliamentary democracy at all? Why do we not, indeed, just go for a benevolent dictatorship? Sometimes I think that might not be a bad idea. I think that Tom Playford did a pretty reasonable gig for a lot of years, and he is certainly remembered as a benevolent despot; but, unfortunately, South Australia only gets one Tom Playford and, in the absence of him and the greatness with which he managed our state, a Legislative Council that is effective and has the ability to review and change is extremely important.

It has been suggested that the deadlock provisions that exist here to create, essentially, a double dissolution trigger will mirror what happens in the federal parliament. The difference between the South Australian parliament and the federal parliament is that our conventions are very different. The convention in South Australia is that we do not block, as a matter of course, money bills, whether it be appropriation, whether it be statutes amendment changing tax measures, there is a convention that we do not block money bills, and by and large this parliament does not block money bills in a way that the Senate does, routinely. In fact, there are billions and billions of dollars worth of changes and savings the federal government would like to enact that they cannot because of the Senate.

The government has a lot more free rein in the conventions of the South Australian parliament to be able to govern, so I do not see the same impetus to create or to have, as part of legislation, a trigger for a double dissolution, I just do not see it. Certainly, there will be pieces of legislation that will not be able to pass this parliament. In fact, we have just passed the Surveillance Devices Bill, which is, I understand, the third time that piece of legislation has come before this place. The disruption of the fundamental workings of the government is not something that we undertake here because of this convention. There is also, as part of the Constitution Act, provision that moneys

previously authorised will continue to be authorised, and that is protected as part of the Constitution Act, so we do not have a situation where we can shut down the government.

These deadlock provisions are entirely unnecessary, but if they were to be enacted what they would be used to do is to bully the Legislative Council. Make no mistake about that. Minority parties and Independent members in the Legislative Council who have managed to gain their seats without a full quota and who do not enjoy, necessarily, stable political popularity will have this provision used to bully them in order to ensure that there is no early election, an early election that could see them lose their positions within the Legislative Council, and I do not like the idea that this was here to be able to do that.

The second point I would like to put on the record is the fact that South Australians do not want to vote in any more elections than they have to. The idea that we would have a trigger which would, on the whim of the government and based on what could be fairly minor pieces of legislation, mean that we have to go to extra elections simply because the government is having a sook and not getting its way, I think, is something the South Australian people do not want. They want us to grow up, they want us to be able to compromise, they want a government that governs from the centre with common sense, and the current provisions in the Constitution Act provide for that. What deadlock provisions would do is provide a way for a government to be able to impose its will more readily and would, in my view, ensure that we stray from the sensible centre.

The other thing I would like to say is that this house enacted fixed parliamentary terms, the first election of which we had in 2002. They did that because they wanted to provide surety and certainty as to when the election was going to be and allow governments a four-year term to be able to govern and to provide some certainty around the parliamentary cycle. What this provision does is move away from that principle. In the federal parliament an election can be called at any time, either through a double dissolution trigger (if one presents itself) or at the time of the government's choosing. The South Australian parliament (and I was not here at that time) changed that principle so that we moved to fixed terms so that there was some certainty around the parliamentary cycle. This bill goes completely against that and again provides uncertainty, and the South Australian people, in my view, do not want that.

The third point I make is that it is intellectually lazy of a government to seek to diminish the upper house. It basically says, 'Look, we don't want to have to argue our case, we don't want to have to test our ideas in the court of public opinion—test our ideas against the minds and the resources of the Legislative Council—we just want to be able to do whatever we feel like.' It is intellectually lazy and I think it will result in inferior pieces of legislation and inferior outcomes. If the Attorney wants to come back in here and suggest that he is somehow some sort of benevolent dictator above reproach whose pieces of legislation are infallible, then he can come and make that argument, but we on this side of the house will have many examples of where that has fallen short.

The fourth and last point I make is that this bill has absolutely no chance of success. I have never met anyone in a position of influence, barring a couple of exceptions, who has sought to diminish their own power and influence. If you put your hand up to become a member of the Legislative Council, it is fundamentally because you believe in the powers and the role of the Legislative Council, and the idea that the Attorney thought that this would have any chance of success beyond chewing up the valuable time of this chamber and the other chamber is absolutely farcical and absolutely wrong.

Again, I think it speaks very much to a fourth term government who believe in their own righteousness, believe in their own hype, and certainly would like to do away with pesky little things such as the checks and balances that exist within our parliamentary democracy so that they can govern as they see fit and do unto the people of South Australia as they see fit. Unfortunately, that is not the way elections work; it is not the way this parliament was set up; and it is not the way that parliaments generally work.

With the fullness of my heart and the hearts of members on this side of the house, we will oppose this legislation, and we will continue to oppose this legislation. When we return to government, we will not be intellectually lazy in seeking to prosecute the ideas that we bring forward

because we know them to be right, just and superior, and we will be more than happy to fight for these ideas and do it using the processes that are currently available.

**Mr TARZIA (Hartley) (17:07):** I also rise to oppose the Constitution (Deadlocks) Amendment Bill 2015. I noticed that, in recent times, the government has made comments to the effect that they are looking to reset the relationship with crossbenchers. As we have seen, many pieces of legislation that have been brought forward in recent times, if anything, seek to erode the powers of the Legislative Council and erode the powers of the crossbenchers.

As many on this side of the chamber have pointed out, bills such as the Constitution (Appropriation and Supply) Amendment Bill 2015, the Constitution (Deadlocks) Amendment Bill 2015 and the Electoral (Legislative Council Voting) Amendment Bill 2015 are examples of this. This is an example of where the government is saying one thing but doing the complete opposite.

If the government is claiming to have a better relationship with the crossbenchers, a better relationship with the upper house, you would think that, in the first week of parliament this year, it might go about its business in a different way. We understand on this side of the chamber that two houses of parliament are essential. It is important that we have one house as a house of review not only to scrutinise and analyse legislation but also to make sure that the appropriate checks and balances are in place, and we acknowledge that, as the member for Schubert says.

This government, by these kinds of measures, quite frankly, has done nothing but treat the other place with contempt, and we have seen time and again the height of the government's arrogance. I mean, look at the recent example, the planning bill, whereby so many amendments were brought forward, changed at the eleventh hour and debated in instances where surely that kind of pressure does not encourage the best form of analysis possible.

*Mr Duluk interjecting:*

**Mr TARZIA:** Exactly; not many Labor members have contributed to that particular debate. We on this side of the chamber detest that sort of thing. It is simply not good enough. We would consider that these sorts of bills are just absolutely ridiculous. I noticed in my reading that the Labor Party for many years has had a suite of policies either pertaining to the abolition of the Legislative Council or reducing the power of the Legislative Council.

In 2009 I noticed that we on this side of the chamber, also supported by minor parties and Independents in the other place, defeated a similar proposal by the Labor Party. My colleague the member for Schubert has pointed out how a new mechanism for resolving persistent disagreements between the houses is planned and how the bills reduce the power of the Legislative Council potentially.

There are obviously current processes for resolving disagreements and deadlocks, if you will, and this legislation quite simply is not necessary. Furthermore, I also agree with the member for Schubert that this legislation does have the opportunity to be used as a bullying tool for the other place and it is simply not good enough. It is extremely lazy to put something like this forward.

There are obviously a number of benefits that go with fixed terms. That debate has been had and, in the absence of clear evidence to the contrary, that should not change, and so I cannot support this legislation. We on this side of the legislation cannot support this legislation. The government needs to have a good hard look at itself. To say that it is looking to work more closely with the other place, that it is looking to work more closely with the crossbenchers and then to put something like this forward is completely ridiculous, and I oppose the bill.

Debate adjourned on motion of Ms Digance.

## **REFERENDUM (APPROPRIATION AND SUPPLY) BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 15 October 2015.)

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (17:13):** Deputy Speaker, you will be pleased to know that I am the lead speaker on this bill, and that—

**The DEPUTY SPEAKER:** We will stop the clock immediately.

**Ms CHAPMAN:** —the thickness of my file does not indicate the length of the address that I am about to give. I think that you will be pleasantly surprised that it will be relatively short—I will not say relative to what. Let me just address the Referendum (Appropriation and Supply) Amendment Bill 2015, and I think I can say for the purposes of the following bill, which is also seeking to provide that there be a referendum held to deal with this matter, that it will be the same as the Referendum (Deadlocks) Amendment Bill 2015.

In short, the Constitution Act 1934, which the government's two preceding bills hope to provide for, is to be amended. However, that act provides that certain bills cannot be presented to the Governor for assent until they have been approved at a referendum. So, even if we were happy to move by majority through this house and move by majority in the Legislative Council the passage of the two substantive bills that we have just been dealing with and which have been adjourned off for further consideration, we as a parliament could not even ask the Governor to exercise his powers to assent to those bills until we had had approval from the people of South Australia by way of referendum. So, if there is to be any advance of these bills, it will be necessary for these bills to also pass.

The opposition's position is clear on both the appropriation and supply and deadlock amendment bills, if I can summarise them as follows. We oppose them and, accordingly, we also oppose these consequential bills, if I can also describe them as that. However, this is where it becomes quite interesting, because although the government have presented this reform before our parliament for the third time in the time I have been here for either the abolition or undermining and stripping of powers of the Legislative Council, I do not think even this time they are serious.

I think they are keen to take up our time in the chamber to deal with these matters. I think they are keen to try to present to the people of South Australia that they are concerned about proper governance and legislative process and looking to always improve our parliamentary structures, but the truth is that this is all a diversion. This is all a diversion from the real issues they should be addressing and the substantive content of those I have dealt with in the previous bill.

How can I justify the assertion that the government are not even serious about advancing this legislation, that they know full well that it will take up our time this week and in a couple of weeks, and over the forthcoming month or so it will take up time in the other place? Because of the published commitment of a number of crossbenchers in the other place, these substantive reforms will not go any further than this parliament. We are never ever going to go to the people of South Australia and ask them to deal with a referendum.

To try to pretend to do that, they have introduced these bills, but these bills are so sloppy. If I were to read the Referendum (Deadlocks) Bill 2015 (either one, because they have just changed a few words in each), it suggests that when the parliament has dealt with the principal bill it then be submitted for referendum of the electors of the House of Assembly and, secondly, that the question to be put to electors in the referendum is, 'Do you approve the Constitution (Deadlocks) Amendment Bill 2015?' If that is not the laziest description of what would be put in a bill as to what is going to be presented to the people of South Australia, I do not know what is.

Of course they would not be putting a statement like that on a ballot paper which was going to comprise the referendum of constitutional reform—of course not. There would have to be a prepared explanatory note of the arguments for and against—

**The DEPUTY SPEAKER:** In simple English.

**Ms CHAPMAN:** In simple English, as the Deputy Speaker points out. They would have to explain the nature of what is being sought, namely as to what process occurs now, what process is proposed to change and, as I say, the arguments for and against so that the prospective voter can make an informed judgement about whether this reform is good or bad, or an improvement that in any event is going to have their support or otherwise. This is a very lazy description.

If that was not the most obvious indication of the fact that the government have no expectation that they are ever going to a referendum with this bill, when one looks at the Budget Measures Statement of the 2015-16 budget, which was delivered on 18 June 2015, it makes

provision for the 2015-16 financial year. On pages 30 and 31 of Budget Paper 5, details of the budget initiatives for the Electoral Commission are published for 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19. If there was to be a referendum, one would expect to see a provision of expenditure, if not in the 2015-16 financial year, then in the following forward estimates.

As the government have, in the bill before us, identified the Electoral Commission of South Australia as the agency which would be responsible for conducting the referendum, we would probably expect to see it on page 30 as an investing initiative, or even as a revenue measure, but it is not there. There is reference to an investing initiative for this financial year and the 2016-17 financial year of about \$1.1 million in total to deal with an upgrade of the Electoral Commission's information systems.

There is no question they have planned extra expenditure for the Electoral Commission, but it relates to that. Indeed, on page 31 they even provide a breakdown of that initiative which clearly relates to an initiative of:

...over two years for the replacement or upgrade of the Electoral Commission's systems that support the efficient operation of state and local government elections.

As we expect with the Budget Measures Statement, it tells us what extra money might be needed for extraordinary expenditure, or, alternatively, some investing initiatives, which we used to call capital projects. As I said, it gives us some information about that.

There is also a small amount of \$50,000 in the 2018-19 financial year for the replacement of election equipment. There is no reference whatsoever in the forthcoming forward estimates of any provision for a referendum. When one goes to the agency statements in Volume 2 of the 2015-16 budget papers, it sets out, under Electoral Commission of South Australia, a number of different programs which are planned for expenditure in this area. Again, there is no reference to the preparation for or implementation of a referendum by the Electoral Commission as a necessary expenditure, which they would budget for, even as a contingency.

It is quite reasonable that governments would qualify the publication of any proposed expenditure with a footnote identifying it as a contingency if, of course, it required the passage of legislation. Frequently, even in this place, we find provisions made in the budgets for expenditure or capital projects which do require legislation change by this parliament, but the government treats the parliament as though it is going to happen anyway. If I were to take a completely uncontroversial item, it would be, for example, the Government House Precinct Land Dedication Bill 2015, which I think, as we have already seen, has the legislative requirements to go with it to be able to remove a piece of Government House to facilitate a commemorative ANZAC walk—

**Mr Duluk:** And they introduced the legislation after they started work.

**Ms CHAPMAN:** That's right. And although all the legislation is still pending, the public works of the parliament have reviewed it and they have approved it. They have in fact knocked down the fence at Government House. They have started to build it. Everyone is in agreement, and as I was saying to someone earlier, unless the Governor were to walk out and put up his own electric fence and stop the bulldozers coming in, no-one is going to interfere with that project, I wouldn't have thought.

I make the point that from time to time, though, there would be a situation where, if it was contingent upon legislation—say, for example, they found that there needed to be some approval obtained from a national body and that was not forthcoming and the project faltered as a result—the money would be no longer required, so it would be presumably left in general revenue and never applied. I make this point: there was ample opportunity in the forward estimates, as it is published for the budget, for that agency to add it as a contingency and to make provision of an estimated cost. Again, it is not there.

The third document I went to was the Electoral Commission of South Australia's annual report for 2014-15. I thank Mr David Gully, who is the acting electoral commissioner, for the publication of his report, of which he provided a copy to the Attorney-General on 30 September 2015. Let me qualify that: he forwarded a letter to the Attorney, enclosing a copy of his report, with a letter dated 30 September 2015.



I think it is reasonable for us to assume that as he signed that letter and caused a copy of that report to be published on the Electoral Commission's website, that he did indeed convey this report to the Attorney. I thank him for that, because, notwithstanding that the Attorney-General, it appears, has never tabled that annual report in the parliament. We are now into the end of the first week of sitting in the following year, and we still have not had, as a parliament, not just the courtesy, but the compliance with the law by the Attorney, of having that report tabled.

We have done a search here in the parliament, and if for any reason it has been lodged and not in some way been registered, I will be the first to apologise to the Attorney, but I make the point that he has not, so far, on the search that has been made, so we are especially grateful to Mr Gully for at least putting it up on his website as a full report on the activities of that preceding year. Because this was legislation that was introduced in October last year, that is, the month after this report had been signed off, it is reasonable to expect, I suggest, that if the Attorney-General was intending to progress constitutional reform, he would have had the documents prepared.

Advice would have gone to the Electoral Commission of the intention of the government to move legislative amendments in the form of these bills, that it would require a referendum, and that for the purposes of him even taking it to cabinet for approval to progress these reforming bills he would have had to present to cabinet an estimate of the cost of implementation of referendums of the nature necessary to support these bills. He would need cabinet approval, I would have thought, for them to say yes, we will approve you having the funds contingent upon the legislation passing for whatever it is to be: \$10 million, \$20 million, \$30 million. I do not know what the cost of a referendum is.

There is obviously the cost of preparation, as I say, of the explanatory documents for circulation for the convening of public meetings, the costs of advertising and giving notice to the public, and the opportunity to debate and ask questions about what is being asked. Secondly, there is the voting exercise where those who have a franchise in elections, which is anyone over the age of 18 years in South Australia—and there are a few disqualifying factors, of course, under the act, but those on the electoral roll—can have a vote.

I am assuming also that this would be a cheaper exercise if that referendum were to take place on the same day as a general election because of the opportunity to distribute and cast and collect votes along with the voting in the general election. I am assuming also that, because there are two bills, and two referenda are required, both questions could be on the same referendum paper for the purpose of casting a vote. Again, that would surely be cheaper than having two separate ballots and the like.

Nowhere in any of the documents which cover forward estimates—which would cover the period in which the government would be expecting to have a referendum, even if it were to take place in March 2018, which is when our next election takes place, and it would have to show up as some cost between now and the 2017-18 financial year—is there one reference to it. There is not one dollar allocated to it, and there is no indication at all of that. I think it is important for us to know from the government when they present this type of legislation to us what the cost of a referendum would be.

As legislators, I think we are entitled to have some information about that. We get a one-page second reading explanation from the Attorney-General for why we have to have a referendum if the substantive law passes, but there is not one piece of information in it which identifies what the cost of this exercise would be. I am one of these people who look at this whole question of what price justice; what price democracy? It is important that we follow proper process. Sometimes that is expensive; democracy is an expensive way of governing, but often it has been said since Winston Churchill, 'It's the best we've got. Not all that perfect, but it's the best we've got.'

It would be a lot cheaper if Mr Weatherill or some other premier just made the statement and issued the edict signed in blood, and that would be the new law. But, of course, we would not be living in the free state of South Australia with the right to be able to participate in our future and the rules and regulations which bind us, and we probably would not want to live here if we had to live under the hand of premiers who could simply write the laws on their own.

It is expensive, but we ought to know and have that before us. Before we progress this bill to the third reading, although I have clearly indicated that the opposition will be opposing these referenda bills, I think it is incumbent on the government to come clean about what it would cost to undertake these referenda. Some estimate, even something from the Electoral Commission as an estimate, would be helpful. As I say, I do not have a clue. It is so long since we have had a referendum. I remember we had some successful ones federally for recognition—

**Mr Duluk:** The republic was a successful one for the monarchists.

**Ms CHAPMAN:** Yes. Again, that federal referendum was the last one I had any involvement in. I must say I am a republican, so I would not say that was a successful outcome, but I did participate in what were national roadshows at the time, dealing with public meetings and obviously the printing and publication of journals and literature and pamphlets and articles surrounding the 'for and against' arguments of the reform as to whether we would retain the monarch as our head of the commonwealth. In her role as the Queen of Australia, she had that role in our national constitution.

My recollection is that that was a fairly expensive exercise but, of course, it was also coupled with a number of conventions in Canberra and there were round table gatherings. I can remember sitting at a table with the late Gough Whitlam and Mr Wayne Goss, who was a former Labor premier from Queensland. We were in one of these little subgroups at a round table conference in respect of the agenda. So they can be fairly expensive exercises and we ought to know what they are going to cost.

Before we get to the third reading, if the Attorney were to forward some estimates prior to the resumption of debate, I will certainly put it to our party room. I do not think for one moment it is actually going to change our position on it. It might resolve us even stronger, if it is very expensive, as to whether that would be justified, on his whim, regarding the potential of a risk of misuse of power in the Legislative Council in the future as being sufficient to warrant having the referenda. Nevertheless, it is something that we should certainly be provided with. I invite the Attorney to forward that during the further adjournment of this legislation.

Debate adjourned on motion of Ms Digance.

At 17:37 the house adjourned until Tuesday 23 February 2016 at 11:00.