

## HOUSE OF ASSEMBLY

Thursday, 11 May 2017

The **SPEAKER (Hon. M.J. Atkinson)** took the chair at 10:31 and read prayers.

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

### *Bills*

#### **LOCAL GOVERNMENT (MEMBERS CONTESTING STATE ELECTIONS) AMENDMENT BILL**

##### *Introduction and First Reading*

**Mr PISONI (Unley) (10:32):** Obtained leave and introduced a bill for an act to amend the Local Government Act 1999. Read a first time.

##### *Second Reading*

**Mr PISONI (Unley) (10:33):** I move:

That this bill now be read a second time.

The bill came about after the bill that was introduced by Mr Tung Ngo in the other house that the Liberal Party does not support. We do not support it because, although we support the principle of the bill, we do not support the method in which it is being applied. We also had some concerns about the fact that there were different starting times for the leave to be enacted between endorsed party candidates and Independent candidates, and we thought that needed to be consistent.

So, the bill that we are introducing today is the Local Government (Members Contesting State Elections) Amendment Bill 2017, and what the bill basically does is give members of council an automatic leave of absence at the introduction of the writs in the lead-up to a state election, if they are in fact candidates for a state election.

The bill will clarify a lot of the debate that happens in the lead-up to an election when candidates for the state parliament are also serving members of local council. At every election, we know there are many members who are candidates for major parties, candidates for minor parties or Independent candidates who feel that there is community support for them to put themselves forward to represent their communities more broadly in the state parliament.

We live in a wonderful democracy in Australia and a very accessible democracy, I must say, where the political process is available to a wide range of members of the community. It does not matter how modest your beginnings are or what status you have in life in Australia, we have a very democratic and accessible system of democracy for people to both participate through the voting system or to go to that next stage and put themselves forward, either as a member of their local council or as a member of a state or federal parliament. I am very proud of that. When I visit countries overseas and discuss such matters with members of Congress or members of parliaments, I always point out how accessible our system is to everyday members of our community in Australia. I think it is something we should be very proud of.

Getting back to the point of the bill, there is always some debate, if you like, about when is the right time for a member of council to step down if they have nominated to be a political candidate for a state election. The bill makes it very clear that the appropriate time would be at the time that the writs were issued and that would become an automatic process; the member would be on leave. It is an amendment to the Local Government Act, rather than the Constitution Act, which was the proposal by Mr Tung Ngo in the other place when he brought his bill to the parliament. We believe the concept is sound, but amendments to the Local Government Act are, in fact, a more appropriate way in which we could do that.

This is a very simple matter. My colleague the member for Bragg, the shadow attorney-general, met with Mr Ngo about his bill. He considered that the effect should be different between a political party and Independent candidates. We do not actually agree with that. We think it should be the same for all candidates so we do not have different rules for anybody in Australia. It does not matter where you are from, who you are, where you were born, what school you went to or whether you are a member of one organisation or another, we simply do not have different rules.

Philosophically and practically, we did not feel that that was an appropriate part of Mr Ngo's amendments to the Constitution Act. We are saying that, when the writs are issued, all candidates should then, in fact, stand down or be placed on leave. We also think that should be an automatic process. There should not be a need for any application to do that. It should just be automatic and that is what our bill provides for.

There is no intention to impose any penalty under Mr Ngo's bill. We agree with that. We think it simply needs to be clear as to what the expectation is. The ultimate penalty, of course, is the penalty at the ballot box. If people feel that they can try to break the law, then I am sure those on election day will take into consideration whether or not that person is worthy of supporting for higher office. It is simply not necessary for there to be a penalty, other than a penalty that is in the hands of the public of South Australia.

There is no intention or effect in the bill to impose a disqualification on a candidate, if elected, or form the basis of a challenge to the validity of the election if they do not stand down. We believe that, if they are elected on the basis of breaking the rules, they have the blessing of their community in order to do that. That will be something they will have to manage through their entire political career.

The intention here is to make it very clear to those who sit on council—and I recommend experience in local government for those who feel they want to contribute to their community in a slightly more committed way. From 1991 to 1993, when my wife and I were newlyweds and before children, I was a member of Prospect council, and it was a very valuable experience. I would have continued my time on the council had we not moved to Hyde Park, where my business was located. It gives you a good understanding of the services offered by local government and the demand for those services. It gives you some idea of just how bureaucratic some very simple decisions can be at a local level.

At the moment, it is a challenge for local government in South Australia to engage its constituents. We know that only 30 per cent of people, particularly in metropolitan Adelaide, turn up for council elections. In my view, it is not a solution to make council elections compulsory. We need to look at why people are not as engaged in the local government process as they are in other democratic processes. I know that it is hard to compare when there is compulsory voting at a state and federal level.

Countries like New Zealand, for example, have a very high turnout for voluntary voting at their government elections. I am sure that if voluntary voting were applied at the state and federal level we would still be one of the countries in the world with the highest level of participation, but we do not see that reflected in our local government elections. I think that is a challenge for local government. It is not for others—for example, the Parliament of South Australia—to find solutions for local government to force people to fill out a ballot paper.

As a matter of fact, with postal voting, I do not know how you would compel people to vote. You could argue that postal voting is equivalent to people turning up at a polling booth; the only difference is that the polling booth is coming to you. In effect, you could argue that we do in fact have compulsory attendance at council elections and we still only get 30 per cent of people participating, but I digress.

In reinforcing the bill before the parliament today, I urge the parliament to support it. It is timely. We will have a state election on 17 March next year. We know that in previous elections there have been people who have held positions such as mayor or councillors who have participated in the state election process; some have been successful; some have not. There has always been a debate about the appropriate time for those candidates, if they do decide to step down from their

council duties, to do so. This clears that up. It makes it very easy for people to understand what the expectation is by the legislation spelling it out.

I think that it will enable more significant issues to be debated about what candidates offer in their electorates, rather than when they should be stepping down from their council duties, which I would argue is probably more of a distraction than the debate about policy and character, which are the important things we should be discussing in the lead-up to an election. I urge the chamber to support the bill.

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

### **ROAD TRAFFIC (MAIL ZONES) AMENDMENT BILL**

#### *Introduction and First Reading*

**Ms SANDERSON (Adelaide) (10:45):** Obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

#### *Second Reading*

**Ms SANDERSON (Adelaide) (10:46):** I move:

That this bill be now read a second time.

The reasoning behind my introduction of the changes to the Road Traffic (Mail Zones) Amendment Bill 2017 is predicated on the difficulty I often have, and many people have, of finding a park in North Adelaide or in the city. This was definitely highlighted for me last year when I was attending the North Adelaide Primary School graduation. I drove around and around and around North Adelaide and kept passing these fantastic car parks in front of post office boxes that would have been terrific, but I could not park in front of them.

It occurred to me that we have these wonderful car parks available that are not available and that we are restricted from using 24 hours a day, seven days a week, when in fact the mail vans are only there from about 6pm to maybe a maximum of 7pm. They are only there for five minutes to pick up mail, so why take up a really perfect parking spot in the city, in North Adelaide, or in any of the suburbs where there are parking issues, when they are really not needed for all that time.

You see on a postbox, if you have read it, that your mail needs to be in by 6pm, and that is from Sunday through to Friday. It used to be next day delivery for 70¢, but now it is several days delivery for \$1, so there is even less urgency for them to have unrestricted parking 24 hours a day, seven days a week because the mail is not in that big a hurry to get to us anymore.

When I attended the graduation at North Adelaide, I was speaking to the principal about how difficult it was to get a park. She commented that they had their first ever community concert and that they had received calls from around 30 grandparents who had driven quite long distances to come to see their grandchildren at the concert. They were not able to get a park anywhere, so they drove all the way home. I thought that if we could make a difference of even one park or two parks (in North Adelaide there are 12 and in the city there are 55), then that would have made a difference for those 12 grandparents. To me, it is just common sense.

Recently, the Adelaide City Council held a managing traffic and parking in North Adelaide community workshop. They also had an online survey for two months for which they received 1,200 submissions from people who completed the survey. From that survey, one of the questions was: is parking for residents a problem? Seventy-two per cent of residents said, yes, it was. On the question of whether parking for workers is a problem, 88 per cent of the workers in this area said yes and 79 per cent of traders said it was a problem. Is parking for visitors a problem? Fifty-two per cent of visitors said yes, but of course there would be fewer visitors filling in a survey that was distributed throughout Adelaide and North Adelaide.

Clearly, parking is an issue. It has been an issue for a great deal of time. I know it is also an issue in suburban areas. I know that getting a park along Prospect Road is very difficult. With more and more high-rise developments, parking is becoming even more at a premium. I particularly had in mind Adelaide and North Adelaide; however, obviously, if we amend the bill, then it would be valid for anywhere in the state, so think about whether or not this is relevant in your own electorate.

This is something that certainly should be considered, and I hope that I will receive the support of the Labor Party on what I think is just a very sensible bill. It is a win without any loss. Residents, workers, shop owners, businesspeople and visitors to the city will all have extra car parking available, and the mail delivery vans can still attend and pick up their mail from Sunday to Friday between 6pm and 7pm.

Last night, I was walking back to our wonderful Hindley Street car park. There is a postbox right in front of the car park, and I managed to chat to the deliveryman who I saw had arrived at five minutes to six. However, he did wait until after six to make sure that, if anyone had any late mail, it would get in. They really do stick to that 6pm because they need to get all the mail that has been put in.

I think the deliveryman said there was one mailbox in Rundle Mall that they sometimes clear during the day, but you cannot park in Rundle Mall anyway, so that would not affect the parking. Certainly, if there were issues, you would just change the parking in front of that particular postbox but, as a general rule, I think it seems crazy to hold up parks—55 in the city, 12 in North Adelaide and hundreds throughout the suburbs—24 hours a day, seven days a week, when realistically the pick-up is for about five minutes, six nights a week. I commend this bill to the house, and I hope I will have the support of the Labor Party.

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

#### *Motions*

### **SHOP TRADING HOURS**

**Mr KNOLL (Schubert) (10:52):** I move:

That this house—

- (a) notes the extraordinary influences unions (and in particular the SDA) have over policy decisions of the state Labor government; and
- (b) supports changes to the Shop Trading Hours Act to allow families in Marion, Noarlunga, Tea Tree Gully, Port Adelaide and Munno Para to have access to similar shopping hours as families in the Adelaide CBD and Glenelg.

Nothing more perfectly encapsulates what is wrong with this Labor Party than this motion. Nothing encapsulates what is wrong with Labor more than this motion. What we in the Liberal Party have announced in the lead-up to the next 2018 election is a policy that helps to stimulate growth in our retail sector, that helps to stimulate jobs in our retail sector and helps to create a more vibrant Adelaide.

Something that the Deputy Premier tries to do with small bars and lights on Bank Street, we have tried to do by creating real jobs, sustainable jobs, in the retail industry in South Australia. What we have instead of a cooperative government seeking to work with us on this reform is a Labor Party that is beholden to the special interests that underpin them in every possible regard. Why do we need to see a liberalisation of shop trading hours in South Australia? In September 2014, a Productivity Commission inquiry recommended the full deregulation of retail trading hours in all states, including on public holidays. Their report stated:

Trading hours remain the most restricted in Queensland, Western Australia and South Australia. These jurisdictions have not pressed on with statewide reforms to deregulate trading hours since 2011 and overall they have shown a weak appetite for reform.

The Harper review in 2015 considered that:

...deregulating trading hours should be a priority for those States where the tightest restrictions on retail trading hours apply, because there lies the greatest potential gain. To this end, Western Australia, Queensland and South Australia should aim to complete the reforms within two years.

We have two highly reputable sources that say we need to liberalise trading hours in South Australia, but what do we get from Labor? We get stonewalling and we get them beholden completely to their sectional interests. In fact, we did not even have to wait for the Premier to announce their response to our policy. They just got Josh Peak from the SDA to do it.

*Members interjecting:*

**The DEPUTY SPEAKER:** Sit down. I am on my feet; that means you too. Surely, I do not have to remind members of the standing orders, which require all members to be heard in silence. Is your phone off? I expect to be able to hear the member for Schubert's contribution.

*The Hon. P. Caica interjecting:*

**The DEPUTY SPEAKER:** Is that a muttering under your breath, member for Colton?

**The Hon. P. Caica:** No.

**The DEPUTY SPEAKER:** He is adjusting his throat.

**Mr KNOLL:** I promise to speak up, Deputy Speaker.

**The DEPUTY SPEAKER:** No, I am protecting him. I insist on protecting him.

**Mr KNOLL:** What we have here is a policy that would liberalise shop trading hours, that would help to create jobs in South Australia. The idea that we have a union movement, a union and a Labor Party beholden to that union, which would oppose new jobs in its sector is absolutely ridiculous. In fact, we saw reports out earlier this week, or late last week, about the fact that the union movement in South Australia in the private sector has less than 10 per cent representation. Less than one in 10 private sector workers is a member of a union.

With the restrictive and fairly generous provisions the SDA has for their employers to sign up members to their union, surely having more jobs within the retail sector in South Australia would actually help to grow the membership base of the SDA, but no, we do not want to talk about that. We do not want to talk about new jobs. We do not want to talk about employment opportunities, especially for the most vulnerable South Australians, who are primarily the ones taking these jobs.

This policy is about choice and giving the opportunity for choice in where and when South Australians want to shop. Surely, consumers in South Australia deserve this opportunity. This policy is about giving businesses the opportunity about when and where they want to open. Surely, the government would be on board with that. Labor in South Australia wants to restrict choice. They want to tell South Australians when and where they can shop and how and when they can shop, as opposed to letting people make those decisions for themselves.

I am sure that in response Labor is going to get up and beat us up for being on the side of big business. I can tell you that we on this side of the house are here for consumers in South Australia. We on this side of the house are for small business and their having the opportunity to open when they want to, and we on this side of the house are the true friend of the worker by allowing them to work when they can and want to work. If we really want to examine who is on the side of big business, we only need to look at—

*Members interjecting:*

**The DEPUTY SPEAKER:** The member for Reynell and everybody on my right are reminded of the standing orders.

**Mr KNOLL:** —this symbiotic relationship. The relationship between the Labor Party, the Shop Distributive and Allied Employees Association and big business in South Australia is like a set of triplets cosy up to each other in a mother's womb. Who, on that side of the house, owes their career to the SDA? It is the member for Croydon, the member for Ramsay, the member for Playford, the member for West Torrens, the honourable member for Newland, the member for Kurna, the member for Little Para and the member for Elder. In the other place, the Hon. Tung Ngo also owes his place in this parliament to the SDA.

So, when we announce our policy and Josh Peak gets up and responds on behalf of the Labor government, none of us is surprised. You all know you have to sit down and remain beholden to the SDA because to go against your paymasters will result in your preselections being challenged. Almost a third of the Labor Party's representation comes from this one union. Who are the people who are members of their union? They are predominantly casual, they are predominantly young, they are predominantly female and they are predominantly students.

These are young people who, in between their study, in between doing other things, are geared towards working weekends and odd hours. In fact, they want the penalty rates that come with those weekends and long hours. If we want to look at a group who are in the pockets of big business in South Australia, it is the SDA. About half a million workers are covered by SDA agreements. These workers work at Coles, Woolworths, Bunnings, Domino's Pizza, McDonald's, Hungry Jack's and the Super Retail Group, which includes a whole heap of different businesses.

These are large retail employers in South Australia, and herein lies the beautiful triplet symbiotic relationship that exists—all cosying up together, greased by the amniotic fluid that exists inside a mother's womb. They cuddle together in a beautiful cosy relationship that benefits everybody. It seems very straightforward, and nothing demonstrates this relationship more closely than the fact that Coles and Woolies are reported to pay \$5 million in commissions back to the SDA—up to \$40 million over the past decade—as a quid pro quo for being able to sign up members to the SDA.

You would think that in this beautiful relationship in South Australia that the SDA would stick up for the pay packets of their workers. We see the members on the government side foaming at the mouth about decisions of the Fair Work Commission that they set up and the terms of reference that they put in place and then how they do not like the result. You would think that they would be here to stick up for the pay packets of workers, but what has actually been the result? The result has been an SDA that has been willing to shaft their own members to line their own pockets so that they can in turn line the Labor Party's pockets.

In 2010, McDonald's did an agreement with the SDA that duded 80,000 workers across this country, of which one-third are from non-English-speaking backgrounds and 80 per cent are casual. In most stores, the average age is 18. They were underpaying their workers to the tune of at least \$50 million, according to reporting by the *Sydney Morning Herald*. That is \$50 million in the pockets of big business being flown across to the SDA and the Labor Party instead of in the pockets of hardworking, young, potentially non-English-speaking workers in Australia.

Domino's workers are reported to be missing out on at least \$32 million a year in penalties. In Tasmania, Hungry Jack's has had to pay back almost \$1,000 per worker in back pay. What we see here is the fact that we have a Labor Party which is beholden to its union, a union which is beholden to its big business, which all flows through to lining the Labor Party's pockets, which is why we cannot get decent reform when it comes to shop trading hours with a Labor government in power in South Australia.

I invite those on the government side to explain why it is okay, when a worker wants to work, to tell them that they cannot have that job. Why is it okay that they want them to sit at home and do nothing as opposed to be able to earn good penalty rates at odd hours of the day, night and weekends so that they can afford to put themselves through university and other further education? Why is that okay? Why is it okay to say to South Australians, 'You can shop online and send your dollars interstate and overseas because you cannot stop the internet from being on 24 hours a day,' but when small business in South Australia actually wants to compete with online business, no, that is not okay. We prefer to see those dollars being spent overseas and interstate as opposed to being spent here. Why is that okay?

Why is it okay that small businesses are being disadvantaged because they are in a different industry type to other businesses? Take, for instance, a small IGA sitting down the road from an On The Run. Why is it okay that the On The Run can open for 24 hours a day, selling exactly the same products as an IGA that has to close at these odd times and cannot compete? Why is that okay? The answer is we will not get anything from the other side that actually makes sense on this issue. All we will get is vested interest and them looking after their paymasters, because to do anything other is to challenge their preselection.

In South Australia, in March 2018, we are going to have an election, and South Australians are going to vote for a government which is going to raise the bar, which is going to make sense, which will look after their interests whether they are a small business, a worker or a consumer. They are going to make that choice. The hypocrisy and the ridiculous idiocy of the policy of members opposite is going to be shown up for what it is. I invite somebody on the opposite side to come up and speak sense on this issue. I doubt it. What you will see is the groupthink that exists on the other

side of the house. They will be shown up for what they are, and that is a bunch of hypocrites. I look forward to March 2018 when we can right this wrong, we can look after the true welfare of the people of South Australia and the Labor Party can be exposed for who they really are.

*Members interjecting:*

**The DEPUTY SPEAKER:** Just a moment. No, I do not think you all understand. What happened for the member for Schubert, trying to be heard in silence, is going to happen for the member for Kaurna. I will start warning people, which means question time becomes precarious for you, so you have a choice of either observing the standing orders or not.

**Mr PICTON (Kaurna) (11:04):** I would like to move an amendment to this motion, as follows:

After the word 'extraordinary' delete all words and replace with:

- (a) ...work of the union movement in South Australia in protecting and improving workers' wages and conditions;
- (b) supports the current Sunday and public holiday shop trading provisions that get the balance right to support small business to compete against national and multinational supermarkets and allow retail workers to spend time with their families; and
- (c) opposes the cuts by the Fair Work Commission to Sunday and public holiday penalty rates for employees in retail and hospitality.

We move this amendment to support the current provisions that get the balance right for shop trading hours in South Australia, but also to support the fact that we have in South Australia a strong union movement that represents workers and represents their interests to make sure that we have good pay and conditions for our employees in South Australia.

The motion that was put forward by the member for Schubert is really in the fine traditions of the Liberal Party in opposing workers' conditions, in opposing workers' rights to have a weekend, to have public holidays and to support big businesses over small businesses, because that is what this is really all about when it comes down to it.

Currently, small businesses in South Australia, if you have a shop of less than 400 square metres—the vast majority of our IGAs, the vast majority of our butchers, greengrocers and bakeries in South Australia—you can open whenever you like, and these provisions restricting shop trading hours applying in the suburbs only apply to those very large supermarkets. So, they are the people—the Woolworths, the Coles and the Aldis—who would like to see changes made to our shop trading hours provisions. They are the only ones—they and the Liberal Party—wanting that to happen.

We know that, if you talk to small businesses across Adelaide—to bakeries, butchers and greengrocers, like I do and like all members on this side of the house do—you know that they do not want to see changes made to shop trading hours provisions in South Australia because they know that it would be enormously hurtful for their businesses, enormously hurtful for their ability to compete against the big supermarket chains—the big national and international supermarket chains—in this state.

One of the great things about our industry here in South Australia is the huge number of IGAs and Foodlands we have in the industry in South Australia compared with other states. That would be put at massive risk, if these changes were to be proposed as the Liberal Party is proposing, because we know that all those independent grocers support South Australian products from right across the regions of South Australia. You see a huge number of South Australian products on those shelves that you do not see when you go to Woolworths, Coles or Aldi.

Unfortunately, the effect of what the Liberal Party is proposing—and this will be a massive issue for debate at the next election—would see Woolworths and Coles increase their market share, would see small businesses closing down across Adelaide and would see IGAs and Foodlands across Adelaide put at huge risk. You only have to look at a number of the quotes from people such as Roger Drake, the CEO of Drake Supermarkets, who said:

There's no doubt that the extra hours will mean extra costs and it must be passed on to the consumer in the end. South Australia's one of the cheapest places to buy groceries. If that's the case, why are we going to extend it? I've been lucky enough to travel the world and big cities like Rome and Paris don't have the trading hours that we have.

I...feel for the butcher, the fruit and veg shops; these small businesses that the Liberal Party is supposed to support are just going to go to the wall. All this will favour will be the big end of town—it will favour the Coles, the Woolworths and the Westfields—because the big end of town can afford to open, they can withhold the extra wages that they'll have and all of a sudden they'll push the butcher shop, they'll push the fruit shop out. They'll be forced to close and where will the volume shift? It will shift to the big end of town.

This is very important for everybody to realise: when the Liberal Party says that they support small businesses, that is completely false. They are supporting big businesses, they are supporting the big national and international chains, and we on this side are supporting the small businesses in this state. We are supporting all those small chains that would be at huge risk if the changes that are being proposed by the Liberal Party were to go forward.

We know that this is in a fine tradition of the Liberal Party, as well. Not only do they attack workers in terms of shop trading hours but they have also attacked workers in terms of federally bringing in WorkChoices, federally not supporting penalty rates, which is something we are continuing to oppose, the cuts to penalty rates on Sundays and public holidays. That is very important for families. I know that in my electorate a huge number of families rely on those penalty rates to make sure they can provide for their kids and provide for their families. Having that massive pay cut is going to be a huge risk to those families.

Basically, what the Liberal Party is saying is that you should be able to work whenever your boss wants you to work, there will be no public holidays or Sunday trading and there will be no penalty rates. They do not want to see penalty rates either. It is really putting workers at risk, and that is why we have a union movement in this country. That is why we have people who are standing up for workers in this country, to give them a fair go, to give them good pay and conditions, to fight for their weekends, to fight for their public holidays, to fight for their occupational health, safety and welfare.

It is not just in retail; it is in hospitality, and I know we have a huge number of nurses here—and I congratulate them on the great work they do—and I am sure they are all very pleased that they have a very strong union fighting for them, the Australian Nursing and Midwifery Association.

**Ms Cook:** The biggest in Australia.

**Mr PICTON:** That is right; it is the biggest in Australia, as the member for Fisher says. All those workers, whether they are nurses, teachers, shop assistants or hospitality workers, have the rights they do in this country and the pay and conditions they do in this country because they have a union movement, supported by the Labor Party, fighting for them and making sure that their rights are protected.

That is what we are going to do in terms of shop trading hours, that is what we are going to do in terms of penalty rates, and that is what we are going to do in terms of a whole range of their other rights and conditions, because we need to put those people first. We are putting people first, putting the workers first, and we are also putting the small businesses in this state first as well as the suppliers to those small businesses from this state across our regions, who are growing fantastic produce that would not otherwise be on the shelves if we had just Woolies and Coles.

It is going to be a huge issue going into the next election, when all of us will be going out and talking to all those small business people in our electorates and all those marginal Liberal electorates about the fact that if the Liberal Party were to come in they are going to be at huge risk. Their financial viability in this state is going to be at huge risk, and it is all going to Woolies and it is all going to Coles and it is all going to Aldis. That is the fairness they see, supporting those big national and international businesses at the expense of the very small businesses in this state.

You also see what the South Australian Independent Retailers had to say about this as well. Their CEO, Colin Shearing, said:

If we open this up what'll happen is that people will be forced to work only to be forced to open their shops to compete and what will happen from there is that the share—the market doesn't change, the market pie is the same and that'll be spread amongst everyone and the small businesses will lose and jobs will be shed.

At no stage we're saying that that shouldn't be changed because this will just play into the hands of the big massive shopping centres we've got out there the big Coles and Woolies and Aldis. This is obviously a push by them and we certainly don't support the Liberals' policy in this area.



So we have the big players in terms of our independent shopping outlets in South Australia opposing the Liberal Party, saying this is bad for small business, bad for workers, bad for our producers in South Australia. That is why on this side of the house we are sticking up for those small businesses. We will stick up for the workers and we will continue to stick up for our producers in South Australia who supply those retailers. We will take this all the way to the election and we will let the people have their say.

**Mr PEDERICK (Hammond) (11:14):** I rise to support the motion by the member for Schubert:

That this house—

- (a) notes the extraordinary influences unions (and in particular the SDA) have over policy decisions of the state Labor government; and
- (b) supports changes to the Shop Trading Hours Act to allow families in Marion, Noarlunga, Tea Tree Gully, Port Adelaide and Munno Para to have access to similar shopping hours as families in the Adelaide CBD and Glenelg.

What a rant we have just heard from the member for Kaurana. Anyone would think it was 1917 and not 2017. Labor live in a world of nine to five. They talk about our nurses—and I absolutely respect our nurses who are here today and the nurses who are carrying out their fine trade supporting our community—but next they will be suggesting that nurses only work nine to five. It is totally ridiculous, especially when I reflect on the fact that in country regions our shops have extended trading hours. In Murray Bridge, both Coles supermarkets are open from 6am to 10pm and both Woolworths supermarkets are open from 7am to 9pm, so why can we not do that in the city? It is just ridiculous.

We talked about the lobbyists, and Colin Shearing's name was mentioned. Recently, some regulations had to be ratified, and I take my hat off to the Attorney-General for his fairness because they had to be ratified across the state to make sure people were operating within the law to ratify those extended shop trading hours. There had been some oversight in regard to the regulation, but the Attorney-General gave us about six months to sort that out with our local communities, and it was worked out at a local level. What I cannot get over is that it is just ludicrous that you cannot get the same access in the city as we enjoy in the country.

We have become very much a 24-hour society. Long gone are the days of nine to five. It just does not work like that anymore. Why is it okay for people in the country to work those longer hours but not for people in the city? It is just absurd that these shop trading hours are butchered all about the state with different rules depending on where you live. As previously mentioned, Hungry Jack's, McDonald's, the Peregrine group and the Shahin family, who operate On The Run, are open 24 hours a day and employ 2,800 people in this state. It sounds as though the Labor Party are not very happy with the Peregrine group, but I think they are just happy with them when it suits them.

I want to acknowledge the work Sam Shahin and Peregrine are doing in my electorate at Tailem Bend, building a motorsport park and investing at least \$100 million in support of motorsport in South Australia. It will be a huge boon for the area in my electorate around Tailem Bend, Murray Bridge, Langhorne Creek and the rest of the Murraylands and Mallee, and the pit straight buildings are being built as I speak. It was good enough for the government to support them with a grant of about \$7½ million to help establish that facility in my electorate, but here they are today slamming, indirectly, the very corporation that has their operations open 24 hours a day.

I want to reflect on what happens in these big Woolworths and Coles supermarkets and also in the Big Ws, which are obviously related to Woolworths, that the member for Kaurana hates. It is interesting to note that Bill Shorten himself, the federal Leader of the Opposition, was the one who negotiated the enterprise bargaining arrangements to rob those workers of millions and millions of dollars, and that is a simple fact. He was also the one who set up the Fair Work Commission. He also set up the review, and the terms of reference for the review of penalty rates under the Fair Work Commission, to take it away from politics, to take it outside political influence.

But when a decision comes back that does not suit Bill Shorten and the Labor Party they do not like it. They put ads in our local papers that are lies and absolutely false and talk complete untruths about Malcolm Turnbull and our federal Liberal colleagues and their influence over the Fair Work Commission. There is no influence by our federal Liberal colleagues. Labor speak with forked

tongue and we will see plenty of it going into the next election. They say what they like, they say whatever comes to mind off the top of their heads and it does not matter whether or not it is true—do not let that get in the way of a good story. It is a simple fact that Bill Shorten and his crew set up the Fair Work Commission, but when it comes down with a finding they do not like they come out kicking and screaming.

You see how the shoppies (the Shop Distributive and Allied Employees Association) operate in these big shopping centres. They have obviously done dirty deals with these companies. The daughter of a friend of mine signed up to work at Big W and was told, 'You've got two weeks to tell the SDA that you don't want to be a member.' How outrageous! You have to be a member. You are automatically signed up when you start. To get out of being a union member, you have to let them know. It is not the other way round, where you have to nominate if you want to join a union. If people want to join a union, that is fine, but give them the choice. They should not have to opt out.

*An honourable member interjecting:*

**Mr PEDERICK:** It is exactly what it is. People are locked straight in to become a union member. It reminds me of the blackest three months of my life in the mid-nineties. I did some work as a contractor on the Melbourne to Adelaide rail program that changed the alignment of rail from broad gauge to standard gauge, the Melbourne to Adelaide Rail Standardisation project (the MARS project). To get a job on that line, I had to join a union. As I said, it was the blackest three months of my life because I had to become a union member. I hated it, but I needed the money. I did the work and, thankfully, I only had to buy a short-term ticket, but I would never have done it if I had freedom of choice.

**Ms Hildyard:** Comrade.

**Mr PEDERICK:** That's right—comrade. I had to become a comrade because that is how the comrades run it. That is the comrades: 'Run up the red flag. Let's all work together. Let's all goose step one by one and work together. Let's do that, all the comrades together.' That is exactly what it is and that is exactly what is going on when people work for Woolworths, Coles and Big W. They are automatically made a comrade. They do not have that freedom of choice and it is absolutely outrageous. People in this state should have the freedom to choose whether they want to join a union. If people want to join a union, that is great if that is what they want to do, but it takes away that whole freedom of choice.

Getting back to the motion, it is an absolute joke that we cannot have shop trading hours opened up here in the city. To talk about the independents not being able to operate is just ridiculous. Two IGAs operate in Murray Bridge, there is a Foodland in Tailem Bend and they all operate fine. There is an IGA in Mannum as well that operates fine with these four big supermarkets owned by Coles and Woolworths either in the same town or not far away. It is a complete farce that these smaller companies will be bulldozed out. They know how to operate in that environment, they have done so for years in the regions and they will continue to do so.

**Ms HILDYARD (Reynell) (11:24):** I also rise to speak in support of this amended motion and, like the member for Kaurua, I am really glad to have the opportunity to do so. As the amended motion states, it is absolutely right that we acknowledge and, indeed, greatly celebrate the work of our union movement in upholding the wages, the working conditions and the fundamental rights of South Australian workers, that we support the continuation of current shop trading hours and that we vehemently oppose the recent decision to cut penalty rates for retail and hospitality workers.

Madam Deputy Speaker, as you very well know, our union movement has a long and proud history, a history of daring to struggle to win what is fair and what is right, a history which dates back to the convict strike of 1791 and a history which dates back to James Straighter who, in 1822, was sentenced to 500 lashes, one month of solitary confinement on bread and water and five years of penal servitude for 'inciting his Masters' servants to combine for the purposes of obliging him to raise the wages and increase their rations'.

It is a history of bringing together working people in South Australia—people who are the union movement, people whom those opposite enjoy attacking every time they talk about the union movement—to secure dignity and respect at work, decent and secure jobs, jobs that you can count

on with decent pay and conditions, their rights at work and the future of their industries. This is a history that should be absolutely celebrated.

It is a history that in 1844 saw the reduction of working hours for the lowest paid from 14 to 12 per day. It is a history deeply intertwined with South Australia winning the right for women to vote in 1894. It is a history that in 1907, after an enormous struggle by those workers who make up and who are the trade union movement that those opposite are so quick to vilify, saw the minimum basic wage established.

It is a history that saw 200 Aboriginal workers on Cumeragunga Reserve combine in 1939 and walk off the job in protest at the appalling conditions at work and in life on the reserve. In 1941, our union movement successfully fought for one week of annual leave and in 1972 our union movement established the principle of equal pay for equal work through its second equal pay case, finally ensuring that women and men who undertook the same job attracted the same pay. In the lead-up to 2012, and in 2012, I was proud to campaign alongside 200,000 community and disability workers, who support our most vulnerable citizens, to secure equal pay for them and to extend this principle.

There is so much more to celebrate in terms of the history of ordinary Australians getting together as members of their union to make a difference. We should celebrate the hundreds of thousands of workers, the face of the union movement, who stood together when the Patrick Corporation undertook an illegal restructuring of their operations for the purpose of increasing the productivity of their workforce. It was a dispute that involved Patrick Corporation, with the support of the friends of those opposite, the federal Liberal government, locking workers out of their workplace in the middle of the night at Webb Dock after the restructuring had taken place.

We should also celebrate the hundreds of thousands of workers from every profession in our nation who stood together as a union movement to defeat the first raft of anti-worker legislation from the federal Howard Liberal government in 1999, and the second in 2007, which attempted to rip away protections for unfair dismissal, to reduce entitlements and to remove the safety net that protected the most vulnerable workers in our community.

The union movement's proud history is one to be celebrated. It is steeped in values—values that have underpinned our fights to deliver long service leave, penalty rates, public holidays, maternity and paternity leave, annual leave, health and safety laws, superannuation and so much more. I am deeply proud to have played my part in this history in furthering these values and I am deeply proud that our South Australian Labor government shares these values because these values are about empowering ordinary working people to be treated with dignity and respect when they are treated unfairly, when they are given no notice of dismissal, when they are sexually harassed at work or underpaid—things that still occur today.

These values are about empowering ordinary workers to have secure work, to be able to balance time with their families and to be able to secure those provisions across their industries that are fair, and they make a difference to their lives at work and with their family. Just last weekend, I was proud to stand with many of these union members at our annual May Day March. I am always, and will always be, proud to stand with community members who talk with me about poor treatment at work, treatment which leaves them with little dignity. I am proud when they are helped by their union office to have that respect and dignity restored.

On May Day, I was proud to stand with the thousands of early childhood educators, including those from the Noarlunga Community Children's Centre in my electorate, who, through their union, United Voice, are standing together as union members through their Big Steps campaign to achieve equal pay for the incredible and inspiring work they do: work with our youngest South Australians, the future leaders of our communities, work to keep those young community members safe, work that sees our young people grow and develop physically, mentally and emotionally well, and work that must be better valued.

It is shameful that those opposite do not support workers like those. These are the workers who are the union movement and when these workers, these union members, influence the policy decisions of our state Labor government, I am glad because it is their values, the values of fairness,

dignity and respect, that our party does support and that our party will always stand for. It is these values that I proudly bring to this parliament, as do many of my colleagues.

This original motion, and the message from those opposite and from Malcolm Turnbull's federal Liberal government, is not steeped in those values. Their position on penalty rates indicates a complete lack of values, a complete lack of understanding and lack of care about the impact on the wages, family life and livelihood of many low paid workers, should their penalty rates be threatened in any way. That is why we fundamentally reject the current proposition to slash penalty rates and reduce the pay of the lowest paid workers in our community.

Penalty rates are a fundamental part of a strong safety net for Australian workers, enabling low income workers and workers in highly casualised industries to share in our economic prosperity and to be compensated for precious time away from their families. Penalty rates are designed to compensate individuals who are working antisocial hours.

We still live in a society shaped by the traditional working week, and many of those in business and in the federal Liberal government who are supporting cuts to penalty rates do not have offices that open late at night or on weekends when community workers in DV shelters, youth shelters and in emergency counselling services, hospitality workers, retail and tourism workers, nurses, those in aged-care facilities and disability services, emergency service personnel and countless other workers turn up for their shift when so many others are spending time with friends and family outside the workplace. They deserve to be paid well.

Those who give us their public holidays, their Sundays and their evenings deserve to be compensated for that sacrifice. This is also why we support the continuation of current shop trading hours. As has been said, those opposite are pushing to extend opening hours without consultation with our community and certainly without adequate regard for these workers and their families. In my time as South Australia and Northern Territory secretary, and as an organiser in the Australian Services Union, I fought alongside workers, union members who are the union movement, to maintain their pay and conditions. This struggle often revolved around what hours would be worked and what compensation was appropriate for working particular hours.

I spoke with the people I was representing and they told me what was important to them. Often, it was getting home in time to read a bedtime story, being able to attend children's sport on a Saturday or Sunday morning, being able to attend shared family lunch on a Sunday or spend time with friends on a Friday night. I know that these ideas will resonate with members in this place because, as has been said, so much of our South Australian community life is still structured around the Monday to Friday, nine to five working week. Those who do not work in that way must be compensated.

As part of the union movement, I worked, and will continue to work, with so many dedicated colleagues, passionate about promoting workers' rights and ensuring that everyone is treated fairly. The labour movement, the union movement, is proudly filled with many diverse voices, whether that be the representative at an early learning centre who is on the front line advocating for improved conditions for their workmates or the union member who works as a school support officer, serving food in a restaurant, as a firefighter, in a bar, as a careworker, in a vineyard or as a nurse, and I am proud to work as part of a movement with them.

These voices are part of a strong and united movement, a movement which, for more than 200 years, has stood up for fairness, a movement which stands between people being treated poorly and ensuring that they are treated with respect. I hope those voices influence our party for many years to come. I look forward to continuing to work as part of our union movement to build a socially just, productive and economically sustainable South Australia.

**Mr WINGARD (Mitchell) (11:34):** I rise to speak in support of the motion moved by the member for Schubert:

That this house—

- (a) notes the extraordinary influences unions (and in particular the SDA) have over policy decisions of the state Labor government; and

- (b) supports changes to the Shop Trading Hours Act to allow families in Marion, Noarlunga, Tea Tree Gully, Port Adelaide and Munno Para to have access to similar shopping hours as families in the Adelaide CBD and Glenelg.

It is interesting to hear the government's side of this debate. Not once have they mentioned the unemployment rate in South Australia, which is at 6.7 per cent on trend and 7 per cent seasonally adjusted. We have the highest unemployment rate in the nation and it has been that way for more than two years. For 28 months, in fact, on trend we have had the worst unemployment rate in the nation. It is worse than Tasmania and worse than every other state, and not once have those on the other side mentioned that.

Labor claim they care about people, but they do not care about people at all. They do not care about South Australians. They are just beholden to the unions and that is the fact of the matter.

**Ms Hildyard:** Who are working people.

**Mr WINGARD:** I think the member for Schubert outlined it incredibly well.

**The DEPUTY SPEAKER:** Order!

**Mr WINGARD:** And, no, I will not be intimidated by heckling from the other side. The government likes to do that. It is a bullyboy tactic that often comes through the unions as well. We know where it comes from. They try to use it in this place and we will not stand for it.

No-one denies that people need to be paid fairly and anything this government says that we are not in lock step with that is absolute propaganda. This government will say that. They will roll out propaganda to the contrary and that is just not the case. We support people. We support opportunities for people and we support choice for people, and that is what this government does not deliver.

Bring to mind again the unemployment rate, where we sit and where this government has taken us. We can look at not only unemployment, which I will talk about in a second, but also the other side of the coin, such as what this government has done as far as Oakden, child protection, the chemotherapy bungle and closing the Repat are concerned. That is what they think about South Australia. All those matters have come to light over the past few years as to how they are operating in this state.

Let's get back to shop trading hours and what our proposal from this side of the chamber will do. Our proposal will create opportunity and it will give choice. Let's have a look at some situations that are almost farcical. The member for Hammond made a really good point. In his area of Murray Bridge, people can shop at all different times and businesses have not closed down and people have not lost jobs. It has not had an impact at all; in fact, it has made for more jobs.

*Mr Pederick interjecting:*

**Mr WINGARD:** It has made for more growth, as the member for Hammond points out, and he is 100 per cent right. In the city, I hear about some of the things we have to deal with. Harvey Norman stores in SA have installed roller doors inside their stores because on public holidays they are not allowed to sell certain goods, such as electrical and whitegoods, but they are allowed to sell other goods. We have a roller door inside a store because you cannot buy this today, but you can buy that today. It is absolutely outrageous.

We talked about Murray Bridge. Let's talk about Mount Barker as well where they have unrestricted trading hours, yet stores in Stirling have to close. They are a stone's throw away, but someone can sell and someone cannot. It is ridiculous. Let's go to linen, quilt and pillow stores, like Sheridan. They are not allowed to trade on public holidays, but Ikea and Snooze and stores like that can trade and sell beds, quilts, pillows and linen. How one can and one cannot is just absurd. These are the things that really frustrate people.

By deregulating and opening this up, we will create more opportunities for people. It will allow shops to be open when they can sell goods and products and they will be able to employ more people to come and do that. That is the opportunity that is being created. Some of these opportunities that will be created will be beneficial for some of our most vulnerable. It will give opportunities to allow them to come and work.

The member for Fisher scoffed before when the member for Hammond explained that in certain organisations, when people sign up to work, they are automatically put in the shoppies union. They automatically go in. They are locked in and you actually have to opt out. It is an opt out policy. It is absolutely unbelievable.

*Members interjecting:*

**The DEPUTY SPEAKER:** Sit down! Our parliament does observe standing orders and the standing orders clearly state that members are entitled to be heard in silence. I will start to warn members, which means question time will become precarious for them. The member is entitled to be heard in silence.

**Mr WINGARD:** The member for Fisher objects and says it is not true. It is an absolute fact and I experienced it firsthand. My son got a job at Hungry Jack's and he was very grateful for the opportunity. It is a wonderful learning experience for him and it is an absolutely fantastic opportunity. A letter came in the mail and it said that he was automatically signed up to the SDA and I, as his parent, had to phone up and opt him out, otherwise he would stay on as a member and his wage would be docked. It is an absolute fact, and the member for Fisher has to be better versed than that to know what is going on in South Australia if she wants to be a member in this place. It is absolutely absurd.

We are going to open this up and we are going to allow more choice for people. People will be able to buy goods in stores when they want to. Shopkeepers will be able to open when they want to. We hear those on the other side talk about IGAs and Foodlands not being happy, yet when you speak to them about the opportunity to be open Sunday mornings before 11am they think that is a great idea. They would like to be able to sell their goods and services on a Sunday morning before 11 o'clock, and they should be able to do that.

If you wake up on a Sunday morning and you want to get some eggs and bacon, maybe some milk and juice and make breakfast at home, whatever it might be, you should be able to go to the supermarket and buy those products. If the store wants to open and there is a demand there, they should be allowed to open. That will generate more working opportunities for South Australians.

I hark back again to the unemployment rate in South Australia. Those on the other side do not want to talk about it. We have the highest unemployment rate in the nation and have done for more than two years. This is an opportunity to allow more people to work. People want a flexible lifestyle these days. Students and young people, like my children coming through, are looking for an opportunity. If we can help businesses create opportunities to give work to young people, that is a good thing. It is a good thing to give work to anyone.

The other thing that is overlooked on the other side—and we hear a lot of historical talk back to the 1800s and the early 1900s—is that in the modern day online shopping is a very big phenomenon. A lot of money is being spent online and people are shopping online. I had the following experience with my kids just the other day: when they do not have the opportunity to go to any store—if the Marion shopping complex is not open, for example—they will go online and they will shop online. If businesses cannot be flexible in their offerings to people through more open shop trading hours, they will find it harder to operate.

Because of our restricted shop trading hours in South Australia, we have more internet shopping than any other state in the nation. That is a fact in South Australia and we need to create flexibility for our shops to be able to give these offerings and to be in the market. The country is opening up and the world is opening up. We need to make sure that our businesses have every opportunity to sell their goods and wares whenever they can and whenever they want to.

The other side will also talk about penalty rates in this debate on shop trading hours. This has absolutely nothing to do with penalty rates. This has to do with creating opportunities where businesses can open. What disappoints me about the other side of this house is that they do not back South Australians at all. They say, 'This group will be affected, and this group will be advantaged,' but this change will create competition, and competition is a very healthy thing.

As an example, there is a supermarket at the end of my street that sells its wares. There is another supermarket down the road which has invested, developed, increased their output and their

produce and they are doing a really good job. I do not go to the supermarket at the end of my street anymore. I go to the one down the road because they have a better offering. They are now putting pressure on the supermarket at the end of my street because, if they do not lift their game, the supermarket that is giving a better offering will get more business. That is competition. It forces people to work harder, do better and create a better service.

My wife went to a Coles supermarket yesterday. I am not sure if anyone else has this concern, but she was in a line and they opened another checkout alongside her. She was next in the line and they took the person off the end of the line. She did not think that was very good service. As a result, she will now go to the local Foodland because they employ more people and they give better service.

There is the opportunity, in competition, that if you provide a better service, provide better produce and provide better products you will get more custom. That is the opportunity we need to create. That is the opportunity people in South Australia are looking for. We cannot keep strangling people and we cannot keep tying people down.

The member for Schubert mentioned the Productivity Commission. That is another great example where they talk about finding ways to make things more productive, to provide better services, better competition and better outcomes, and that is what we need to be looking for. We cannot accept the outcome that we have in South Australia, after 15 years of a Labor government, where our unemployment rate is the worst in the nation. It is just not good enough.

Allow people to open Sunday mornings, allow people to open on Boxing Day. Boxing Day is the biggest day in the nation when sales go through the roof. Marion shopping centre is not allowed to open on Boxing Day. It is too restrictive. Small shop owners there want to be able to make money on Boxing Day, they want to employ people on Boxing Day, but this Labor government does not want people employed. They are happy to see us at the bottom of the table when it comes to unemployment. We really are the laughing stock of the rest of the country.

**Mr DULUK (Davenport) (11:44):** I was not going to speak on this motion, even though it is a very good motion, until the member for Kurna got to his feet and made me reflect. I saw the member for Kurna and I thought, 'What's the member for Kurna doing on his feet?' Then I thought about the member for Kurna and how he has his position in this house. Then it dawned on me that the member for Croydon, the member for Ramsay, the member for Playford, the member for West Torrens, the member for Newland, and indeed, the member for Kurna, the member for Little Para, the member for Elder, the member for Taylor, the Hon. Tung Ngo in the other house, and the next leader of the Labor opposition, the Hon. Peter Malinauskas, all owe their position in this parliament to the SDA.

They all started there. It is the single most dominant union in this chamber. Those members ride roughshod over all the other members of parliament on the Labor side. Of course, on top of the SDA having an enormous number of affiliated members sitting in the house, they have given about \$1.8 million to the Labor Party since 2007. This is a union whose purpose is not to look after the worker, it is not to defend workers rights: it is to look after the rights of ALP members and to be used as a vehicle to get elected into parliament.

It is not me who says that the SDA has lost its way in terms of its representation of workers. We have seen it in recent years with all the deals that the SDA has cut with big employers. I will quote from the meatworkers union—which of course is the union that the Independent Deputy Speaker belongs to—publication of 31 May 2016 entitled, 'Bad deal gets the boot: Fair Work Commission slams Coles/SDA dodgy deal'. It states:

David has beaten Goliath again today, with the Fair Work Commission upholding the Meat Workers Union and young Coles worker Duncan Hart's claim that Coles and the SDA deal ripped off Coles retail workers.

Duncan and the AMIEU have been working together as part of a full-bench appeal against Coles and the SDA...that the new deal cooked up by Coles and the SDA will leave workers worse off—up to \$15,000 a year...

This is the great union that defends retail workers to the hilt, yet the Fair Work Commission said the deal that the SDA has struck with Coles, in this case, has left workers up to \$15,000 a year worse off. The publication goes on to say:

We are extremely pleased to announce that the Fair Work Commission has upheld that claim and ordered Coles to do better.

Describing the loss of income under the dodgy SDA deal as 'significant', the Fair Work Commission expressed their worry that Coles employees who 'work primarily at times which attract lower penalty rates' would be worse off.

The article then describes the way the SDA has been cutting deals with McDonald's at the same time, with its workforce, where the SDA has traded away penalty rates for employees at McDonald's. In another publication that I have been reading, *The Socialist*, the magazine of the Socialist Party (Australia), an article from 17 August 2016 states:

SDA in cahoots with bosses

Domino's Pizza has been caught out underpaying its workers by \$32 million a year!

This is because its workers are not being paid penalty rates for late-night and weekend shifts. Unfortunately, the...(SDA) has been complicit in this scam.

The SDA did a sweetheart with Domino's which saw the company increase its profits by 25 per cent at the expense of its workers. Domino's CEO...has asserted that the company will not start paying more ahead of a new agreement because it would 'set a precedent'.

...The SDA is a tame cat union that acts in the interests of the bosses. The fact that this organisation is one of the Labor Party's largest affiliates is a joke, given that Bill Shorten claims to support penalty rates while the SDA consistently sign deals that sell them away.

These are not my words; these are the words of *The Socialist*, a very fine publication to which I know so many in the Labor Party subscribe. We know the whole notion that the SDA is the great union for the worker is rubbish. I think the member for Reynell is not a member of the SDA. If she really thought it was a good union, she would certainly be a member of that union but she is not. We know that the SDA is no more than a vehicle to elect members of parliament into this house.

We all know that the SDA ultimately takes its cue from Senator Don Farrell, known as 'the Godfather', who at times is very generous with his support and love for the Labor Party. In fact, he is such a generous man that he gave away his Senate spot to the Senate leader Penny Wong, which was a mistake he will never make again. We all know that the patronage of so many members opposite belongs to the SDA, and that is why the SDA exists. It does not exist to look after retail workers: it exists to get people into this parliament.

**The DEPUTY SPEAKER:** The member for Croydon is on his feet.

**Mr Pengilly:** This will be good.

**The DEPUTY SPEAKER:** I remind members of the standing order. I know the Speaker would want me to keep people under control—

*Mr Knoll interjecting:*

**The DEPUTY SPEAKER:** —and I for one will be listening to his every word, member for Schubert. Member for Croydon.

**Mr Pengilly:** We may be inspired.

**The DEPUTY SPEAKER:** Order! The member for Finniss will be leaving us if he is not careful.

**The Hon. M.J. ATKINSON (Croydon) (11:50):** Madam Deputy Speaker, I should disclose straightaway that I am a member of the Shop Distributive and Allied Employees Association and have been for about 30 years. Before I was a member of parliament, I worked at the SDA, long ago and far away, when it was located on Glen Osmond Road at Parkside.

The thrust of the opposition's criticism of the SDA is its handling of enterprise bargaining. If my memory serves me correctly, enterprise bargaining was introduced by the Hawke and Keating governments, and then it was continued with some relish by the Howard government. As far as I know, the Turnbull federal government continues to support enterprise bargaining and would resist to the death a return to the old system of automatic wage increases. So, it is somewhat contradictory to hear Liberal MPs criticising enterprise bargaining, because essentially that is what they are doing.



**Mr Knoll:** It is called a no disadvantage test.

**The Hon. M.J. ATKINSON:** There is of course, as the member for Schubert interjects, inserted by the Gillard government, a no disadvantage or best overall—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

*Mr Knoll interjecting:*

**The DEPUTY SPEAKER:** Member for Schubert!

**The Hon. M.J. ATKINSON:** —test, but as every union representing workers will know, it is very hard to do an enterprise bargaining agreement that benefits every single worker employed under that agreement because some are full-time and some are permanent part-time working a variety of hours.

*Mr Knoll interjecting:*

**The DEPUTY SPEAKER:** Member for Schubert!

**The Hon. M.J. ATKINSON:** Others are casual. Some are working in the retail industry as night fillers and, therefore, only work the evening and night hours restocking the shelves. My understanding of the enterprise agreements, which the Liberal members today are tactically criticising, is that those enterprise bargains benefited at least 92 per cent of workers working under those agreements.

*Mr Knoll interjecting:*

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

**The Hon. M.J. ATKINSON:** It is true that there are some—

*Mr Knoll interjecting:*

**The DEPUTY SPEAKER:** The member for Schubert will be warned for the first time if he moves his lips again.

**The Hon. M.J. ATKINSON:** —there will be some workers who will not be advantaged by the enterprise bargain, but it is in the nature of a rule of law democracy, and it applies to a trade union as well that it tries to drive a bargain that is beneficial to the greatest number of its members. I know that the other trade unions—trade unions other than the SDA—are concerned at the interpretation of the BOOT test because they know that their agreements, rolling up penalty rates and putting them into the base rate, will also be undermined and indeed overturned by this ruling. They know that the same is going to occur for them.

The SDA has always been a union that has relied on conciliation and arbitration on the law. As an SDA organiser, I know that the places I represented industrially, with very few exceptions, were not in a position to go on strike, not in a position to go out on the grass and cripple the means of production and exchange, and therefore we had to rely on the legal system. If that makes us a non-militant union, if that means we do not have the industrial muscle of the Construction, Forestry, Mining and Energy Union, well, that is a fact because we have a different membership that is not in a position to stop concrete pours. We cannot do that kind of thing, so the SDA has to rely on the legal system.

It seems to me tactical, rather than strategic, for the Liberal Party in South Australia to be attacking the enterprise bargaining system, and through it the SDA, in order to make some very short-term political point. Does the Liberal Party really want the enterprise bargaining system to finish up? I do not think it does. I do not think that is its policy. When there is a moderate union that operates within the law, within the enterprise bargaining system, they ridicule it for purely short-term tactical purposes as being a 'bosses' union' or a 'friend of the bosses' union' or a non-militant union. It is a very cynical, short-term approach to politics.

I was astonished to hear the member for Davenport—and this is what prompted me to rise to speak; unusually, because I do not speak very much now that I am the Speaker—quoting *The*

*Socialist*, the organ of the old Socialist Party of Australia, the pro-Moscow Socialist Party of Australia and now the Communist Party of Australia, a political party with blood on its hands, the blood of millions of people in the Gulag archipelago, the Yezhovshchina—

*Mr Pengilly interjecting:*

**The DEPUTY SPEAKER:** The member for Finnis is called to order. He is out of his place and he is speaking.

**The Hon. M.J. ATKINSON:** —the Great Leap Forward and the Cultural Revolution.

*Mr Duluk interjecting:*

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

**The Hon. M.J. ATKINSON:** Here is a son of Poland quoting with approval the attack on moderate unionism by the successors of Joseph Stalin in Australia. That is astonishing cynicism that I cannot allow to go unremarked.

Of course, the Shop Distributive and Allied Employees Association has always been the butt of the Communist Party's criticism because its leadership was part of the very courageous men and women who in the 1940s and 1950s wrested back control of that union from the Communist Party, an era that prevented communist domination of the Australian labour movement and in particular the Australian Council of Trade Unions.

Back in 1974, with the amalgamation of the unions that went to join the AMWU, it is true that a series of membership agreements were entered into in the retail sector to try to boost the non-Communist side of the labour movement, so it really is a bit odd to hear Liberal Party MPs and people like the member for Davenport, who purport to tell the truth about the role of communism in history, and in particular the role of the Communist Party and the Polish United Workers' Party in the history of Poland, condemn a trade union, one of the early Australian trade unions to have fraternal relations with the Polish Solidarity trade union.

It is a complete rejection of principle and the worst kind of political short-termism to be criticising moderate, lawful trade unionism operating within the enterprise bargaining system according to law.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

*Mr Goldsworthy interjecting:*

**The DEPUTY SPEAKER:** Member for Kavel—

**The Hon. M.J. ATKINSON:** My understanding of it is that the Turnbull government is moving now to amend the BOOT test so that enterprise bargaining can work as it should for the benefit of management and business, for the benefit of workers and for the benefit of the Australian economy.

**The DEPUTY SPEAKER:** I am sorely tempted to move an extension of time because of that severe heckling during the last portion of your speech, Mr Speaker.

*Members interjecting:*

**The DEPUTY SPEAKER:** I advise the member for Kavel that this morning we have been observing standing orders, which might be foreign to him, but he is not to speak over members on their feet who are speaking.

**Mr VAN HOLST PELLEKAAN (Stuart) (12:01):** I will be fairly brief. I do not have anything nearly like the understanding of the history of the union movement that the last speaker has, but I do not think anybody else here does either. I am going to try to insert, from my perspective, a bit of common sense into this. My working history began when I started out as a labourer. I left home at 18 and started working as a labourer and in hospitality as a waiter and behind the bar. That is pretty normal, right? I was very, very lucky—

*Members interjecting:*

**Mr VAN HOLST PELLEKAAN:** I was very fortunate—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! I am on my feet. No more. Member for Stuart.

**Mr VAN HOLST PELLEKAAN:** I was very fortunate to be able to play professional sport for a few years. That allowed me to go to university. That was the best way I could have ever imagined to work my way through university. I spent a decade after that in a multinational company in the corporate world and a decade after that in private enterprise in the outback, essentially being my own labourer again, digging ditches, serving drinks behind the bar, making beds, cooking hamburgers and trying to be my own plumber and my own electrician—all those sorts of things you do in outback roadhouses.

My story is not special in any way, but it leads me to the very strong view that all people deserve good representation. All people deserve collective representation or at least the opportunity to have it, whether they be employees, employers, trades or industries—everybody deserves that opportunity. However, I am completely opposed to any of those collective representors having undue influence on the market. Of course, they have the right to advocate, the right to inform and the right to negotiate and bargain strongly, but when it comes to undue influence—and this is one of the most important things that the member for Schubert talked about—I am completely opposed to that. In my mind, many unions have undue influence on this parliament. That is something I think needs to change.

With regard to the member for Kaurua changing the motion, that is completely inappropriate too. It is completely inappropriate to have a motion that wants to say that something should be black and to change it to say that something should be white, because we are not even debating now what we started debating. That is completely inappropriate as well. Members opposite talked about the federal government's work with regard to changing penalty rates. It is very important to put on the record that it was the federal Labor government that set up the independent commission that was to make a determination about what should happen to penalty rates.

That independent commission, established by federal Labor, handed down its determination during a federal Liberal government. The federal Liberal government is just continuing that work and saying, 'Okay, whatever this independent commission determined, that's what we will do.' The federal Labor opposition and state Labor government would have us believe that this is all the dastardly work of the federal Liberal government, when of course it is clearly not the case. The commission was set up to operate the way it is operating under the former federal Labor government.

The other thing that is completely false about that is to imply that the federal Liberal government is getting rid of penalty rates. There is not a person on this side of the chamber who does not believe that there are times when penalty rates should be paid. Of course there are times when penalty rates should be paid, but the substance of this motion is saying, 'Let's free up the shop trading hours. Let's allow workers to have greater opportunity to earn penalty rates on more times than they currently do at the moment.'

The member for Schubert is saying very clearly that if people and families want to shop at flexible hours, if businesses want to sell and trade with flexible hours and workers want to work with flexible hours, let them all get on and do it. Nobody is going to be forced to do any one of those things, but let us find the times, let us find the places where it is appropriate for people to have the opportunity to buy, to sell and to work outside the currently reduced regulated operating hours.

Deputy Speaker, as you know, I represent the electorate of Stuart, and the heart of the electorate of Stuart is the regional centre of Port Augusta. We have very light regulation on our shop trading hours. We have Coles and Woolworths, which are open from 7am to 10pm seven days a week. Our economy is not suffering for it and our workers are not suffering for it. The butcher, the baker and the candlestick maker all still have ample opportunity to trade and to thrive. There are other businesses that benefit because of those extended shop trading hours by the bigger organisations.

For example, cafes, service stations and hotels all find that more people are coming to Port Augusta at a wider range of times. When they are there, they are going to those other businesses

as well as to the larger businesses that are allowed to trade in a way that they are not allowed to trade in metropolitan Adelaide. So, it can work. Nobody would be forced to work, but it can work. For that reason, I support the motion by the member for Schubert.

**The Hon. T.R. KENYON (Newland) (12:07):** I will speak very briefly. We will get to the nurses. I will just say this: I am happy to support the member for Kaurna's amendment to the motion. I will just lay out very briefly my position on this. I do not think anyone should have to do work on a Sunday. I do not think I will be able to speak to the nurses motion, so I will take this opportunity to thank those nurses and all our emergency services that do work on a Sunday. There are some very good arguments why emergency and essential services should work on a Sunday or why they do work on a Sunday, and they should get paid substantial penalty rates for it.

But I do not think any unnecessary work should happen on a Sunday at all because I think it is good that there is a day of rest as a society, that we have one day when the economy is not the most important thing, when our society is the most important thing. There should be a day a week when people know they will be able to spend time with their families, they will not have to turn up at work and they will not be pressured to turn up to work.

I should declare right now that I am still a member of the SDA. I have been an organiser for the SDA, and I have seen the pressure that employers will put on employees to do things. Even though there are clauses that state no-one can be forced to do things, pressure can be exerted. Shifts can be withdrawn, especially for casualised labour. That can be seen in the retail and fast-food sector, where young people, working from 15 or 16 years old, hardly know how or even if they are allowed to stand up to their boss. I saw that time and again when I was an organiser working in McDonald's, for instance. I am sure the member for Elder can tell you all about McDonald's and how they operate. I can tell members that there is a lot of pressure on young people to do things that they would not necessarily want to do.

I think it would be wonderful if this society could put the economy aside for one day and have a day a week to itself when only those essential people have to work. I am probably a bit of a dinosaur in this parliament—in fact, it has been proved time and time again, I think, over the last year at least—but I do not believe that there should be much work at all on a Sunday. It does not matter to me whether it is a Sunday or any other day of the week, but there should be a day of the week when we exist as a society, in our families and enjoying relaxation and recreation, as opposed to focusing on the economy, working and everything that goes with it.

Again, I take my chance to thank nurses and other emergency services and essential services workers, those people who work every day of the week at every time of the day because they have to for the good functioning of society. I regret that I will not have a chance to say that later. I strongly support the member for Kaurna's amendment and I oppose the original motion of the member for Schubert.

**Mr KNOLL (Schubert) (12:10):** In rising to rebut some of the comments from members opposite, I think we shall hereafter rename the member for Kaurna Hanrahan, as his speech was entitled, 'We'll all be rooned if we deregulate a few shop trading hours.' That is completely false when we look at, as the member for Stuart talked about, the example that exists in our regional areas where deregulation has already occurred.

Certainly, in my electorate of Schubert, we have a thriving small business sector. In fact, we do not have Coles or Woolies in the Barossa. Small business thrives in regional areas more than it does in the protected shops of the Adelaide metropolitan market. This idea that somehow Hanrahan is coming here to stay is completely false and is borne out to be false by the evidence of regional South Australia.

The member for Reynell talked about sticking up for equality and women's rights. What could be more empowering for women than being able to work at a time that suits them? What could be more empowering for a single mother who cannot work nine to five, who has to look after small children nine to five, who may be able to work nights or mornings because she is able to hand off to family or friends to look after kids at odd times, who would want to work at those times in those hours? How is it bad for women's rights to give them greater opportunity to work at times that may suit them? Again, it is completely hypocritical and completely wrong.

I want to talk about the member for Newland's contribution. Here is a man who would like to move back to the 1950s—

**The DEPUTY SPEAKER:** He never moved.

**Mr KNOLL:** —to a time before colour television, to a time before the end of the 6 o'clock closing of pubs, to a time when moral order was restored in the world and before Vatican II. He talked about workers being coerced to work on the weekend. If you take out 'forced by employers to work on the weekend' and insert 'becoming a member of a union', his comments could be made exactly the same. The SDA, which is legendary for coercing its young, vulnerable casual workers into joining the union, is completely at hypocritical odds with some of the comments that have been made—complete hypocrites.

Do not talk about exploiting young workers when a significant portion of their union membership goes towards funding the Labor Party. It is an absolute disgrace and complete hypocrisy. I will tell you what has changed since the 1950s, member for Newland: the fact that tourism is a massive and important part of our economy. The member for Mawson stands in here spruiking tourism as one of the few saviours of South Australia. Well, guess what? When tourists come here on public holidays and on weekends, they want the ability to shop. Giving them the ability to shop is going to help to attract them here.

The Deputy Premier talks about wanting a vibrant Adelaide. It is more than just lights that can say 'Happy birthday, Steven Marshall' on the side of Bank Street. It has to be about jobs and it has to be about retail trade, and for that example we need to have deregulation of shop trading hours. I reserve my greatest criticism for whatever it is the member for Croydon got up and told us—when he waxed lyrical about the history of the union movement from the dawn of time, when I am sure he was just being born. He basically said that deregulating shop trading hours is going to bring back communism. I look forward to that.

If the Liberals get in and we deregulate shop trading hours, then the communists are coming back in force. I look forward to that DL in marginal seats across metropolitan Adelaide, but it is completely fanciful. It was a beautiful understanding of the internal workings of history, but it was completely at odds with the member for Reynell. She said that the union movement was together and unified, and then the member for Croydon talked about the fact that the union movement has been disunited and at war with itself for decades. It is good to see that he is still fighting those good old fights in his electorate and within the union movement today. It is a beautiful thing. Again, it is complete hypocrisy and a complete lack of unity shown by those members opposite.

In my opening remarks, I challenged those on the other side of the house to say why consumers should not be given choice, why workers should not be given choice and why business should not be given choice, and they failed. All that they have shown this morning has reinforced the fact that they are beholden to sectional interests. On this side of the house, we are here for all South Australians. On this side of the house, we are here for people who want to shop, workers who want to work and businesses that want to open. We will not resile from attacking those opposite for being beholden to the sectional interests that they are, and in the end, as they scurry down their ever-shrinking burrow back to the bottom of the pit, the hypocrisy they show on a daily basis will come to light.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order!

The house divided on the amendment:

Ayes ..... 21  
 Noes ..... 16  
 Majority ..... 5

AYES

Bedford, F.E.  
 Close, S.E.  
 Gee, J.P.

Brock, G.G.  
 Cook, N.F.  
 Hildyard, K.

Caica, P.  
 Digance, A.F.C.  
 Hughes, E.J.

## AYES

Kenyon, T.R. (teller)	Key, S.W.	Koutsantonis, A.
Mullighan, S.C.	Odenwalder, L.K.	Piccolo, A.
Picton, C.J.	Rankine, J.M.	Rau, J.R.
Snelling, J.J.	Vlahos, L.A.	Wortley, D.

## NOES

Duluk, S.	Gardner, J.A.W.	Goldsworthy, R.M.
Griffiths, S.P.	Knoll, S.K. (teller)	Pederick, A.S.
Pengilly, M.R.	Pisoni, D.G.	Redmond, I.M.
Speirs, D.	Tarzia, V.A.	Treloar, P.A.
van Holst Pellekaan, D.C.	Whetstone, T.J.	Williams, M.R.
Wingard, C.		

## PAIRS

Bettison, Z.L.	Chapman, V.A.	Bignell, L.W.K.
Sanderson, R.	Hamilton-Smith, M.L.J.	Marshall, S.S.
Weatherill, J.W.	Bell, T.S.	

Amendment thus carried; motion as amended carried.

*Parliamentary Procedure*

## VISITORS

**The DEPUTY SPEAKER:** Before I ask the member for Fisher to speak, can I ask members to leave the chamber quickly and quietly if they are not staying for this important debate. I welcome to the gallery today a group who are the heart of nursing care in South Australia, a great representation of professionals from the Australian Nursing and Midwifery Federation, our universities and the VIP rank and file of SA nursing. We welcome them today as guests of the member for Fisher, and hope they enjoy their time with us. Member for Fisher.

*Motions*

## INTERNATIONAL NURSES DAY

**Ms COOK (Fisher) (12:20):** I move:

That this house—

- (a) celebrates International Nurses Day held annually, and this year on 12 May;
- (b) acknowledges this year's theme, 'Nursing: A Voice to Lead—Achieving the Sustainable Development Goals';
- (c) commends the leadership of the profession in the evolution of new frontiers for nursing and midwifery in advancing practice; and
- (d) thanks South Australian nurses for their dedication to the advancement of all South Australians' health.

It is my pleasure to lead the celebration of International Nurses Day, when we reflect on the incredible contribution nurses make to our Australian way of life. I welcome my many nursing colleagues present in the gallery: as stated, members of the Australian Nursing and Midwifery Federation (SA Branch), representatives from the University of South Australia, Flinders University of South Australia, SA Health, a diverse range of acute care/aged care/community nurses from both the private and public sector. Thank you for coming today.

I would also like my colleagues present in the house today to recognise the many nurses currently on duty in our hospitals and out in the community. In this place we often hear complaints

about parliament sitting late, but it is truly nothing when compared with the sacrifices that many nurses on rotating shifts make every week. I am sure the union members seated in the gallery enjoyed the hearty debate on the previous motion, and I hope they have something to take home and consider over the next nine months. Unions are not just our safety net, they are the mesh that holds us together when we need the most support, and I thank the union for that.

While most South Australians are at home with their families, having dinner or sleeping, thousands of nurses are working around the clock, so it is important that we remember that we need to stay firm and steadfast in our fight for penalty rates. I recognise my fellow parliamentary colleagues from the profession: the member for Elder in this place and the Hon. Gail Gago in the other place, herself a legend of the Australian nurses federation union movement. Nursing is a profession that can take you many places, and we are proof of that.

We celebrate International Nurses Day on 12 May in tribute to Florence Nightingale's birthday, the founder of modern nursing. On this day we recognise nurses around the world for their contribution to health care. Today is the closest parliamentary sitting day to International Nurses Day, so today I would like to, on the record, wish nurses around this state and around the world a very happy International Nurses Day.

The theme, 'Nursing: A Voice to Lead—Achieving the Sustainable Development Goals', aims to promote leadership qualities shown by nurses and their contribution to the United Nations sustainable development goals. Nursing is the largest professional cohort in health care, and the impact that our profession makes to driving outcomes in health cannot be understated.

On top of the clear impact nurses make to the lives of patients and their families, nurses influence policymakers in the management and direction of health care to improve practice. Nurses, as the primary providers of health care to all communities in all settings, are key to the achievement of the Sustainable Development Goals. These goals were adopted by the United Nations in 2015 to replace the Millennium Development Goals. Member states have agreed to achieve these goals by 2030. Those of you not familiar with these goals would do well to read through all of them and ask yourself what you can do, indeed what are you already doing, to support achieving the 17 goals needed to transform our world. When addressed, we would have achieved a level of humanity and decency needed for an equitable, safe and humane global community.

Undoubtedly, nursing takes a lead in the delivery of these goals throughout the world. Some, like good health and wellbeing, are obvious, but the work of nurses also makes a major contribution to the delivery of other goals, like education and poverty, which are social determinants of health. Social determinants of health are the conditions in which people are born, grow, work and live, and they impact on the conditions of health and daily lives. If I mention other key elements of these goals to you—like sustainability, clean energy, climate action, equality, sanitation and justice—just maybe the theme would be clear. It is about decency. I could keep going on, and anything said about these goals links back to the fundamentals of sound nursing practice.

I think back more than 30 years to my first block of study—PTS I think it was called—and on the late night when I was considering what I would say today I could not even remember what PTS stood for (I think 'post-traumatic stress' might be one of the options I could string together). I really cannot remember what it stood for, but what I do remember is learning about Maslow's Hierarchy of Needs. I remember that without each step, each layer, each part of the foundation, we did not achieve our full potential, and we were not able to experience wellbeing. We have moved forward in time, but we are still aiming towards the same things through another language, simple concepts much more clearly defined: nurses lead.

Of course nurses are at the front line of the health service, helping people achieve their peak health, but they frequently work to address social determinants of health, as nurses understand the links between lifestyle conditions and individual and population health. Nursing encompasses the promotion of health and the prevention of illness as well as the care of the physically and mentally ill so, as nurses, we are therefore concerned about where children are born, where people grow up, where they live, work and grow old.

The theme 'A Voice to Lead' refers not only to the advantaged few. Every nurse on the planet has a voice they can use to make a difference. The experiences and personal knowledge of nurses

in providing care impacts beyond the patient experience. There is no doubt that nurses should engage in policymaking, particularly when it addresses issues of resource allocation, outcomes and expectations, and access to health care for vulnerable communities.

Judith Shamian, the president of the International Council of Nurses, calls this collaboration a shared responsibility. A great example of this has been the commitment of the ANMF (SA Branch) to supporting evidence-based practice through a collaboration with the state government to adopt the Registered Nurses Association Ontario (RNAO) Best Practice Spotlight Organisation Program (BPSO). The program's goal is to influence the uptake of best practice guidelines across healthcare organisations, enable practice excellence and achieve positive client outcomes.

In South Australia, Central Adelaide, Northern Adelaide and the Women's and Children's Health Network are part of the Australian BPSO program. This proven, nurse-led program has resulted in significant improvements in client, patient or resident outcomes such as reductions in falls, pressure ulcers and length of stay, and promotes early intervention for people with behaviours of concern, as well as promoting healthy work environments for all. It has provided the opportunity to promote the nursing and midwifery profession as one where evidence informs the best practices in care. It is very important, and it is something that our patients need to know about and something that the public needs to know about.

Building on the RNAO's experience, we have also demonstrated significant and sustained improvements in performance and in reduction in costs after implementation and concrete savings for health systems: \$64,000 for each nurse remaining in a role, \$35,000 for every fall prevented, up to \$80,000 for every amputation averted and \$9,000 for every pressure ulcer avoided through consistent care and ongoing evaluation of nursing and midwifery practice. To put it simply, it is like printing money.

To support nurses to implement and embed practice change, you need to have the right culture and you need leaders prepared to take the risk. By introducing this program, which has already been tested in Canada and across the world, we are saying that in the nursing profession these things do work. There are some contemporary challenges that stand in the way of nurses achieving excellence, and violence is one of them—sometimes triggered organically, sometimes chemically and sometimes as a side-effect of another condition. I know only too well the cost of violence, and sometimes there is simply no explanation. Nowhere should we tolerate violence, but particularly when it is towards workers.

The ANMF has been working in collaboration with SA Health to implement the recognising and responding to challenging behaviour strategy to address violence in emergency departments. Following the success of the 'Hands off our Ambos' campaign, which saw a 13 per cent reduction in violent incidents against ambos, SA Health released the 'Waiting is not an Emergency' campaign this year, and I was lucky enough to go to the launch. I have shared it on social media with the hashtag 'letuscare', and this video has had more than eight million views on the Facebook site alone. I am sure that this campaign is helping people not only in South Australia but worldwide.

The horrific death of outback nurse, Gayle Woodford, in remote South Australia during March 2016 really woke us up to the dangers and the risks that our outback angels face every day. The state government operates only one remote healthcare service in Oodnadatta, and I have asked many questions about that. I am assured that the policies and the practices that have been changed and implemented now ensure that all people access patients with another person with them. Nobody is attending anything in isolation. This is not the end of Gayle's legacy. We, the nurses left behind, must ensure the legacy is enduring.

Ongoing review and active participation in policy development by nurses engaged in leadership is also leading to the development of things, such as advanced practice roles. It is an active process. The emergence of these roles has accelerated in recent times. Not long ago, I spoke to patients undergoing chemotherapy at Burnside War Memorial Hospital and asked them about the processes there and reflected on my work at the chemotherapy unit 20-something years ago, and how I was supported by progressive leadership of the CNC, Marg Smith, and also Michael Chia, a doctor who treated patients with respiratory cancers, a doctor who knew these patients could not afford the additional \$100 per callout for an insertion of an IV cannula—and we are talking only two decades ago.



Along with those people, I developed from scratch a package to educate and implement IV cannulation. They are still doing that today in private hospitals, but it was quite new back then. That is very small and dwarfed by the titanic extended practice roles, such as those we are rolling out now in terms of nurses being able to perform endoscopies, which will really change healthcare processes. When nurses and midwives and other health professionals end up around the policy table together, we make a difference—we lead.

I would like to take this opportunity to commit to you, my colleagues, my unrelenting commitment to ensure that we do all we can to stop elder abuse in the community and in institutions. Last year, I triggered a parliamentary inquiry into elder abuse on the background of the public airing of the vision of Clarrie Hausler being treated in the most appalling manner in his bed at the Mitcham residential care facility. Clarrie passed away late last year. Many of us here today know Clarrie's daughter, Noelene Hausler, a very dedicated neonatal nurse. I have also felt very much sickened by the stories coming out of Oakden, and we have now moved to include the investigation of the report on Oakden into our inquiries.

All staff looking after our vulnerable elderly and mentally ill patients need care and support themselves. They need an intensive staff development framework in place to ensure best practice is understood and delivered. They need a supportive and proactive clinical leadership team and governance framework. The patients or residents and their families need a program of staff screening and registration that is accountable, transparent and meaningful. This review, along with any reforms, needs to be a patient process. I am a patient person, sometimes, and I will ensure that this process is rigorous and that the recommendations are sustainable.

I have gone on far too long. I am very sorry to everybody else who wants to speak, but I put on the uniform and felt like I needed to get moving. I feel reinvigorated. If anyone needs anything attended to, I am here and wearing the scrub shirt. You are all good and you are in safe hands—there are lots of nurses around. Thank you to all my nursing friends here for your service. Thank you for your inspiration and your leadership, but thank you most of all for your friendship. Happy International Nurses Day.

#### *Parliamentary Procedure*

#### **VISITORS**

**The DEPUTY SPEAKER:** Before I call the member for Stuart, I would like to acknowledge that earlier, at the beginning of this debate, we had a group of students from Willunga High School who were unfortunately unable to stay for the full debate. They were guests of the member for Kaurana. I hope they enjoyed their time here this morning.

#### *Motions*

#### **INTERNATIONAL NURSES DAY**

Debate resumed.

**Mr VAN HOLST PELLEKAAN (Stuart) (12:35):** I rise to wholeheartedly support the motion by the member for Fisher, as I know my colleagues will as well. I also believe that it is very important to have as many people as possible from as many different working backgrounds in our parliament. It is tremendous that we have nurses among us as a broad group of decision-makers. I think that is very good.

I am fortunate enough to be married to a nurse, as are many of my colleagues. I am very lucky in that way. I have no medical training and I do not pretend to know the ins and outs of her profession, but I do know a bit about the impact that working as a nurse can have on people. My wife proudly says that she is a hospital-trained nurse, and she does not mind that that clearly gives her age away. She thinks that they are by far the best nurses, and there are people in the gallery who can make a much better, more informed decision on that than I can. However, she certainly holds that view very strongly.

Nursing is an incredibly broad profession, as the member for Fisher mentioned, and there are many opportunities to pursue when a person starts a career as a nurse. That is very important and should be encouraged. It is an honourable profession and it is a complicated profession. It is not

only complicated with regard to the actual medical work but it is also complicated at a personal level. Nurses need to be simultaneously nurturing and also, at any moment, may have to give second-by-second intense medical care. I think that would be a very hard thing to do. To have that genuinely nurturing way about you knowing that you might have to spring into action at any point in time would be a difficult thing for most people. Care, of course, includes a short-term, a medium-term and a long-term component.

Nurses develop relationships with their patients; they develop relationships with doctors. I am talking about working, professional relationships. You need a wide range of working, productive, useful relationships to work well as a nurse, regardless of the workplace that you might be in. One of the difficulties is that you develop these working relationships and you know that the medical care will not always be 100 per cent successful. People do die or, if they do not die, maybe they do not recover exactly the way in which people hope they would. Most people do, and that is fantastic. However, there is another sort of complication, from my perspective at least from the outside, and that is how difficult it would be at a personal level, aside from the medical care required to be a nurse.

Unfortunately, occasionally it is a dangerous profession. I think about the risks that are sometimes faced in metropolitan emergency departments. I think about the risks faced by many nurses I represent in parliament who work on their own in remote locations, and the member for Fisher mentioned Gayle Woodford. Totally separate from the obvious fact that a tremendous person died under tragic circumstances at work, this is something that flows through to families, communities and districts. Just to digress a little, Gayle Woodford and her family were long-term Leigh Creek residents, a township I am very close to and know well. They had moved away recently. She passed away in the member for Giles' electorate, and I know that that has had an impact on him.

Many people have been affected, all the way through to local Aboriginal people who quite understandably feel great shame about the way she died. There are risks in everything we do, but nurses (and some other professions of course) put themselves in risky situations at times and they know that. There is not one outback nurse, not one metropolitan ED nurse who does not know that there could be some sort of unforeseen risk that day at work. It rarely happens; it very rarely happens, fortunately. It should really happen less, but I think it is important to acknowledge that it does happen.

The average age of nurses is of concern. I do not think anybody in this chamber, including in the gallery, would mind me saying that. The average age of nurses is too high. There is absolutely nothing wrong with older, more senior nurses who give great care, but it is important that we get more people coming through the profession so that the profession can always be here and that we have a wide range of people with a different range of skills, outlooks, social understanding and that sort of thing offering nursing care.

It is important that government—Liberal, Labor or whoever it happens to be—is very cognisant of the fact that we need to encourage more people to come into the nursing profession at earlier ages. Importantly, we need to encourage more people to stay in the nursing profession as well. That comes back to the comment I made before about being hospital trained. The reason I mention that is that my wife (and I am sure she is not alone) has a strong view that hospital-trained nurses stuck at their profession far more often and far longer than university-trained nurses.

I know that is a very broad generalisation, and I am not suggesting that all of a sudden we must change from one automatically back to the other, but I think it is very important, given that so many nurses are public servants—not all of them but so many of them are—that the government has a responsibility as an employer to make it a profession that will encourage people to enter it and encourage people to stay in it.

Also, increasing the areas of responsibility that professional nurses can engage in—for example, being nurse practitioners and that sort of thing—is incredibly important. Opening up the doors for the right nurses with the right qualifications and the right capacity to take on more responsibility will make the profession more rewarding for those who are in it and no doubt attract more to enter it and to stay in it.

The last thing I would like to say is thank you: thank you to nurses. It is the last of the four points in the motion of the member for Fisher, and I would like to say very directly and very genuinely, thank you to nurses, who care for all of us.

**Ms DIGANCE (Elder) (12:42):** Today, I am delighted to rise and speak in support of the motion put before this house by the member for Fisher, a fellow parliamentarian, fellow nurse and a great local advocate. Welcome to all of you. The motion is in recognition of all South Australian nurses, of which I am one, as well as a midwife, and also Adjunct Associate Professor at Flinders University, Faculty of Medicine and Health Sciences.

Along with the member for Fisher, I work to ensure that nurses and midwives have a voice in parliament. Annually, on 12 May, we commit to recognising, reflecting and promoting the essential work of nurses, to afford the well-deserved recognition to our nurses who work in so many diverse areas across our healthcare system and our community, providing leadership, care and influence for the wellbeing and health of South Australians.

This motion acknowledges leadership, innovation and a profession evolving into new frontiers of practice. This year's theme, Nursing: A Voice to Lead—Achieving the Sustainable Development Goals, is highly appropriate and relevant. The sustainable development goals build on the Millennium Development Goals. They go much further as they encompass and invite the world in its entirety to address critical issues that affect humanity—these being prosperity, peace and partnership.

While there has been an established and agreed framework, it is not binding, but governments are expected to come up with their plans to end poverty, diminish inequality, tackle climate change and ensure that no-one is left behind. Inequality can take a toll on health, dictating unfair and unbalanced determinants. I know, from people I see in my electorate who live on or below the poverty line, that they on a daily basis make decisions to trade off missing a meal, missing medication, paying electricity bills, buying school shoes for their children. On a daily basis, they are crippled by these decisions of how to meet their basic human rights and needs.

The profession of nursing has implicit in it the responsibility to advance and evolve the practice for the benefit of promoting and progressing the health and wellbeing of our community, which is why I will highlight a few areas of importance, these being the care of the vulnerable and the provision of access to health care to all, as I identify the need to recognise the expanded professional role of experienced nurses and the changing needs of residential and aged care.

Inherent and in support of this is the need for us in the broader community and also in the management structures to care for those who care for us, and I will touch on the need to be vigilant and ensure that pay and working conditions are appropriate. Nursing professionally is continually evolving in response to community needs, expectations and innovations. The profession continues to promote and advance the role of the nurse, as we see nurse practitioners in a variety of settings.

The changing health landscape in South Australia lends itself to the stand-alone nurse practitioner-led clinic model that occurs in Canberra. These nurse-led walk-in centres provide free one-off advice and treatment for people, as long as they are over two years of age. No appointment is necessary and consultations are by expert nurses. These centres are located in two suburbs of Canberra, having originated co-located near the emergency department at Canberra Hospital. At these centres, specialist nurses provide advice, assessment and treatment for minor illnesses and injuries such as cuts and bruises, minor infections, strains, sprains, skin complaints and coughs and colds.

If necessary, patients will be redirected to the most appropriate healthcare professional. The nurses can prescribe medications and order X-rays under certain conditions. This type of clinic has a demonstrated track record in Canberra, and I believe it is timely for South Australia to now consider these nurse practitioner-led clinics, particularly in light of the health system changes and now with further proposed health cuts, courtesy of the federal government. These clinics will support access to health for all.

Secondly, I touch on the area of care of our state's most vulnerable. A few weeks ago, in honour of the International Day of the Midwife, I gathered close to 60 midwives where you all sit today and I spoke on models of care that would afford appropriate attention to babies' and children's welfare. Today, I will touch on the other end of the life cycle—our vulnerable elderly. I say nothing new to you when I acknowledge that our elderly deserve the best care in their frail and susceptible

years. They must be treated with true regard and handled with care, while valuing and appreciating their past contribution to the society they have built for all of us to enjoy.

We must ensure that our governments and leaders action the sustainability goals of equality to meet the needs of our aged-care facilities and that patients, relatives and friends can be assured of best care at all times. We know from the National Aged Care Staffing and Skills Mix Project Report released late last year that, on a regular basis, residents in aged-care facilities miss out on appropriate care due to inadequate staffing levels and inadequate staffing mix.

While the number of high-care residents entering aged-care facilities is increasing, the number of registered nurses is decreasing. This highlights a worrying trend, meaning that administrators and those who control the purse strings either do not understand the complexities of the needs of these residents or simply just want to balance the books and make a profit.

Aged-care providers are choosing to hire fewer registered nurses and, generally, aged-care nurses are paid up to 30 per cent or \$300 per week average less than their colleagues working in the public health system. Nurses and careworkers in the aged-care sector continue to be undervalued and underpaid, with the pay for most aged-care workers, both skilled and semi-skilled, not adequately reflecting the nature of the work and the level of responsibility they have in these workplaces.

Nurses in this sector deserve our protection, for we know this situation is not good enough, and it must change. The member for Fisher is chairing a joint parliamentary committee examining matters of elder abuse, and I welcome the opportunity for people to present to this committee. I recently referred a number of families to her committee to be heard, and I also championed expanding the terms of reference to enable the committee to examine the horrific events of Oakden. In my view, this situation highlights a distressing whole-of-system failure that stretches over years and over many layers. Public confidence must be restored in this domain.

Nurses can support one another to ensure that transparency of best practice is paramount at all times and that robust reporting frameworks are in place where any level nurse can have a voice without fear of punishment. Together, we must ensure that the system is progressive, professional and protective of the innocent and guards against selecting scalps and making scapegoats just to make a point, a system that shines a light on areas of question, so that practices in health care are consistently improved. We must support one another to speak out, even when the truth is difficult and management reprisal may be feared.

Finally, I turn to, 'Who cares for the carers?'—you, the nurses, who every day face challenging situations, including violence and abuse, and we have heard Gayle's case referred to a couple of times now. Thankfully, we have seen our CEO, Adjunct Associate Professor Elizabeth Dabars from the ANMF, taking a strong position on these issues. The recent national ruling on wages and penalty rates has seen an attack on some of our lowest paid workers. There is a current and ever-present danger to wages and, in particular, penalty rates. Elizabeth Debars has stated that the ANMF (SA Branch) will never support the possibility of a two-tiered wage system in which some workers will be entitled to penalty rates, while others are not.

Recently, we saw the successful campaign against health provider, Sonic HealthPlus, as it backed away from its disgraceful proposal of a 25 per cent cut to Sunday penalty rates. We must always be vigilant of wages and conditions. The ANMF is committed to always standing up for members. We must provide our nurses with secure foundations of pay and conditions, including protection of their safety to ensure that we care for those who care for us. Tomorrow is International Nurses Day. While you rightly celebrate and enjoy the day, I would ask that you think about what you can do to actively promote the value of nurses and nursing and, in turn, the best health care possible for South Australia.

On behalf of the Parliament of South Australia, I extend my gratitude to you all for what you do for us in South Australia every day and I also thank you. I would like to commit to you that, while I am a member of parliament, I will always stand up for you and I will always make sure that your voice is heard in this parliament. I know that, by hearing your voice in this parliament, we are hearing the voice of all South Australians. With that, I wish you happy International Nurses Day for tomorrow.

**Mr PEDERICK (Hammond) (12:52):** I rise to support the motion:

That this house—

- (a) celebrates International Nurses Day held annually, and this year on 12 May;
- (b) acknowledges this year's theme, 'Nursing: A Voice to Lead—Achieving the Sustainable Development Goals';
- (c) commends the leadership of the profession in the evolution of new frontiers for nursing and midwifery in advancing practice; and
- (d) thanks South Australian nurses for their dedication to the advancement of all South Australian's health.

In respect of the time, I will not be long because I know other people wish to speak. Nurses are with us from the time we are born, throughout our lives when we need medical assistance and then when we leave this Earth. They are part of our lives forever and they give that care, as I said, from birth until it is time for us to leave. They face many challenging situations throughout that time and they witness things that many of us would not wish to witness. I am very thankful for their support throughout our whole lifetime.

I remember that, when my eldest son was born some 16 years ago, I happened to be giving my wife a comforting hug on her bed a couple of days after Mack was born and all of a sudden the door burst open and three or four nurses burst in. I said, 'Wow, what have I done?' What I had done was sit on the button. Evidently, if it rings three times, that is the terror alert and they just roll up. I must say that the reaction was fantastic. I thought I had done something terribly wrong.

**The DEPUTY SPEAKER:** You had.

**The Hon. A. Piccolo:** You have done worse since.

**Mr PEDERICK:** I have never had four nurses come to me so quickly before or since. What I will say is that it shows that the system works. It shows that they care and it shows their dedication to their occupation. I thank you all for it.

**The Hon. A. PICCOLO (Light) (12:54):** I would like to say a few words in support of the motion. International Nurses Day is about acknowledging and honouring their work and also acknowledging the impact on their families. It is also about acknowledging and honouring the contribution they make to the wellbeing of our community in many roles: in hospitals, as district nurses, in aged care, in disability care, and so on. It is also about acknowledging and honouring the important role they play in providing primary health care.

The reality is that not so much in Australia but across the world many communities would not have health care were it not for nurses. In many Third World nations, nursing is an important role. On a personal level, I am a child of the sixties, born in Italy, my parents were poor and it was a midwife who brought me into this world, so I would like to thank the nursing staff. On behalf of my community, the electorate of Light, all I would simply say is thank you.

**Ms WORTLEY (Torrens) (12:55):** I, too, would like to support the motion moved by the member for Fisher that celebrates International Nurses Day; acknowledges this year's theme, 'Nursing: A Voice to Lead—Achieving the Sustainable Development Goals'; commends the leadership of the profession in the evolution of new frontiers for nursing and midwifery in advancing practice; and thanks South Australian nurses for their dedication to the advancement of all South Australians' health.

I know that we only have a minute, so I thank the nurses—and we have many of them here today in the gallery. There is a quote I have seen in relation to nurses that says, 'They may forget your name, but they will never forget how you made them feel.' I want to reflect on my own experience as a young girl being admitted to the children's hospital with very serious burns. I spent many weeks in that hospital. It was a time when parents were not allowed there, or only briefly with the gowns and masks.

There was a wonderful young nurse by the name of Nurse Ford. Nurse Ford actually made it bearable for those weeks when I was unable to see my parents and family; my mum and dad could only come in for an hour or so a day. Nurse Ford went on years later also to nurse my sister, who had been involved in a car accident. I had not seen or heard from Nurse Ford, but in year 12 her

husband was an English teacher at my school. He thought I was the person she had nursed and he asked me, 'Were you in the children's hospital as a 5 year old with serious burns?' I said yes. He was married to her and Nurse Ford had become Sister Gray.

I wanted to say that, yes, patients do remember, and on occasion they will also remember your name, and they will never forget the role that you played while convalescing. Thank you, Nurse Ford, and thank you to the nurses here today. I wish you all a very happy International Nurses Day.

**The DEPUTY SPEAKER (12:58):** Before I call the member for Fisher, I would like to add my thoughts on this motion. I have lots of funny nurse stories, which I do not have time to tell. I particularly want to acknowledge the nurses of the Modbury Hospital and Lyell McEwen health service who are in my area and look after our people there.

**Ms COOK (Fisher) (12:58):** Thank you, Madam Deputy Speaker. I would like to thank all those who have contributed today, including the members for Stuart, Elder, Hammond, Light and Torrens and, of course, the member for Florey. I would like to say thank you again for your enduring leadership and what you do for everybody in the community. I cannot agree more when we say we always remember our patients. I think there are some who stand out in our minds more than others, but they are the ones who have taught us the most.

Thank you to the member for Elder, who is definitely a very close colleague of mine in this place. We work together very hard to ensure that what you say to us, and what you express to us, is translated to policy and leadership through our government. While we are here, you always have a voice as nurses in this place. Happy International Nurses Day. I look forward to having a chat with you in a minute. Thank you all.

Motion carried.

*Sitting suspended from 12:59 to 14:00.*

#### *Parliamentary Procedure*

#### **VISITORS**

**The SPEAKER:** I welcome to parliament today pupils from Blackwood High School's year 11 legal studies class, who are guests of the member for Davenport.

#### **PAPERS**

The following papers were laid on the table:

By the Minister for Higher Education and Skills (Hon. S.E. Close)—

South Australian Training Advocate—Annual Report 2016  
Training and Skills Commission—Annual Report 2016

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

Regulations made under the following Acts—  
Motor Vehicles—Conditional Registration

#### *Ministerial Statement*

#### **CHEMOTHERAPY TREATMENT ERROR**

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:02):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. J.J. SNELLING:** As the house is aware, over a period of six months, from 2014 to 2015, five patients at the Royal Adelaide Hospital and five patients at the Flinders Medical Centre were given an incorrect dosage of a chemotherapy drug, Cytarabine. In August 2015, I commissioned an independent panel of experts, led by Professor Villis Marshall, Chair of the

Australian Commission on Safety and Quality in Health Care, to review the events and decisions that lead to the underdosing.

Following an extensive review, the panel found that the underdosing was caused by a series of significant clinical governance failures at the Royal Adelaide Hospital haematology unit. Among them was the failure to follow routine clinical processes and procedures and not advising patients that the chemotherapy protocol was a non-standard protocol that required approval from the relevant committee and informed patient consent. In addition, the panel found that certain clinical staff did not comply with SA Health incident management and open disclosure policies, including not conducting timely and appropriate open disclosure with patients.

Following the review's report, eight clinicians were referred to the Australian Health Practitioner Regulation Agency (AHPRA), which is responsible for investigating concerns about health practitioners' conduct and practice on behalf of national boards, including the Medical Board of Australia. I met with AHPRA yesterday afternoon to receive an update on its investigation. AHPRA told me they had finalised nine matters concerning four medical practitioners and five pharmacists. Of those matters, they advised that eight investigations were finalised, with no further action, and one matter had resulted in a caution. AHPRA also advised me that three of the more complex matters are still under investigation and may result in regulatory action.

SA Health has this week also provided me with an update on its internal disciplinary investigation. I am advised that yesterday two staff were stood down by SA Health, pending the outcome of SA Health's disciplinary process. Another staff member has been directed to undertake a formal performance management process. One staff member is still in the disciplinary process. No adverse findings have been made against seven staff members who are subject to the investigation.

As I have said before, this has been a serious failure in clinical governance. Patients must feel safe when being treated in our hospitals. This government has taken this matter very seriously and, through our referral to AHPRA and SA Health's investigation, significant action has been taken against those responsible. I understand, however, that the length of time it has taken to get to this point in the industrial process is very frustrating and distressing for victims and their families. While I share this frustration, SA Health has been bound by the relevant industrial instruments and laws.

I have asked for advice on whether the current employment arrangements for senior medical staff in the public sector are appropriate in terms of protecting our patients. At the executive level, our senior bureaucrats are employed under contracts with specific clauses that provide appropriate industrial protections for the employee while allowing the employer to take swift action in terminating employment should the employer consider there are grounds to do so. In contrast, senior doctors, who are on executive level salaries, are subject to enterprise bargaining agreements. These agreements necessitate very specific processes to be followed before employment can be terminated.

While the process usually provides the same end result, had the employee been a senior executive, the process is much longer. This can cause significant pain and angst for patients and families involved, particularly where a clear breach has occurred. While all workers should be provided procedural fairness regardless of their pay—a longstanding principle of administrative law—the government, and indeed this parliament, needs to consider where there is a need to reform these arrangements to allow decisive action in cases where patient safety may be compromised.

This in no way should be seen as an attack on our hardworking doctors, the vast majority of whom always do the right thing and work tirelessly to provide the best care to our patients. This is as much about protecting the integrity of their profession as it is about protecting their patients and ensuring the public continues to hold their profession in the highest esteem. In the case of the incorrect dosage of chemotherapy, I made a commitment to victims and their families that I would make public any outcomes of the investigations. I will continue to do so. While yesterday's action cannot change the events of the past, I hope it brings some solace to those victims and their families.

*Question Time***OAKDEN MENTAL HEALTH FACILITY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:07):** My question is to the Minister for Mental Health. Can the minister confirm that investigators from a private sector law firm have been appointed to investigate matters in relationship to the Oakden review?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:07):** Matters relating to human resources and staffing relate to the CE of Health, and I would have to seek advice if that has occurred.

*Members interjecting:*

**The SPEAKER:** The member for Finniss is warned, as he has a warning from the pre-luncheon period. The member for Morialta is called to order.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:08):** Supplementary: is the minister suggesting to this house that she is unaware that her own department has engaged a private sector law firm to conduct investigations into her own staff members with their relationship to the Oakden review?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:08):** Where staff are suspected of behaving inappropriately, these issues will be thoroughly investigated, and appropriate disciplinary actions and measures are being undertaken. As of this morning, eight staff are currently stood down pending further inquiries, and 21 staff, as I have said to this chamber on a number of occasions, have been reported to AHPRA. This is a complex and sensitive—

*Ms Chapman interjecting:*

**The SPEAKER:** The deputy leader will not interject over the minister when the minister is answering and not out of order. The member for Bragg is called to order.

**The Hon. L.A. VLAHOS:** —ongoing investigation, which is distressing to everyone involved, including those staff who are continuing to provide the level of care we expect for the residents at Oakden. I would also like to take the opportunity today, as we have had nurses in the gallery, to recognise the nursing staff who are doing the right thing at Oakden and helping the residents there every day. We aim to improve the standards of care for those residents on an ongoing basis, and we have announced that we will fully implement the government response that was taken to cabinet on 20 April.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:09):** A supplementary: why is the government using investigators from a private sector law firm rather than a crown law officer, a government investigator or a police officer to undertake the investigation?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:10):** What we know is that any cases that have been referred to SAPOL will be dealt with by SAPOL in the appropriate manner. How the CE of SA Health undertakes HR matters is a matter for the CE of SA Health.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:10):** A supplementary: can the minister assure the house that no claims of privilege will be used to withhold information collected by the investigators?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:10):** I will have to seek advice from the CE of Health for a current update on any investigations she is having.



**OAKDEN MENTAL HEALTH FACILITY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:10):** A question to the Minister for Mental Health. Can the minister confirm that last week misconduct investigation letters were sent to staff which stipulated the day and time they needed to meet with investigators but provided no specific information on the allegations which were being levelled against those staff?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:11):** I have already answered this question today about how human resource matters are dealt with in SA Health.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:11):** Does the minister consider it appropriate that staff are informed that they need to attend an investigation meeting without even being told what allegations are being levelled against them?

*Mr Tarzia interjecting:*

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

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:11):** Matters relating to human resources management of staff of SA Health, of which the mental health people at Oakden would be part, is under the purview of the CE of the health department.

**Mr Marshall:** It is under your purview. You're the minister responsible.

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

**OAKDEN MENTAL HEALTH FACILITY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:11):** How many current SA Health staff have received misconduct investigation letters relevant to the Oakden review?

**Mr Duluk:** You should know this one.

**The SPEAKER:** The member for Davenport is warned, having been called to order before lunch.

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:12):** I reiterate again the statement I just made: where staff are suspected of behaving inappropriately, these issues are being thoroughly investigated and the appropriate disciplinary measures are being undertaken.

**An honourable member:** How many?

**The Hon. L.A. VLAHOS:** As of this morning, eight staff are currently stood down pending further inquiries and 21 staff have been reported to AHPRA. Another thing I will say about this matter is that I made it very clear to the CE, I have instructed the CE, that no Oakden worker who poses a risk to clients or consumers or residents at that site are to return to the workplace. How the CE handles these matters is a matter for her.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:13):** Can the minister confirm that no more than the 29 she has identified in her previous answer are under investigation and are subject to the investigation request letter that has been sent to members of SA Health?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:13):** I can advise the house that the information I gave a moment ago, and once more this afternoon, is the most up-to-date information I have on this matter.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:13):** So the minister is confirming that there are no more than 29 staff under investigation?

*The Hon. J.R. Rau interjecting:*

**The SPEAKER:** The Deputy Premier will not answer the question—unless, of course, he rises—and he is accordingly called to order.

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:13):** I will state again, for the parliamentary record: as of this morning, eight staff are currently stood down pending further inquiries and 21 staff have been reported to AHPRA.

#### OAKDEN MENTAL HEALTH FACILITY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:14):** How come previously you reported that there were, in fact, 12 staff who had been stood down and today you are telling the house that there are only eight staff who have been stood down?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:14):** I am advised that some staff have undertaken the appropriate training and do not pose a threat and are now back on SA Health worksites, having received the appropriate management, guidance and training.

#### OAKDEN MENTAL HEALTH FACILITY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:14):** Can the minister outline to the house the extensive training that occurred over the four days to make sure that these staff were appropriate to return to their work?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:14):** No, because I am not a clinician.

#### OAKDEN MENTAL HEALTH FACILITY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:14):** How many of the staff who have either been stood down or referred to AHPRA are from management?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:14):** Excuse me, could you repeat question again?

**Mr MARSHALL:** How many of the eight staff who have been stood down or the 21 staff who have been sent for notification to AHPRA are from management levels?

**The Hon. L.A. VLAHOS:** As I have said to the chamber repeatedly this afternoon, the CE is the person who undertakes human resource management direction within SA Health.

#### OAKDEN MENTAL HEALTH FACILITY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15):** Will the minister commit to finding out answers to the last couple of questions regarding this investigation and coming back to the house this afternoon?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:15):** I get a daily update; I am happy to update the house each day that I sit.

#### OAKDEN MENTAL HEALTH FACILITY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:15):** Well, if you are not prepared to—if the minister is not prepared to—

**The SPEAKER:** The leader will not give an impromptu speech.

**Mr MARSHALL:** The question is, sir: what is the scope of the investigation currently underway?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:16):** As I have made it very clear today—and I have answered this question on a number of occasions—these are sensitive industrial matters—

*Members interjecting:*

**The Hon. L.A. VLAHOS:** —and they are complex and ongoing investigations, and they are distressing for everyone involved. Those staff, who have continued to provide the care of residents at Oakden, are the ones who we are acting to ensure that we look after the residents' needs. How the CE of Health undertakes the inquiries of the distressing cases that have come forward is a matter for her.

**The SPEAKER:** The member for Kavel is called to order for interjecting. The member for Morialta is warned.

#### OAKDEN MENTAL HEALTH FACILITY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:16):** Can the minister update the house whether she knows the scope of the investigation but chooses not to tell us, or just simply doesn't know what the scope of the investigation is?

*Mr Pengilly interjecting:*

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

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:17):** It is not my role as the minister to direct—

**Mr Marshall:** Do you know, was the question. Do you know what the scope of the investigation is?

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

**The SPEAKER:** The leader is warned, and so is the member for Newland.

**The Hon. L.A. VLAHOS:** Thank you, Mr Speaker. As I have stated previously today, human resources matters lie within the purview of the CE of the department. It is not for me to intervene in HR matters on a day-to-day basis; it would be inappropriate.

*Members interjecting:*

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

#### OAKDEN MENTAL HEALTH FACILITY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17):** My question is to the Minister for Mental Health. Does the scope of the investigation include industrial matters?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:18):** By the very nature of a dismissal, or potential breach of any of the Public Service Act, I would assume that would be covered under the industrial relations law. So it would be an industrial matter.

#### OAKDEN MENTAL HEALTH FACILITY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18):** Does it include health professional regulation matters?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:18):** I have stated today on numerous occasions, and in ministerial statements before the house, that 21 staff have been reported to the Australian standards agency, AHPRA.

#### OAKDEN MENTAL HEALTH FACILITY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:18):** Can the minister confirm that some of the investigations, in fact, involve criminal activity?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:19):** The Leader of the Opposition would be aware that there were initially three cases that were referred to SAPOL.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19):** Can the minister provide an update of the status of those three cases?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:19):** No, because I am not the police minister.

*Mr Goldsworthy interjecting:*

**The SPEAKER:** The member for Kavel is warned for the second and the very last time.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:19):** Can the minister confirm whether those three cases are also subject to the private law firm investigation currently underway in the department?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:19):** Human resource management relates to the CE of SA Health. I have repeated this numerous times today.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:20):** Can the minister inform the house whether the current investigation in fact includes former employees as well as current employees at Oakden?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:20):** Again, this is a matter for the CE of SA Health.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:20):** How could it be a responsibility of the CE of Health when these are former employees? It is a question of responsibility and the question is whether or not—

**The SPEAKER:** I don't think we need—

**Mr MARSHALL:** —the investigation includes former employees of the department of SA Health.

**The SPEAKER:** —an impromptu speech from the leader about it. The leader's question and the minister's answer speak for themselves and will be judged accordingly. The member for Newland.

**NATIONAL VOLUNTEER WEEK**

**The Hon. T.R. KENYON (Newland) (14:20):** My question is to the Minister for Health. How has the SA Ambulance Service recognised and celebrated their volunteers during National Volunteer Week?

*Members interjecting:*

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:21):** Well, members opposite have no respect for people who give of their time to look after and help others through our Ambulance Service. You would have thought that country members would have a greater interest in what volunteers in their electorates are doing, serving their community, rather than just laughing and scoffing. It is a disappointment to see such disregard from members representing regional South Australia, having such contempt for our volunteers.

Mr Speaker, as you would be aware, it is National Volunteer Week and, as volunteers across South Australia are being recognised for their outstanding contributions to our community, I would like to take this opportunity to acknowledge the volunteers in our Ambulance Service. SA Ambulance Service is an integral part of the health system in South Australia and the contribution of volunteer ambulance officers is crucial in ensuring the Ambulance Service is available across the state in rural and remote areas.

I always enjoy meeting our ambulance volunteers when I am visiting our state's regional areas. I am constantly impressed with their dedication to their community and how they balance the demands of family and work life with the responsibility of providing lifesaving care, often at a moment's notice.

During the Mid North country cabinet, I met Pamela Pinkerton. Pam has been volunteering at Burra for the last 18 months, after relocating from Darwin where she worked for eight years as the emergency management adviser at the Royal Darwin Hospital. Pam has brought many skills to the Burra ambulance team and is a valued member of her community. As is often the case with our ambulance volunteers, Pam also volunteers with other organisations within the Burra district. Pam is just one example of the over 1,500 people who come from all walks of life to volunteer for our Ambulance Service.

Last year, SA ambulance volunteers responded to an average of 50 callouts per day to treat 18,000 patients across regional South Australia. I am told that our oldest volunteer is 89 years old and the youngest is 18 which, of course, indicates a broad range of people who put their hand up to volunteer with the SA Ambulance Service. It is also worth noting that many of the volunteers are in it for the long haul. For example, our oldest volunteer has notched up 52 years. This week, SA ambulance executives will collectively visit around 70 teams as they hold events to acknowledge the contribution made by volunteers.

The week will culminate in a dinner this Friday, hosted by the SA Ambulance Service, to honour those volunteers who have this year reached their 25-year milestone of service with the Ambulance Service. I would like to thank all of our volunteers across SA Ambulance for their service. Of course, like any volunteer organisation, SA Ambulance Service is always on the lookout to recruit new members, and they have made it as easy as possible for those people who think they have what it takes to join the friendly and dedicated ranks of the SA Ambulance Service volunteers. If people are interested in becoming an SA Ambulance Service volunteer, I encourage them to call SA ambulance on 1800 655 306 or go to the SA Ambulance Service website at [saambulance.com.au](http://saambulance.com.au)

#### OAKDEN MENTAL HEALTH FACILITY

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:24):** My question is to the Minister for Mental Health. Was the Premier correct when he told the house yesterday that you, as the minister, briefed him about the Chief Psychiatrist's report while he was on annual leave?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:25):** Yes.

#### OAKDEN MENTAL HEALTH FACILITY

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:25):** Supplementary to the Minister for Mental Health: can the minister then explain to the house why she told media outlets on 23 April this year that she had 'not spoken to the Premier since the report was released'?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:25):** We had conversations during his leave.

#### OAKDEN MENTAL HEALTH FACILITY

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:25):** Supplementary: having identified to the Minister for Health that the conversation had occurred during his leave, can you tell the parliament on what day that conversation occurred?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:25):** I would have to double-check, but it was a phone call. I think it would have been after the press conference that you raised before.

*The Hon. J.R. Rau interjecting:*

**The SPEAKER:** The Deputy Premier has been influenced by the member for Kavel and is interjecting and I warn him.

**OAKDEN MENTAL HEALTH FACILITY**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:26):** Supplementary: as the press conference you referred to occurred after the cabinet decision to close Oakden, are you telling the parliament that the decision to close Oakden was done without any conversation with the Premier in respect of that closure?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:26):** There was at that time, as is standard practice when ministers are on leave, an acting premier and that matter was taken to the cabinet members at the time and the full cabinet agreed to the full government response that we had prepared, which included the closure of Oakden.

**OAKDEN MENTAL HEALTH FACILITY**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:27):** Supplementary: when you did ultimately have a conversation with the Premier in respect—

**The SPEAKER:** No, when the minister had a conversation.

**Ms CHAPMAN:** Yes, not you, sir. I won't blame you for Oakden ever. My question is to the Minister for Mental Health. When you did ultimately have a conversation with the Premier about the Chief Psychiatrist's report on Oakden, did you inform him at that stage that you had made a decision to close Oakden?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:27):** The cabinet had made a decision.

**OAKDEN MENTAL HEALTH FACILITY**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:27):** Supplementary: prior to the Minister for Mental Health making a decision to recommend the closure of the Oakden facility and the transfer to the Northfield wards—

*The Hon. A. Koutsantonis interjecting:*

**The SPEAKER:** The Treasurer is called to order

**Ms CHAPMAN:** —did the minister consult with any other member of the ministry, other than the Premier, in respect of her decision to recommend a closure of the Oakden facility and, if so, whom?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:28):** Let me go back over some of the answers I have made very, very obvious this week for the chamber, having made three parliamentary statements about this matter and the government's response to it and the actions we have undertaken since January to improve the care and condition of people at Oakden.

In October last year, the community visitor contacted my office about the Spriggs family and their frustrations from a lack of response about the Oakden service and their concerns for their father, the late Bob Spriggs. My office sought a briefing from NALHN and its CE. In December, I met with Jackie Hanson, the CE of NALHN, and she provided me a briefing on the Spriggs matter regarding Oakden. At this point, I was so concerned I triggered, authorised or started—whichever language the opposition would like to use—the review.

The review then had a period of time from about 20 December, where the Chief Psychiatrist was doing preparatory work for the review, between Jackie Hanson and himself. In January of this year, the review officially commenced. It is a matter for public record that on 20 April I took the full review to the cabinet. The cabinet adopted the full government response, which includes the closure of the Oakden site, and we fully released the Oakden report.

**OAKDEN MENTAL HEALTH FACILITY**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:30):** At any time, did the Minister for Mental Health, prior to the cabinet determination and decision to close Oakden, receive advice from anyone to close the Oakden facility, and if so, whom?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:30):** I answered that question yesterday.

**CHEMOTHERAPY TREATMENT ERROR**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:31):** My question is to the Minister for Health. What investigations and disciplinary processes were undertaken in relation to the chemotherapy dosing bungle before AHPRA reported, or did SA Health just wait for the AHPRA investigation?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:31):** No, the two investigations ran parallel to each other.

**CHEMOTHERAPY TREATMENT ERROR**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:31):** Supplementary: had any action been taken against any of the professionals referred to AHPRA prior to the issuing of the AHPRA findings?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:31):** I need to check, but I think the relevant clinicians received letters yesterday with regard to the two employees who were stood down. That coincided also with the AHPRA report. They were roughly coinciding with each other. I don't know the exact sequencing.

**CHEMOTHERAPY TREATMENT ERROR**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:31):** Supplementary to the Minister for Health: did any of the health professionals reported to AHPRA, in relation to the chemotherapy dosing, resign before or upon receipt of the AHPRA findings?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:32):** Not to my knowledge. Not that it would necessarily be appropriate for me to say so if they did, but, no, they had been stood down.

**CHEMOTHERAPY TREATMENT ERROR**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:32):** A question to the Minister for Health: given that the victims, with respect to this issue, have already requested a copy of the report from both the office of the Premier and the office of the minister, will the AHPRA report be released to them?

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:32):** That's entirely a matter for AHPRA. The report has been provided to me because I was one of the persons who made the referral to AHPRA, so they have written a report, a lengthy report, to me with the outcome of the investigations. That has been provided in confidence. I am not at liberty to reveal it. I understand that AHPRA themselves are bound by national law about exactly what they can and can't make public. As much as I would be happy to release the AHPRA report, unfortunately it's not my report. It's AHPRA's report, and AHPRA is bound by national law with regard to what they can reveal.

**CHEMOTHERAPY TREATMENT ERROR**

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (14:33):** Supplementary: to be clear on this minister, you won't stand in the way or object to AHPRA releasing it if they have received advice that they can release it?

**The SPEAKER:** AHPRA is presumably a body corporate and therefore 'it'.

**The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:33):** Thank you. Absolutely not. I would be more than happy for the report to be made public. Even if AHPRA wanted to, national law prevents it from doing so.

#### OAKDEN MENTAL HEALTH FACILITY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:33):** My question is to the Minister for Mental Health. Will the minister publicly release and table in parliament the report of the independent review of forensic care and resources as recommended by the Principal Community Visitor in the 2015-16 annual report?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:34):** As I said yesterday, I am currently rereading that document and I would have to consider that.

#### OAKDEN MENTAL HEALTH FACILITY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:34):** Can the minister confirm whether or not she has discussed the review outcomes with the Minister for Correctional Services at this point?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:34):** I would like to know which review you are referring to.

**Mr MARSHALL:** I am happy to read it, sir. It's the independent review and report into forensic care, which has been requested in this report to be released to both the public and the parliament.

**The Hon. L.A. VLAHOS:** I am happy to seek advice from my department about whether it is appropriate for that release.

#### JAPANESE HYDROGEN INDUSTRY

**Mr ODENWALDER (Little Para) (14:34):** My question is to the Minister for Mineral Resources and Energy. Can the minister inform the house about the lessons from his recent trip to Japan, particularly in regard to hydrogen and its intended use as a future fuel source across industry and government?

**The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:35):** Arigato—thank you very much.

**The Hon. J.J. Snelling:** You have to speak English in the chamber; it's a standing order.

**The Hon. A. KOUTSANTONIS:** No, Mr Mario Feleppa breached that standing order when he did his maiden speech. He spoke in Italian and the house deemed it appropriate.

**The SPEAKER:** I'm not sure that it did.

**The Hon. A. KOUTSANTONIS:** Well, you would have been there, sir; it was in the 1980s. Last month, I spent four days in Japan meeting with large companies and Japanese government officials to determine what role South Australia can play in their country's burgeoning hydrogen industry. I have to say that Japan's commitment and dedication to using this clean, low density gas for commercial, household and vehicle use were nothing short of impressive.

As a country, Japan is committed to doing all it can to lower emissions and has ambitiously declared the 2020 Olympic and Paralympic Games, to be held in Tokyo, the hydrogen games. Some of the companies we met, including Kawasaki Heavy Industries, Kansai and Chiyado, are at advanced stages of using various methods to both extract hydrogen from other substances and also transport the gas. They can store and use the gas as a clean and pure fuel source with no need for carbon capture storage mechanisms.

We also visited the Toyota factory where they manufacture the hydrogen fuel cell vehicle, known as the Mirai, which is already exported to the United States. This car has a hydrogen fuel cell



and runs on pure hydrogen that can be refuelled at dozens of hydrogen refuelling stations across Japan. The only by-products from this vehicle, of course, are oxygen and water.

Japan is acutely aware that South Australia has an abundance of renewable energy—namely, solar and wind—that is low cost, which they find very appealing. They are encouraged by the capacity we have to generate green hydrogen, meaning using renewable energy to produce hydrogen via electrolysis with no carbon component. Currently, hydrogen is produced mainly using gas. The underlying challenge for all of the entities is how to transport this low-density gas safely and effectively.

What we have learned from government agencies and private companies is that we firmly believe optionality is key to the security of supply; moreover, investments that are environmentally beneficial are given favourable consideration from financiers. Private enterprise, in conjunction with the Japanese government, is spending billions of dollars on the import/export aspects of this project, especially in research and development. They are also dedicated in their in-principle support of seeing the importation of hydrogen to Japan, which we will be considering in our hydrogen road map for South Australia, which is currently underway.

We have elected to align our hydrogen strategy time lines with those outlined by representatives of Japan's strategic innovation promotion program and that of South Korea and China. The groups we have spoken to already indicate that they are keen to see the results of our work and to continue the dialogue with the state government, which is extremely encouraging. I look forward to updating the parliament on this opportunity, which allows us to use our abundant renewable energy that otherwise may be spilled for the manufacture and storage of hydrogen, either through other entities, through a carrier, then for export and, of course, encouraging our own hydrogen industry here.

We have the know-how. We have existing companies in place that are already exporting LNG. They are very similar types of products. If we can crack the code about how best to transport this fuel, it could create a new export market for Australia to some of our largest trading partners.

#### OFFICE OF THE CHIEF PSYCHIATRIST

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:39):** My question is to the Minister for Mental Health. Can the minister confirm to the house that the staff of the Office of the Chief Psychiatrist has been reduced by 25 per cent, as reported in the Principal Community Visitor Annual Report for 2015-16?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:39):** I am happy to make inquiries of the department about his current workloads and his current staffing arrangements.

#### OFFICE OF THE CHIEF PSYCHIATRIST

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:39):** Can the minister confirm that there has been a reduction in the size of the Chief Psychiatrist's office?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:39):** No, I did not say that. I said I would be happy to make inquiries because his workload has been quite considerable lately, and I don't know what resources he has had to move around to be able to deal with the Oakden report.

#### OFFICE OF THE CHIEF PSYCHIATRIST

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:39):** Who authorises any reduction in the Office of the Chief Psychiatrist?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:40):** As I have said to the house earlier today, matters of human resources and employment rely on the powers of the Chief Executive of SA Health.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:40):** My question is to the Minister for Mental Health. Has the minister discussed the Oakden report with the Mental Health Commissioner?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:40):** I bumped into him the other day at Bunnings at Mile End and he said, 'Seen the report?' I said yes, and that is the limit of—his job as the Mental Health Commissioner is to design and develop a state strategic mental healthcare plan.

*Mr Wingard interjecting:*

**The Hon. L.A. VLAHOS:** That is his substantive role as the state's Mental Health Commissioner. He is an independent person undertaking his job appropriately, and I believe that is due later this year.

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

**OAKDEN MENTAL HEALTH FACILITY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:41):** During the minister's serendipitous meeting with the Mental Health Commissioner, did the minister clarify with the commissioner whether or not the state mental health strategic plan he is preparing will address the issue of future need for clinical services, as raised in the Oakden report?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:41):** No, I didn't at that time.

**CHILD AND ADOLESCENT MENTAL HEALTH SERVICE**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:41):** Has the minister sought expert advice from the Mental Health Commissioner in relation to recommendations on the structure of the Child and Adolescent Mental Health Service in the Coroner's March 2014 report into the death of Michaela Mundy, as promised by the former minister?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:41):** If it is a Coroner's matter, I would expect my department to take all Coroner's matters recommendations and deal with them seriously, comply with those reports and give me recommendations to that effect. I think you are confusing the role of the Mental Health Commissioner, which I outlined in my previous answer.

**CHILD AND ADOLESCENT MENTAL HEALTH SERVICE**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:42):** Is the minister aware of the commitment of the former minister in relation to the Coroner's report into Michaela Mundy?

**Mr Knoll:** Obviously buying a new shovel at Bunnings.

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

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:42):** If the member opposite is referring to the CAMHS review, it is ongoing. The Gruner review began in 2014, and an independent review of CAMHS has been making recommendations about the review and the improvements that could be made to the service. Many of these have already been implemented. We have taken a great deal of public consultation in the process of doing that to develop a model that redistributes the services currently at Enfield to a number of options on the table, but no decisions have been made at this stage.

What we need to do is make sure that the people who are most vulnerable and frail in youth and mental health services receive the resources they need, particularly for children at our most vulnerable end of the spectrum. At this point, we are still working through some public consultations in this space, particularly around speech pathologists, but that consultation is ongoing.

**CHILD AND ADOLESCENT MENTAL HEALTH SERVICE**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:43):** Nevertheless, can the minister confirm that expert advice was sought from the Mental Health Commissioner, as per the commitment made by the former mental health minister?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:44):** I would have to make inquiries about what conversations were had with the then minister.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr DULUK (Davenport) (14:44):** My question is to the Minister for Mental Health. Has the minister inquired of the Chief Executive of SA Health, as she agreed to do on Tuesday, about a letter of apology sent to the Spriggs family, and will she now reveal who authorised and signed that letter?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:44):** I can happily tell the house that I have personally met with the Spriggs family under difficult circumstances. We spent time together the day the report on Oakden was released, and I offered them an unconditional apology at that time. I know the Chief Psychiatrist has met with them a number of times, as has Jackie Hanson.

The Premier and I have both reiterated our unconditional apology to present and past consumers at the Oakden site about the reprehensible standard and problems that have been occurring in the culture of that organisation. I personally haven't signed a letter of the nature that was intimated on Tuesday. I'm happy to speak to the CE, but I am not advised that she has at this point in time.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr DULUK (Davenport) (14:45):** Supplementary: can the minister confirm that sometime before 17 January this year the Spriggs family received a letter of apology from SA Health?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:45):** I'm happy to make an inquiry of that date and letter.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr DULUK (Davenport) (14:45):** Could you please also inquire as to who signed the letter?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:45):** Yes.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr DULUK (Davenport) (14:45):** Further supplementary: when you inquire about that letter, could you then come back to the house and let us know if you were aware of that letter before 17 January and did she or anyone in her office authorise that letter?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:46):** What we do know is that we are acting, and since January have been acting, to correct the circumstances that have been terrible over the information that we have received about Oakden. Correspondence is not something that I see on a day-to-day level. The CE of Health, I'm sure she would have many thousands of pieces of paper that are part of the departmental correspondence. I have said I am happy to inquire about this matter, and I will.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr KNOLL (Schubert) (14:46):** My question is to the Minister for Mental Health. What did the government do to implement recommendation 31 of the 2007 Cappo report, which was, and I quote: 'South Australia must have a clear plan of action for the future management of long-term aged residential care'?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:47):** What this government has done is we have created a mental health commission, which is about creating a long-term strategic mental health plan for our state.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr KNOLL (Schubert) (14:47):** Supplementary to that: why did the government then fail to finalise a model of care for an older persons mental health service, a failure which, according to the Chief Psychiatrist, has been the cause of ongoing deterioration in the Oakden service for a decade?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:47):** We know that when accreditation and concerns about the Oakden site have been raised in the past they have been fully addressed. Until October of last year, when the community visitor raised concerns with me, I was unaware that there were concerns on that site. At first, it was about the Spriggs family. We now know, because of the rigorous and forensic investigation by the Chief Psychiatrist, that there has been a very toxic and poor standard of care provided to the people at Oakden for a period of time that we have, since January, instituted a number of steps to improve.

Accreditation standards were met from the commonwealth agency as recently as last year for a three-year accreditation. I'm happy to work with Ken Wyatt and the federal government to talk about the aged-care review that he is doing across the country. I am happy that we have expanded the elder abuse select committee's terms of reference to include Oakden. We are being very transparent about this matter. We have stepped in, since January, to actively support changing the culture and breaking up the toxic cloud that was covering Oakden, ensuring that the people on that site are moved to better facilities at Northgate in the coming months and that the correct clinical environment is found for those other consumers and residents at Oakden, and their families working with them, and that they are safe and treated with the dignity they deserve.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr KNOLL (Schubert) (14:49):** A further supplementary: given the minister's two answers, why then did the government fail to plan for the needs of people with severe and very severe behavioural and psychological symptoms of dementia, which the Chief Psychiatrist identified as 'a critical omission'?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:49):** Since I have been the minister, and as a parliamentary secretary, I have taken a number of steps to ensure that this state has a plan about mental health services moving forward. As I have outlined, the Mental Health Commission was part of the steps in the right direction, and we are currently awaiting that strategic plan.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:50):** Supplementary: is the minister aware of the draft statewide model of service for older persons mental health in South Australia, which was given to the government, and considered by the government, in December 2007?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:50):** Is this one of the documents that's in the index of the Oakden report?

**An honourable member:** We ask the questions.

**The Hon. L.A. VLAHOS:** I am just seeking some clarity.

**Mr Gardner:** That's not under the standing orders available to you, minister.

**The Hon. L.A. VLAHOS:** I am just seeking clarity on which particular report he is referring to.

**Mr GARDNER:** Point of order, sir: standing order No. 97 gives the minister no opportunity to do this. We ask the questions.

**The SPEAKER:** I don't recall a standing order that says 'we ask the questions'.

**Mr GARDNER:** The questions may be put to ministers, not by ministers.

**The Hon. L.A. VLAHOS:** I was just trying to clarify.

**The SPEAKER:** Can we have a meeting of minds on this?

**Mr MARSHALL:** Is the minister aware of any draft statewide model of care for older persons mental health that has been prepared by this government previous to the current consideration?

**The Hon. L.A. VLAHOS:** I have been in the parliament since 2010. I would have to ask the department to go back through its historical records.

#### OAKDEN MENTAL HEALTH FACILITY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:51):** Was the minister not alerted to the fact that there was a draft plan when she read the Oakden report over the Easter break?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:51):** As I have said to the chamber in the past, the Oakden report is a very, very serious document, and the full government response needed time. I was happy to take time over the Easter break. It was very important that we considered that, and that is the reason the full response and the full report have been released. What I do know is that we are moving to act in this space, and have been acting in this space since January. The moment we became aware of the extent of care and concerns, it triggered the report. We have gone to cabinet with an action plan and, since January, we have been stepping in on the Oakden site to make sure the lives of the residents at Oakden are better.

#### OAKDEN MENTAL HEALTH FACILITY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:52):** Who prepared the draft statewide model of service for older persons mental health that was considered by the government in 2007 and 2008?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:52):** I said I would have to seek advice from the department.

#### OAKDEN MENTAL HEALTH FACILITY

**Mr MARSHALL (Dunstan—Leader of the Opposition) (14:52):** Can the minister provide any update to the house as to why this draft did not proceed?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:52):** I am happy to take that one on notice.

#### OAKDEN MENTAL HEALTH FACILITY

**Mr KNOLL (Schubert) (14:53):** Just one further supplementary on that: has the minister read the Cappo report from 2007?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (14:53):** Yes, I have seen the Cappo report.

#### UNLICENSED TRADESPEOPLE

**Ms WORTLEY (Torrens) (14:53):** My question is to the Minister for Consumer and Business Services. How is the government protecting consumers from unlicensed tradies?

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (14:53):** I thank the honourable member for her question. If you are considering hiring a tradesperson or a builder to complete some tasks around the house, Consumer and Business Services is encouraging you to do your homework and make sure that you are aware of your rights and obligations when hiring a tradie. Whilst the majority of tradies do the right thing—

**Mr Knoll:** If only the government had done its homework on infrastructure spending.

**The Hon. J.R. RAU:** We are talking about tradies, actually. There are definitely unscrupulous operators out there who may try to make a quick buck by working without a licence or providing substandard work. In the recent financial year, CBS advises that close to 7,000 building inquiries were received, which is the second highest category of complaint. People working without the right licence are breaking the law and putting your rights and safety at risk. CBS has introduced a new complaints-handling mechanism that makes it easier for people to report unlicensed tradies through an education campaign that is aimed at getting both consumers and the industry to better understand their rights and responsibilities.

**Mr van Holst Pellekaan:** Can you read any slower?

**The Hon. J.R. RAU:** I am hoping it will sink in, I am hoping people follow it. Whilst encouraging them to work with us to get rid of unscrupulous unlicensed operators, the Dob in an Unlicensed Tradie campaign is run by Consumer and Business Services to better protect consumers by encouraging the public to report tradies and other people who are operating without a licence or outside the scope of their existing licence.

One of the most significant results of the campaign was a \$12,500 penalty handed down in the Adelaide Magistrates Court to an unlicensed tradesperson who admitted breaching South Australian and national consumer laws. The unlicensed tradesman, in this case, was also required to pay back consumers nearly \$12,000 after accepting deposits for work he never undertook. You can imagine, Mr Speaker, that if this were you and you were talking about \$12,000 of your own money for a project around the home, you would be pretty upset about this sort of behaviour.

A licensed tradie is more likely to be a safe tradie, and CBS has been working together with SafeWork to ensure that regular inspections take place to ensure that South Australia has a rigorous licensing system. The licensing system in place is a means for ensuring that consumers can have confidence—because that is very important—that they are hiring appropriate people when they are carrying out building work. CBS encourages people to check the public register before engaging a builder to ensure that they are appropriately licensed.

I say to all members that this is a serious matter, because even though some of the sums of money may, at first blush, not seem enormous sums of money, you can imagine that if you were the victim of one of these unscrupulous tradespeople and had to put up with either losing your deposit for work or being clipped of a couple of thousand dollars—

*Mr Marshall interjecting:*

**The Hon. J.R. RAU:** It is a very serious matter, and I would encourage people to do in these unlicensed people.

#### **AGRICULTURE TRANSPORT SYSTEM PROJECT**

**Mr PICTON (Kaurna) (14:57):** My question is to the Minister for Transport and Infrastructure. Can the minister update the house on the progress made on the 90-day project for agricultural transport?

**The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:57):** I thank the member for Kaurna for his interest in the transport of goods across our state, including access arrangements for agricultural machinery. Stage 1 of the 90-day project, A Modern Transport System for Agriculture—A New Partnership Approach, has delivered some outstanding results for heavy vehicles and agricultural machinery. Just last Saturday I attended the annual South Australian Road Transport Association conference at the Convention Centre, and heard first-hand from the heavy vehicle industry how pleased many of them were with the benefits flowing from the outcomes of this 90-day project.

As I have previously advised the house, and some members may be aware, there is a range of projects currently underway as part of stage 1 of the implementation of the recommendations of this project, including:

- enabling road train access to the grain facility at Roseworthy;
- enabling road train access and B-double access to the Jamestown saleyards;

- the introduction of permits to allow movement of oversize or overmass agricultural machinery at night;
- the introduction of quad road trains between Port Augusta and the Northern Territory border;
- the introduction of tri-axle dollies after many, many years for use in road train combinations across South Australia; and
- the introduction of a primary production work diary exemption.

Further, as part of the \$40 million road improvements package on Upper Yorke Peninsula provided by this government, projects underway, or just about to commence, include the upgrade of the Ardrossan to Port Wakefield route for 36.5-metre road train access, including:

- a roundabout at the junction of the Yorke and the Copper Coast highways (known locally as Federation Corner);
- \$5 million towards two overtaking lanes on the Yorke Highway, north of Ardrossan;
- \$2 million junction upgrades along the Yorke Highway with Port Clinton Road, Gardiner Street, and One and All Road-Crowell Road; and
- \$1 million bridge widening, south of Port Clinton.

I am pleased to advise the house that a \$950,000 package of works has also begun at the intersection of the Wimmera Highway, Carters and Bells roads, to allow safe turning movements for B-double trucks. That will increase productivity and efficiency in transporting stock to and from the Naracoorte saleyards, which may be in the electorate of the member for MacKillop or perhaps the member for Mount Gambier. Weather permitting, these works are expected to be complete by June.

It is estimated that the first 90-day project will help South Australian primary producers, and transport operators servicing them, to realise more than \$56 million in productivity benefits. This is an enormous sum of money for what has been, so far, relatively modest levels of investment to fix up access arrangements in a range of locations across regional South Australia. Stage 2 of the 90-day project is now open for consultation across South Australia to try to build on the success that we have had, so far, of stage 1.

I would like to thank, and put on the record, all those people involved in stage 1, including quite a few members sitting on the other side of the chamber and also including road transport associations, including the South Australian Livestock and Rural Transporters Association and the Road Transport Association, which I mentioned earlier. I particularly thank former premier and former member for Frome, the Hon. Rob Kerin, who is currently Chair of Primary Producers SA.

#### OAKDEN MENTAL HEALTH FACILITY

**Mr KNOLL (Schubert) (15:02):** My question is to the Minister for Mental Health. Has any staff from the Northern Adelaide Local Health Network, other than members of the Chief Psychiatrist's review team, visited any of the high-quality services for people with severe and very severe BPSD in New South Wales, Victoria or Western Australia, which have been identified as best practice in the Oakden report?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (15:02):** I do know that the review committee that undertook the Oakden report had extensive consultations with a number of people who are best practice in aged-care services around the country. I know that Dr Duncan McKellar, one of the review panellists, has actually commenced his role at Oakden at the beginning of this week, as well as an interim nurse unit manager with extensive aged-care dementia and regulatory compliance experience at Oakden. I would have to inquire more broadly from SA Health of the extent of any interstate contacts about quality services interstate.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr KNOLL (Schubert) (15:03):** Supplementary: can the minister also find out whether those visits occurred before or after the review commenced?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (15:03):** Yes, I am happy to take some advice from my department.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr KNOLL (Schubert) (15:03):** Supplementary: has the minister visited any of these facilities?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (15:03):** Not to my knowledge. By and large, the interstate trips that I have done in the mental health facility have been to Western Australia, I believe. My other interstate visits have been in relation to disability services.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr KNOLL (Schubert) (15:03):** Will the minister visit any of these facilities?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (15:03):** For the development of model of care, and any scoping we may do in the future in relation to the Oakden work, I will rely on advice from my department.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr KNOLL (Schubert) (15:04):** Is the minister confirming then that she won't visit any of these best models of care facilities interstate?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (15:04):** I have just answered that question, in the sense that I will rely on the advice of my departmental staff about appropriate sites that I should consider moving forward as we develop a model of care for the Oakden site.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr TARZIA (Hartley) (15:04):** My question is to the Minister for Mental Health. Why after receiving the Zappia letter didn't the minister take the opportunity to visit Makk, McLeay and Clements wards during her repeated visits to James Nash House and other facilities at the Oakden campus?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (15:04):** There are a number of mental health facilities I visited across the state during my time as mental health minister. When I was asked to visit the Oakden site, I have done that. In fact, I was at the Oakden site last week again.

**OAKDEN MENTAL HEALTH FACILITY**

**Mr DULUK (Davenport) (15:05):** My question is to the Minister for Mental Health. Why did the minister say on Tuesday that no more should have been done to investigate the matters raised by the member for Makin in 2014, after SA Health dismissed concerns in his letter about staffing levels at Oakden by the Chief Psychiatrist, which has identified that the shortfall in staffing of the facility was up to 44 FTEs?

**An honourable member:** What was the question?

**The SPEAKER:** Member for Davenport, what is the question?

**Mr DULUK:** The question is: why did the minister say on Tuesday in the house, and I quote, that no more should have been done to investigate the matters raised by the member for Makin in 2014, after SA Health dismissed concerns in his letter about staffing levels at Oakden but the Chief Psychiatrist has identified a shortfall in staffing of the facility to up to 44 FTEs?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (15:06):** At the time that I signed a letter back to Mr Zappia as a



parliamentary secretary, and if I recollect correctly it was in April 2015, it was based on a letter to Mr Zappia about an unknown constituent that related to staffing for the Clements site.

*Mr Pisoni interjecting:*

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

**The Hon. L.A. VLAHOS:** The letter did not state the name of the constituent, and it was not until the media in the recent months that that name became well known. At the point of time that I received the briefing, the briefing was about staffing and appropriate staffing for that particular clinical unit, the Clements ward.

#### OAKDEN MENTAL HEALTH FACILITY

**Mr DULUK (Davenport) (15:07):** Following the minister's statement to the house yesterday about increased staffing resources at Oakden, does the government accept responsibility for failing to maintain adequate staff and, if not, who is responsible for adequate staffing?

**The Hon. L.A. VLAHOS (Taylor—Minister for Disabilities, Minister for Mental Health and Substance Abuse) (15:07):** Staffing matters, as I have made clear numerous times today, are under the purview of the clinical leadership of the local health network.

**The SPEAKER:** The time has alas expired and we were not able to match the record of 64 opposition questions on this topic set on Tuesday. There were above 50 opposition questions on this topic today.

#### *Grievance Debate*

#### OAKDEN MENTAL HEALTH FACILITY

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:08):** Today, I wish to acknowledge the late Bob Spriggs for his courageous fight in his treatment and ultimate passing after the experience at the Oakden facility. He, of course, suffered treatment that was not only indecent but criminal in respect of the 10 times prescribed medication overdose and the unexplained bruising when he was admitted to hospital. I also wish to acknowledge Mr Maurice Corcoran, the Principal Community Visitor, who, in his annual report in 2016 to this parliament, shone a light on the Oakden Older Persons Mental Health Service and the scandalous misconduct that was going to be investigated.

Finally, I wish to acknowledge Dr Aaron Groves who, notwithstanding the restrictive terms of reference that he was asked to investigate and review parts of the Oakden facility, provided a very significant report on this facility, which may have caused discomfort to the government but at least gave some hope to the families of those who have a loved one still in this facility or who have a loved one who has died there since its opening 15 years ago.

The position is that we took months to fight the government to seek that a community visitor service be included in the Mental Health Act some years ago, in 2011. We fought against the government. We finally achieved that and we are thankful to Mr Corcoran for his work in uncovering and giving some opening for the people who have been so shamefully treated.

These are the facts. On 17 January this year, the ABC broke the story on television of the shameful treatment towards Mr Spriggs, and the plaintive pleas of his family, and minister Vlahos at that time going on television to say:

I'm angered by what I've heard and if it was my family I would be deeply, deeply unhappy just as the Spriggs family is and that is the reason I triggered this review.

This was referred to in the television program. That was the first time the public knew anything about the shocking scandal. On the face of it, that response by the minister was personally and appropriately professional and an entirely appropriate response, but the conduct of the minister before, during and after, which has now been exposed in relation to the investigation, leaves her stripped of any credibility as a responsible minister.

These are the events. In the early 2000s, Makk and McLeay wards, as part of commonwealth nursing home beds, were established. Clements House was retained at Oakden to deal with mental

health patients who were otherwise to be transferred to other facilities. Prior to this report, we had a decade of shameful conduct and practices at this Oakden facility. In February 2008, minister Gago came to the parliament—in fact, on 1 April, haplessly, April Fool's Day—to try to tell us that 16 out of 22 failings of this facility for commonwealth funding had been achieved and that it was on the way to repair.

The minister told us this week that in 2011 minister Hill told us that there had been some clearance in respect of this facility. Nothing could be farther from the truth as we now know from the disclosure of this report. We now know that the community visitor had received a family complaint from the Spriggs family. He put it in his 30 September annual report to the parliament. Four times he reported in his report that Oakden needed to be reviewed and clearly investigated.

Finally, he had a meeting with the minister in October. He told her of the Spriggs case. He again tried to seek the Minister for Mental Health to do something about this. Two months later, she says, she finally authorised the investigation with the terms of reference. By 9 January, finally this investigation gets started, and we now know that there had been considerable notices to staff and the appointment of new staff. The report was then received on 10 April and nothing done.

I was asked this week by the media, 'What was the minister doing on the Easter weekend?' Apparently, on her own Facebook page she says that she was on her way to Sydney to go home to have fun over Easter, while she is telling the parliament here, 'I haven't read the report,' and that—in fact, she has refused to read the report—but she is going to do it. I do not care what the minister does in her spare time, but it is utterly shameful that she refused to read this report for at least a week, tells nobody in the government—

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! The member's time has—

**Ms CHAPMAN:** —and then apparently is sitting in the Chairman's Lounge, sipping champagne, talking about her new boots. That is scandalous.

**The DEPUTY SPEAKER:** Deputy leader, your time has—

*Members interjecting:*

**Ms CHAPMAN:** She should have read it and she should have reread it and she should have come into this parliament and she should have answered those questions. It is a scandal that she is still there.

**The DEPUTY SPEAKER:** You have flagrantly disregarded the fact that I am on my feet, unless you think I am a munchkin of mammoth proportions. I understand the theatrics of the moment, but it is highly irregular, as you would know as a senior member of this parliament, to flout the standing orders in such a fashion.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! I can only deal—

**Mr Marshall:** What about the abuse?

**The DEPUTY SPEAKER:** Order! I can only ask members to respect each other's right to be heard in silence. I am here as a servant of the house trying to look after all of you. The member for Fisher has the call.

**The Hon. P. Caica:** Go out and tell people how good we are, Steve.

**The DEPUTY SPEAKER:** Order, member for Colton!

#### **NATIONAL VOLUNTEER WEEK**

**Ms COOK (Fisher) (15:14):** I rise today to speak about volunteers week and the huge contribution that unpaid workers make to our economy, our culture and our natural environment. As members may well know from attending volunteer week events themselves, South Australia is home to 900,000 volunteers.

Each week these generous individuals donate 1.7 million hours of their time and service to our community worth many millions of dollars a year to our economy. Put simply, our economy would grind to a halt without them or we would be paying incredible taxes to maintain our current standard of living. These South Australians do not have to give their time and skills; they choose to. They make the decision to give up their time and contribute their expertise, often at their own financial detriment, in order to assist others and make our state an even greater place to be.

As a nurse, I have often worked alongside volunteers in the health sector. They make our hospitals better places at times when patients and families are at their most stressed. They make our lives as health professionals easier too, in particular the Flinders Medical Centre volunteers. I have also been in contact with our many volunteer first responders, who do not walk away from tough and sometimes frightening situations.

As a mother, I work with volunteers in our schools and also in my role as a parliamentarian with many governing councils, community and sporting groups. Without volunteers, our kids would not have the opportunities they have. Of course, prior to being in this place, I was a founder of a charity, the Sammy D Foundation. We had lots of volunteers who did amazing work and they continue to do so, educating our young people about the perils of drinking alcohol, taking drugs and also about making better choices. Every day, as a member of parliament, I work with volunteers at a myriad of local, state and national organisations. Many volunteers hail from my neck of the woods: the electorate of Fisher and the new electorate of Hurtle Vale. I thank them for their work

I would like to pay tribute today to a group that we do not often hear about, a group that works tirelessly to make sure that our natural spaces, our parks and reserves, are beautiful places to spend time with our families. I attended the Friends of Parks AGM last week at the Morialta Conservation Park Resource Centre with the member for Bright. I was thrilled to help present their annual awards and scholarships in that wonderful place.

One of the Friends of Parks organisations I would like to quickly mention today is the Friends of Shepherds Hill Recreation Park. They are working to control feral olives. With the help of 80 teenagers, they have removed two tonnes of rubbish from the creek. The Friends of Onkaparinga Park, affectionately known as FOOP, recently celebrated their 30<sup>th</sup> anniversary. The occasion was marked with a bus tour. Some of their achievements over the last three decades are quite incredible. Life membership was given to Fae and Jim Trueman. This group has revegetated with a 90 per cent survival rate and continues to fight the good fight against the ravages of the tree prickly pear.

I have spent time with the Friends of Scott Creek. They have stripped out enormous amounts of feral blackberries throughout the creeks, which are choking out the natural vegetation. The biodiversity that is returning to the creek bed is absolutely incredible. The Friends of Belair National Park celebrated their 125<sup>th</sup> anniversary. I met up with a few of those people at an open day at Belair National Park not long ago.

I also attended the Burnside Rotary annual awards with the member for Bragg and the member for Bright, where I presented an award to the Raine family for volunteering. The Raine family—Barb, Alan and Steve and also my old nursing friend Peter—volunteer tirelessly at Belair National Park. I cannot speak more highly about them and the things they do, such as planning, guiding free walks, maintaining the group's Facebook page, driving minibus tours. They also organise weeding working bees. It is a fantastic thing that they do. Also, well done to Alex McLeod from the Friends of Moana Sands Conservation Park, who was a finalist in those awards. That conservation park is just beautiful. I spent a lot of my childhood down there.

To volunteer is in many ways selfless, but it is also something that delivers great personal benefits. Whether it is improving skills, making community connections, or feeling a sense of worth and inclusion, there is a lot to be gained. Paid job opportunities can also often arise from volunteering. The theme for volunteer week, 'Give Happy, Live Happy', really reflects that we can get so much personal satisfaction from giving ourselves and our time. Thank you to all the volunteers for the work that they do in our community.

### LOBETHAL ANNIVERSARY

**Mr GARDNER (Morialta) (15:19):** Today, I wish to mark the 175<sup>th</sup> anniversary of the pioneers of the town of Lobethal. 4 May 1842 is the acknowledged date for when Lobethal was founded, as 18 families from Prussia and their pastor came together in what is now known as Lobethal, the valley of praise, and held a thanksgiving service for where they had arrived. In particular, Pastor Fritzsche read the following verse:

Am vierten Tage aber kamen sie zusammen im Lobethal;

Denn daselbst lobten sie den HERRN. Daher heisst die Stätte Lobethal bis auf diesen Tag.

That is 2 Chronicles 20:26:

And on the 4<sup>th</sup> day they assembled themselves in the Valley of Praise, for there they blessed the Lord.

Therefore, the name of the same place was called Lobethal unto this day.

That is according to the Martin Luther translation of the Bible, which is an incredibly important historical work in itself, and it is critically important for the history of Lobethal. The thanksgiving service that was held on Sunday morning by Pastor Dave Preuss and Bishop David Altus of the Lutheran Church was a beautiful service. Along with the community commemoration of the monument that was unveiled by the Governor, they paid excellent respect to those forefathers and families of the current citizens of Lobethal. The citizens of Lobethal then came together for a beautiful community lunch and throughout Sunday afternoon there was a series of historical tours given.

They paid respect to the extraordinary travails that those founding families underwent. They were living in Prussia in the early 19<sup>th</sup> century when there was no religious freedom such as was available to them in South Australia. Pastors A.L.C. Kavel and G.D. Fritzsche were Prussian leaders of their communities who were oppressed by the kaiser. They were imprisoned. They were gaoled for their faith. Even deputations sent to speak to the kaiser were imprisoned during that period.

In 1840, Pastor Fritzsche's health was failing and he applied for permission to come to Australia with his congregation. That application was granted and, with support from British Quakers, they were able to raise the money to come to Australia. However, there was the extraordinary ordeal of a sea voyage. There were 274 people who left Prussia and 52 died on the way to Australia. Imagine what those families went through. I think an extraordinarily disproportionate share of those who died were from just several families.

After initially settling in Klemzig and Hahndorf, that community was eventually to purchase land at Lobethal. They had to go through more ordeals to get there because, as they were not British subjects, they had to go through all sorts of things to get that land. However, Gottfried Bormann, J. Christian Henschke, Johann Kleinitz, Gottfried Krause, J. August Mueller, Dienegott Weinert, J. Gottlieb Felsch, Samuel G. Hoffmann, Friedrich Kowald, Carl G. Meier, Friedrich Mueller, Traugott Weinert, Johann G. Hauffe, Emanuel Klar, J. Christoph Kowald, Daniel Menzel, August Weinert, Christian Wentzel and their families were able to finally settle 175 years ago.

They have had an extraordinary history ever since, celebrated by many of those families at the commemoration on Sunday. It was terrific to see the remaining descendants of those initial founders gathered on one side of the church, which was about half the crowd. Many of these families are still the people who make Lobethal terrific today.

Lobethal is notable for many things. In the years since, it has grown. In 1844, there were 50 acres of wheat, 10 acres of barley, one acre of maize, 10 acres of potatoes, 17 acres of gardens, 40 cattle, two ponies, 32 pigs and 11 goats. The original schoolhouse was built in 1850. A brewery was built on the site in 1851 where the mill chimney now stands. This site went on to become the Onkaparinga Mill, which served the community until 1989. Over 175 years, Lobethal has seen significant economic activity, such as motor sports and cricket bat manufacturing. Currently, Thomas Foods is one of South Australia's major employers in Lobethal, and other more local businesses are doing extremely well, such as GE Hughes Construction, which employs hundreds of South Australians—

**The DEPUTY SPEAKER:** Sadly, your time has expired.

**Mr GARDNER:** —and Tweedvale Milk, and there is so much more going on in this wonderful town.

**The DEPUTY SPEAKER:** Why are people ignoring me today? I just wanted to let you know that the Latin word for 175 years is the dodransbicentennial. In future, you could use the Latin word as well, perhaps.

### NATIONAL VOLUNTEER WEEK

**Ms WORTLEY (Torrens) (15:24):** We have already heard that this week is National Volunteer Week. During this week, thousands of events are being held across Australia to celebrate the more than six million Australians who volunteer. Nationally, volunteers make an overall economic and social contribution that is the annual equivalent of \$290 billion. Here in South Australia, the work of volunteers equates to well over 100,000 jobs' worth—in the order of \$5 billion each year—but it is not solely about fiscal equivalence and measurable results.

This year's theme for National Volunteer Week, aptly, is Give Happy, Live Happy. Reasons for volunteering are well known. Giving back to the community, learning new skills, alleviating personal isolation, furthering a particular interest and indeed simple altruism are among them. The advantages for individuals and groups who are assisted by volunteers are equally manifest. Studies show that volunteers are happier and healthier both physically and mentally than the general populace, and I can certainly understand why.

Just this week, I hosted a morning tea for justices of the peace in my electorate. All give their very essential services voluntarily. Many have been doing so for decades and many also give of their time and expertise to other groups and organisations. I am thinking about just one of those JPs—a vibrant, involved woman who also works with women in prisons.

I will speak about her on another occasion in more detail, but at the morning tea she spoke about an initiative dear to her heart whereby prisoners are recorded reading books to their children, and the CD of the mother's voice and the fresh new book are given to those children to keep. Some mothers in prison have never read a story, and some of their children have never had a story read to them. I do not need to spell out the significance of this project for the families involved and more broadly in terms of inclusion, literacy and, we hope, a reduction in recidivism.

Volunteering is essential to building strong and resilient communities. We know it encourages economic participation, mitigates isolation and loneliness and it can increase social inclusion and community participation. It can also be a pathway to employment, with volunteers building valuable work skills and developing personally and professionally from their involvement with their organisations.

There are many volunteer organisations and there are also many organisations that rely on volunteers to exist. Across the state, we have football, netball, soccer, basketball and many other sporting clubs that rely on volunteer coaches, team managers, committee members and those who help out in canteens. In our schools, we have parent volunteers on our governing councils and those who help out with working bees, in libraries and with after school and weekend sporting activities.

There are also many organisations, including churches, men's sheds, Neighbourhood Watch groups, Meals on Wheels, Scouts, RSL, Lions, Rotary and Probus clubs and many more that contribute to our community in a voluntary capacity. Then there are the interest groups and clubs that exist through the dedication of volunteers—horticultural groups, music groups and environmental groups, who work rescuing wildlife or planting trees. In our hospitals, there are volunteers who play a significant role. There are also those who volunteer with our emergency services and in our museums, art galleries and even the Adelaide Zoo.

Today, in National Volunteer Week, I acknowledge and thank the many volunteers who give so generously of their time, particularly those who volunteer in the electorate of Torrens and in the various organisations and clubs within that electorate. The contribution of the volunteer organisations and those who volunteer is indeed priceless.

### TENNIS SA AWARDS

**Mr WINGARD (Mitchell) (15:29):** I rise today to speak about the Tennis SA awards event that was held just last week. Fittingly, I do so in National Volunteer Week because we know that all sporting clubs, and tennis in particular, are made up of wonderful volunteers, and a number of them were recognised on the night. It was wonderful to be there with the president, Kent Thiele, and CEO, Steve Baldas. It was a great night. People were there celebrating, and what they do in running tennis clubs in the community is absolutely outstanding. I have a number of tennis clubs in my local electorate, and I know how much the people involved give back, growing junior programs and the like.

Some awards were given out on the night, and I would like to recognise some of the winners today. The award for the Most Outstanding School went to Prince Alfred College, one of the schools in contention. Also nominated were Henley High School and Cobdogla Primary School, but PAC was the winning school. They do a marvellous job with their tennis program. For the Volunteer Achievement Award—City/Hills, congratulations to Sue Hutson from Littlehampton. She did a marvellous job with her club there. Again, in National Volunteer Week it is great to acknowledge them. The Volunteer Achievement Award—Rural went to Sonya Jensen from Normanville. She works tirelessly at that club, and it was great to see her accept her award on the evening.

The Most Outstanding 35+ Tennis Senior award went to Ron Russo from Tennis Seniors. Congratulations to him. The Most Outstanding Inclusion Program or Person award was quite close to me because, although they did not win, the Somerton Park Tennis Club has a blind tennis program, which is absolutely outstanding, and it is great to see them getting more people involved in tennis. Deputy Speaker, if you have ever tried to play blind tennis—and I have only watched; I have not had a go—I am told, and from what I saw, it is very, very difficult, so it is great to have that program in my local community.

The program that won was the Refugee Tennis Bridging Program, Grange Lawn. They had a wonderful video clip showing this, and I am sure that if you go to the Tennis SA website you can see this clip. This was a great group of people putting on an outstanding program. It is wonderful to see the volunteers involved with this, and what it gives back to the community through that program is absolutely sensational. The Most Outstanding Athlete with a Disability award went to Sam von Einem from Henley South. The Coaching Excellence—Club award went to Helen Rice from Denman, which is in Colonel Light Gardens.

We know that coaches do a lot of work and put in a lot of volunteer hours as well. The Coaching Excellence—Talent Development award went to Sam Wall from Coromandel Valley. The Most Outstanding Tennis Club—Rural award for the night went to Two Wells. They were very happy with that. They have done a marvellous job in growing their club. They were almost extinct, literally, a few years ago, their numbers were so low. However, the people there, who were very excited on the night, and deservedly so, have done a marvellous job turning around the club, and now they are very, very strong in Two Wells.

The Most Outstanding Tennis Club—City award, in which Somerton Park was again in the running, went to Golden Grove. They have won it a few times, and they were very happy of course to take out that award. It was fantastic to acknowledge all the people involved with tennis in our local community. They are full of volunteers, which is wonderful.

Closer to home for me, there are a number of tennis clubs in and around my community. I would like to acknowledge the people who lead the charge and all the volunteers at these clubs. Right through, from the juniors to the seniors, they do a fantastic job keeping people fit and healthy. We know South Australia has a great tradition of producing wonderful tennis stars, too. We bat well above our weight when it comes to producing tennis stars. There are names like Hewitt, Woodford, Molik and emerging now is Kokkinakis, so South Australia should be very proud of its tennis heritage.

The president of the Morphettville Tennis Club is Adrian Couzner. They do a great job. Paul Starrs is president of the Seacliff Tennis Club. I would like to acknowledge Rick Davey, the president of the Marion Tennis Club. He has done a power of work to get that club firing of late. Mark Flynn, Andrew Selman and Kathy Scotford are the president, vice president and secretary of the Warradale

Tennis Club. I have worked very closely with them, and they have a great club that is coming on in leaps and bounds.

Paul Hodgson is the president of the Dover Square Tennis Club; in fact, that was the club I played at when I was a junior. I was coached by Jack Lynch, who did all the did to help out my tennis game. I greatly appreciate my time there is a junior. Adrian Dezen is the president of the Southbank Tennis Club. Graeme Greene also does a great job at Reynella. Rob Hill, Bob Fairhead, Lynton Goldsworthy and Trevor Mills are part of the team that runs the Brighton Tennis Club. Trevor is the father of a friend of mine from when I was growing up, and I know how much he puts back into his community.

Those are just some of the clubs in my local area. They do a great job in keeping kids active, keeping people healthy. I look forward to working with them and the local councils in the future to make sure that we utilise, maximise and enhance the facilities we have to keep people playing this great game.

### **APY LANDS, COUNTRY CABINET**

**Mr HUGHES (Giles) (15:34):** I rise today to talk about the recent country cabinet visit to the APY lands. Before the cabinet arrived in the APY lands, I went with the Minister for Aboriginal Affairs, Kyam Maher, to Uluru so that we could take the back road to the far western communities, to Pipalyatjara and a number of the smaller communities around Pipalyatjara. We did that because they otherwise might well have missed out on the country cabinet visit, which is concentrated on some of the more eastern communities.

It was worthwhile taking the back road to Pipalyatjara, and I say that because a number of people had spoken to me about that particular road. The far western communities, probably the most remote communities in our state, are up there by the Western Australia-Northern Territory border. That back road to Uluru is the most direct way to a centre with a bit of economic activity. At some stage, I was asked to travel that not widely travelled road to get a feel for what it is like. You could tell that at times it would be a serious four-wheel drive track.

On the day we took the road, it was not too bad. There was still some water on the Northern Territory side, and we were greatly surprised, when we hit the Northern Territory border to come into South Australia, that the road had been graded. I said to the minister, 'I hope this road has not been graded because they got a sniff of the fact that a minister would be travelling along it.' I was given assurances by the road crews I bumped into over the cabinet visit that that was not the case. They had some equipment in the far west, and they went ahead and did that road. I hope that is the truth of the matter.

The hospitality extended to us in Pipalyatjara was, as always, really good. Getting down to the actual cabinet visit itself, there were some indelible memories. I am sure the country cabinet will go away with memories of a cabinet forum like no other they have had in this state. To be out there in the open air, with a big crowd of people turning up and camp fires going all over the place, was a pretty special setting. One of the interesting things about the forum was that not many questions were asked. It was an opportunity for people to get up and make a number of speeches.

Once again, the message that was driven home was the incredible importance of country, culture and community. As a local member, you often measure things in terms of not just the relationships but also the tangibles that are delivered. The roads in the APY lands are incredibly difficult at times, and the ambulance fleet that services those remote communities takes a hammering. We were able to announce the delivery of seven brand-new customised ambulances for the APY lands.

While mentioning the ambulances, I would just like to offer my heartfelt condolences to the family of Gayle Woodford, who have recently been witnesses to the court case. I cannot imagine what they have been going through, and I hope the sentence that is handed down fits the incredibly horrendous nature of the crime that was committed. As I said, my heart goes out to the family. In a very small way, I hope that now, when nurses go out in the new ambulances, they will always be accompanied. That is some incredibly small recompense for the enormous damage that has been done. What has happened should not reflect upon the people in the APY lands, incredibly friendly

and hospitable people who put out the welcome mat—such good people. In addition to the ambulances, one of the other good things is the eventual delivery of the permanent dialysis service.

Time expired.

### *Bills*

## **PUBLIC INTEREST DISCLOSURE BILL**

### *Final Stages*

Consideration in committee of the Legislative Council's message No. 173.

(Continued from 10 May 2017.)

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

That the disagreement to amendments Nos 1 to 4 of the Legislative Council be insisted upon.

Motion carried.

### *Conference*

**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) (15:41):** I move:

That a message be sent to the Legislative Council requesting that a conference be granted to this house respecting certain amendments from the Legislative Council in the bill and that the Legislative Council be informed that, in the event of a conference being agreed to, this house will be represented at such conference by five managers and that Ms Chapman, Mr Odenwalder, Mr Picton, Mr Tarzia and the mover be managers of the conference on the part of the House of Assembly.

Motion carried.

## **CRIMINAL LAW CONSOLIDATION (MENTAL IMPAIRMENT) AMENDMENT BILL**

### *Final Stages*

Consideration in committee of the Legislative Council's amendments.

(Continued from 12 April 2017.)

**The Hon. J.R. RAU:** Of course, it would have been ideal if the bill had returned unamended; however, as it turns out, that was not to be. That said, in an effort to move the matter along, and not wishing to allow the perfect be an enemy of the good, the government intends to accept amendments Nos 3 to 10, noting, as I said, that we would still rather that we were not doing this; nonetheless, in an attempt to move the matter along, we will.

Amendments Nos 1 and 2 are not acceptable. Very briefly, in case anyone elsewhere chances to look at this in *Hansard*, both amendments were moved by the Hon. Mr McLachlan and are inconsistent with the government's election commitment. It is an election commitment, not just a—

**Mr Duluk:** What about all the other ones you don't follow through with?

**The Hon. J.R. RAU:** Actually, you will find that the actual record of this government in meeting its election commitments is outstanding.

**Mr Duluk:** What about the Repat one? What about the closure of the Repat?

**The CHAIR:** Member for Davenport!

**Mr Knoll:** Kick him out.

**The CHAIR:** The member for Schubert has decided you should leave the room, so do not give us another reason to re-evaluate his suggestion.

**The Hon. J.R. RAU:** As I was saying, the government made an election commitment to prohibit anybody whose mental impairment was caused by self-induced intoxication. This is the



person who consumes so much of something that they are in a state where they commit a crime and then subsequently say, 'I didn't know what I was doing,' having been entirely responsible for placing themselves in that debilitated state in the first place.

What the government said was that anybody who does that sort of thing, that is put themselves in a case of being mentally incompetent, should not be able to go around using a defence of mental incompetence to evade criminal liability for what they have done. Mr McLachlan, apparently, does not agree with that. The amendment moved by Mr McLachlan enables those people who have put themselves in that position to nevertheless have the opportunity to be treated in a way that enables them to evade criminal responsibility for their behaviour. Obviously, we do not accept that.

I hope those people out there in the public interested in whether or not the government is attempting to make it clear to people that criminal behaviour is not okay—and the government is closing down the loopholes that people are using to evade criminal responsibility—pay attention to the fact that this particular closing of a loophole is being denied the government and the people of South Australia by, in particular, a very learned member of Her Majesty's Opposition in the other place.

The second amendment goes even farther. The government is concerned about the second amendment because it results in the court being asked always, in effect, to substitute itself for the government of the day and make a policy decision about who is and who is not captured by the mental incompetence defence. What it says is, 'Notwithstanding the whole regime set up in part 8A, if the court thinks it is in the "interests of justice" for somebody who is transparently not mentally incompetent to nevertheless be treated as if they are, that's good enough for us.' What an appalling situation that is.

It is the role of the legislator to create the defence to any offence it creates. Upon a finding of fact, the court applies those facts to the law, interprets the law, and makes a decision as to whether the facts, as found, enliven a defence. It is the parliament that should decide what factual circumstances a person is able to avail themselves of in a defence of mental incompetence, or not.

The amendment about which I am now speaking promotes inconsistency in giving a broad and unfettered discretion as to who is entitled to a finding of not guilty due to mental incompetence or not. Because it is discretionary, it is almost certainly, virtually unreviewable. So, we agree with little or virtually no enthusiasm to the first amendments, but we cannot abide the other two amendments about which I have just spoken for the reasons that I have briefly explained.

I should go on to say that, by providing the judiciary the wide discretion here, there is a real fear that it cannot be applied consistently because every person's discretion obviously will be exercised independently. There is no guidance as to how it is to be exercised. For those reasons, without going any further, we do have a serious issue with those two amendments.

**Ms CHAPMAN:** In respect of the Criminal Law Consolidation (Mental Impairment) Amendment Bill 2016, which has been returned from the other place with substantial amendment, I indicate that the opposition supports all of the amendments. I will make a point in respect of amendment Nos 1 and 2, which appear to trouble the Attorney most.

The concept of introducing an amendment to our criminal law system to prevent or prohibit someone who has self-inflicted their own state and become intoxicated, rendering them into a state of mental impairment, then being able to use that as a defence to their criminal conduct is one for which we have some sympathy. We note therefore, in the drafting of this legislation, that that is the principle objective. What has become clear in the debate on this bill, though, is that, when one is establishing whether it is a cause that is whole or in part or whether it is substantially caused, there can be other factors.

We are not necessarily just dealing with a single person who is otherwise completely mentally functioning and an intoxication conduct causes them to become mentally impaired. People do not come in simple boxes. It is pretty clear that there are circumstances, for example, where they may have a disability or some other impairment which can cause there to be some clouding of the issue.

We need to be absolutely clear that whilst the principal objective of the government is given some sympathy, we need to provide some protection in the application of the law.

I have heard this Attorney and previous attorneys go on about their grand statements in an election campaign about how they are going to stop this or minimise that or throw out this or do certain things and then, when it comes to the drafting of the legislation, we find that the imperfect world comes crumbling down. We say that it is important that we allow for this provision and that obviously it be employed in this legislation.

It is disappointing that the government takes this petulant attitude about what I think has been a worthy debate in the other place, which has shed some light on some of the deficiencies of these bald promises. When we come down to the application, these deficiencies are revealed. It is disappointing that the Attorney has taken such a petulant view; nevertheless, I expect we will be in deadlock on this matter again in due course.

*Amendment Nos 1 and 2:*

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

That the Legislative Council's amendments Nos 1 and 2 be disagreed to.

Motion carried.

*Amendments 3 to 10:*

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

That the Legislative Council's amendments Nos 3 to 10 be agreed to.

Motion carried.

## **RETURN TO WORK CORPORATION OF SOUTH AUSTRALIA (CROWN CLAIMS MANAGEMENT) AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 12 April 2017.)

**Mr KNOLL (Schubert) (15:54):** I am the lead speaker on this bill and, not to keep the Attorney in any sort of suspense, we will be opposing this bill and I will set out a number of reasons why. It is because we actually believe in a functioning budget, as opposed to the nefarious ulterior motives that I think are the real reason why this bill—and it is certainly the consensus among everybody in this industry—is here.

Possibly the greatest achievement of this parliament, and something that is not reported that much because it was done on a bipartisan basis, was that we amended our Return to Work Act scheme in late 2014. It was something I was extremely proud to be part of and I think an example of good government and good parliamentary work and debate, and a good outcome for South Australians, not only workers but also businesses. Whenever people on the street stop me and say, 'All I hear is you blokes whinging all the time', I say, 'Actually, there are a number of things that we have done. It is just because we agree on them that people tend not to report them.'

The greatest achievement of this parliament was actually to take the worst return-to-work scheme in the country and turn it into the second worst return-to-work scheme in the country, which some would say is maybe not the greatest of achievements, but I think is a pretty good start. What we did together is we knocked off a \$1 billion unfunded liability. We have dealt with the thousands of people—I think it is somewhere between 2,500 to 3,000 people—who were long-term claimants on the scheme.

What we managed to do was to reduce the average premium rate from 2.75 per cent to now 1.95 per cent. I will give credit to Greg McCarthy and Rob Cordiner and their teams for getting the scheme down from a 3.34 average premium cost of the scheme down to the 2.75 per cent prior to the introduction of the new bill, but we have managed to go one step further. There is an issue, which certainly I was not aware of at the time, where closed claims have actually been reopened and people

taking a subsequent whole person impairment assessment have been assessed and given a second lump sum payment where they had otherwise a closed claim and were back at work.

Those claims have now washed through the system and I would like to thank those law firms that helped to achieve those outcomes for their clients. A number of local businesses came to me questioning this, and it was something that was very much to my surprise, but, having said that, it is what the scheme was doing and so be it. There is some suggestion now that, given the efficacy of the scheme and again with these transitional arrangements washing through, we may be able to go even lower, and who knows, Attorney? We may even be able to get to the third worst scheme in the country—one can only hope.

Interestingly, when we were debating the return-to-work changes, what was very apparent throughout the entire process was that we needed to look at the things that made those who were not on the scheme better performing than those who were on the scheme, and by that I am talking about the self-insureds. That is obviously not only larger businesses that have the opportunity to be self-insured, but it is also the LGA and the Crown, who themselves did not even like their own return-to-work scheme so much that they got their departments to, in essence, self-insure.

I was lucky enough in 2015 to go down to ReturnToWork and have a briefing from the guys there about their data analytics capability, but also the way that they have been able to measure the schemes. I have been rushing around for the past two days trying to find the data, but to no avail. What was extremely apparent throughout the entire presentation was the fact that, whether it be the crown or whether it be the self-insureds, they all performed better than the WorkCover scheme and the return-to-work scheme. Certainly, in every conversation I have had since the introduction of the new arrangements, that still continues to be the case.

There has been no suggestion made by the Attorney, none whatsoever, none in the second reading speech and none in commentary anywhere that suggests that the Crown scheme is performing badly—none. In fact, the only commentary I have heard about it is that the Crown's self-insurance scheme is working as it should and appropriately. To come in here and say that we need these changes has not been borne out by any evidence. It has not been borne out by any rhetoric of the government. It is just something they decided to do.

This is not the first time we have had an anti self-insurance thought bubble from the Attorney. Last year, there was some proposal on the table to increase the thresholds by which businesses can become self-insured. What I found most interesting about that was that even though the change to the new act, which covers all people providing workers compensation insurance in South Australia, even though the scheme had managed to wipe off a billion-dollar unfunded liability, what was suggested was that somehow under the new arrangements, even though, again, it got rid of \$1 billion worth of unfunded liability for the scheme, it was somehow going to be more onerous for self-insurers.

Again, that case was never made. I think after three or four months of angst it was quietly withdrawn. In that sense, I think common sense has very much prevailed. Very little rationale has been provided for why this is being done. Normally, when bills come before this place we go to the second reading speech and look at what intense wisdom is in the mind of the mover who seeks, through his or her second reading speech, to put down untold wisdom that we are all to lap up and take as gospel. Attorney, you have given many second reading speeches in this place, but unfortunately I think this has to be one of the worst.

Firstly, the main reason that has been given for why we need to change public sector employees, of which there are about 100,000, in the words of the second reading speech, to:

...bring the Public Service in line with the rest of the state with regard to return-to-work outcomes and services...

and to result in greater consistency and transparency, is to bring the Crown's scheme back on to ReturnToWork's scheme.

The issue I have is that that statement could equally apply to self-insured businesses. It suggests to me that if this is something that has been looked at for the Crown's scheme, is it again being looked at for self-insured industries? There is an inherent inconsistency in our system, and that inconsistency manifests itself in everybody who is not on the scheme doing better than those

who are, that somehow consistency is a goal we should be priding ourselves on. But at this stage it is only consistency for public sector workers and not consistency for the broader marketplace.

The second reason, and this is the one I find most interesting, given the sojourn I had at ReturnToWork in 2015, that 'ReturnToWorkSA has a sophisticated data analytics capability, which they use as a risk management tool'. It is fantastic, I have seen it, it works and it is brilliant. If I may digress (which, as lead speaker I can), I have seen that data analytics capability firsthand. In an inquiry of the Economic and Finance Committee looking into the labour hire industry, ReturnToWork came in and showed us what they are doing to crack down on unscrupulous labour hire firms. I know that the member for Colton was also quite amazed when he heard about the good work of the Return To Work Corporation and how they are able—

**The Hon. P. Caica:** I don't think that's quite accurate.

**Mr KNOLL:** It is extremely accurate.

**The Hon. P. Caica:** No.

**The DEPUTY SPEAKER:** Order!

**Mr KNOLL:** —how the Return To Work Corporation used that data analytics capability to find the labour hire firms that they believed were most likely to be under-reporting their wages and therefore paying less premium to the scheme than they otherwise should be. It was quite a sophisticated tool that took not only into account the information provided by the labour hire employer but cross-referenced it versus industry-standard costings.

If a labour hire firm's gross turnover was much higher than the stated wages should otherwise have been, especially in relation to wages as a percentage of total turnover, then businesses were investigated. We know that about 80 to 85 per cent of the costs of a labour hire firm is in paying wages to the employees it then hires out to host employers. If we had a business that was turning over, say, \$10 million but was only showing \$5 million worth of wage turnover to the corporation, then that was worthy of investigation.

ReturnToWork was then pretty swift about how they dealt with those employers. For instance, they would forensically audit them and prosecute labour hire companies for failure to report income. For those phoenixing labour hire companies, which we know is one of the largest issues in industry, ReturnToWork was able to require those firms that had consistent directorship or relationships between directors of the new phoenixed company from the previous company to pay up-front premiums to ensure that, essentially, there was a level of security to make sure that return-to-work obligations were met by those labour hire firms.

This strategy was extremely effective. In fact, of all the agencies that we talked to in relation to regulation and enforcement of regulation around labour hire companies—and we talked to the ATO, SafeWork SA and other government departments—ReturnToWork was by far the most effective at controlling them. In my view, they do such a good job that we actually do not need to license labour hire firms in the first place, but that is an argument that has been won and/or lost, depending on what the Attorney chooses to do in the future.

The reason I talk about this is that I would agree that ReturnToWorkSA's sophisticated data analytics capability is there. What I do not understand is why the Crown scheme needs to go back to being part of the corporation scheme in order for that data analytics service to be utilised. In fact, the presentation that I was given had huge levels of detail that self-insureds give to the corporation, such that that data analytics capability can be readily utilised.

If there were some gaps between the information that is provided, the Attorney could bring back a different bill that requires greater information and transparency to go between the corporation and the Crown and other self-insured businesses. However, there is also potentially money to be had with ReturnToWork seeking to charge services to self-insureds and the Crown scheme in order to avail them of that data analytics capability. This could be cost effective if, as is stated in the second reading explanation, it is used to 'help with the risk management of current and future claims'. In fact, I am fairly sure that ReturnToWork is already doing something along those lines in terms of exporting the brilliant data that it has. Again, I do not think this is the real reason we are where we are.

Another point that the government makes is that, in terms of consistency, the Attorney would like to see 'a more consistent and transparent return-to-work system throughout South Australia'. This is the idea that everybody needs to be on the scheme so that we can all have the same process, except that that is not entirely what happens. Over the life of this government, we have gone from having one claims agent to having many claims agents to having two claims agents.

Indeed, there is a different approach taken between EML and Gallagher Bassett. I do not want to make any judgements about who does what but, as somebody who talks regularly to businesses, there is a slight difference in approach. If the government was serious about consistency, then why are they not looking at that part of it because, in all seriousness, bringing the Crown back on to the Return To Work Corporation scheme, there is still going to be a level of inconsistency in the way that claims management happens. Again, I do not think that is the real reason that this bill is being brought to this place. A huge number of questions need to be answered if the government in any way wants the opposition to reconsider its position against this bill. We have had very little understanding about what the budget impact is likely to be if this changes.

The Hon. Robert Lucas in the other place is a forensic oracle of information who uses his Budget and Finance Committee to good effect. When he was interviewing Roch Cheroux, CEO of SA Water, Roch gave evidence that he believed that the switching back to the Return to Work Corporation scheme would cost SA Water somewhere in the order of a million bucks. I understand, through the corridors, that maybe they are being carved out, and the point is: if it is going to cost them a million bucks extra and they get to carve out, what makes SA Water different from everyone else?

I also understand that the Courts Administration Authority was before the Budget and Finance Committee on 18 April, and Julie-Anne Burgess from the Courts Administration Authority said, 'I think there is a general sense that there may be increased costs under the new arrangements.' That was said on 18 April and it stands to reason. In fact, I have sat through a number of budget and finance meetings where they express no understanding of the budgetary impacts of this change, but there is a general sense that they all believe that there is going to be an increase in cost.

Secondly, I ask the Attorney: have rates been set for departments? Is there an understanding of what the average premium rate is likely to be, and how does that compare with the costs? Is it the case that departments are going to have different rates set, or is there going to be some sort of department-wide or government-wide average premium rate, and how does that compare to the current costs? We also want to understand whether or not all departments are being moved over and, as the Attorney said, whether or not there is a carve-out for SA Water.

It also appears that there are carve-outs for Minda, the Royal District Nursing Society and the Royal Society for the Blind, and they are likely to have need of a later date of transfer in order to ease their transition. Here we sit, and it is 11 May. Departments are telling us, as recently as a few weeks ago, that they do not understand what the budgetary implications are. As late as a few weeks ago, departments are telling us that they have not had any concrete understanding of what the actual arrangements are likely to be. Is the government even ready to make this move on 1 July 2017 as it would like to?

There are more questions, but we can get to them through the committee process. In the end, I would like to say that every commentator I have talked to in this industry from unions—and, by the way, the PSA has now come out on the record as being against this proposal—says that this has nothing to do with better return-to-work outcomes, which we know are better put where they are. It is not about consistency, it is not about transparency and it is not about reducing cost.

**The Hon. J.R. Rau:** What is it about?

**Mr KNOLL:** It is about making the return-to-work scheme look as profitable as it can so that it can be flogged off at a future date. Indeed, in estimates questioning last year, when asked very specifically this question around moves to privatise the return-to-work scheme, the Attorney at best can be described as having been coy, maybe even a little obfuscatory. He has perhaps conducted himself in such a way as to have a high degree of plausible deniability when it comes to this matter, and I think it is only right and proper that, if government is looking to privatise ReturnToWork, it should

come clean and at least be honest about what it is seeking to do and about the fact that this move will move us very much in that direction.

The Motor Accident Commission had plenty of headroom when it was sold off, which is why the government is able to yield somewhere over \$3 billion for the sale of that asset. Similarly, bringing back into the scheme larger employers—which often have lower average premium rates by virtue of having economies of scale and which are much more likely, especially those that are self-insured, to have specialist in-house return-to-work coordination—will help make the scheme more profitable.

In relation to that, during all the times that ReturnToWork has appeared before various committees, such as estimates, health and safety or budget and finance, they seem eager (and, in fact, the Attorney seems eager) that any reduction in the average cost of the scheme be ploughed back in to reduce average premium rates for employers across South Australia. As I said, we have gone from the worst to the second worst and, hopefully, we can get down to, say, 1.7 or 1.75 and have an average scheme.

Under a privatised model, what would happen instead is that that headroom would be turned into profit for the person who buys the book, and I do not think that that is productive for South Australia. If that is the government's intention, they need to come clean about that. Another piece of evidence we obtained through the Bentley-Latham report states:

However, the point remains that there is no evidence in the comparisons that suggest the SA Crown Workers Compensation, taken in its entirety, has been poorly managed in a financial sense. Our general conclusion is that the Crown as a whole has performed well in terms of maintaining control of claim costs. There are no obvious signs of major mismanagement.

It is another piece of evidence to suggest that what is happening here is not being done because we want to improve return-to-work rates or reduce costs. There seems to be another motive. That is where the industry has arrived now. I have also had discussions recently with self-insured employers to understand that, even under the new scheme, which is comparatively more efficient than the older scheme, the self-insured are still able to make savings versus what they would if they went back onto the ReturnToWorkSA scheme.

I know that for the Local Government Association the saving is in the order of \$10 million to \$14 million a year. In fact, over the journey of their having had their own workers compensation scheme, they have saved somewhere in the order of \$250 million to \$260 million. That is a huge sum of money. If it works for the LGA, it certainly works for the Crown scheme, that any retrograde step to bring them back under the Return To Work Corporation's banner would result in higher costs.

As an opposition that seeks to become the government in March 2018, we want the books to look as good as they can and we want government departments to be running as efficiently as they can. In that light, it is quite self-evident that the Crown scheme needs to stay in place because, as has happened when it comes to many other government reform measures, without listing off more than Transforming Health, there have been issues. I can see what will happen: 1 July will come and go and the transition will get quite messy, as government departments are not ready and some try to push back and seek deferrals and later dates for transition.

As we can already see, for a number of the groups that I have already identified, it will be a mess that is delayed into the caretaker period post next year's election, and it is a mess that we on this side of the house, sitting on the other side of the house, will have to clean up. Instead of having to clean up that future mess, it is much more prudent for us to stop the mess being created in the first place. We would much prefer to be the fence at the top of the cliff rather than the ambulance at the bottom. We will be opposing this bill. We may seek further illumination on a number of questions during the next process. With those remarks, I will conclude my speech.

**The Hon. P. CAICA (Colton) (16:19):** It is clear that, with this bill, the Crown will become ReturnToWork's biggest customer, and the government has, I understand, emphasised that we expect exceptional service and dedicated resources from ReturnToWork to ensure the transition is seamless. I would say this, Deputy Speaker: you would be aware that I have had a bit of involvement with WorkCover over the years, as a trade union official, once as an injured worker for a short period of time, and also as a minister for industrial relations for 18 or 20 months, or however long it was. In

fact, you might have been at that convention when I talked about some reforms we wanted to bring in to WorkCover, and it was a crowning moment for me. I think I lost that debate 267 to one.

A lot of the changes being proposed were essentially about improving a system to ensure that its focus is on return to work for injured workers because what we did see, over an extended period of time, was what by default became a pension scheme. There was no emphasis on getting people back to work and, through no fault of their own, injured workers were left to their own devices over an extended period of time to the extent that, after 10 years or 12 years or 15 years or whatever it might have been, they were almost incapable of coming back to work.

As much as the original proposal to change WorkCover as we did back in 2015 came, from my perspective, with some angst—and I still have some misgivings, and I tell them to the Deputy Premier quite often—I also know that when legislation is introduced, if things have not worked exactly how we want them to, those things are called amending legislation. That was one for the future. For the time being, what I say is let us proceed with the proposals for reform that are being put in place that have got off to a pretty good start. There is more work to be done. This is one important component of that ongoing work.

I was interested in the member for Schubert's contribution. He spoke a lot about wanting to get to at least the average, and it seemed to me to be an aim for mediocrity: 'Let's focus on that. That's our objective. At the very least, let's reach a level of mediocrity.' Well, he talked about sitting on this side of the house after the 2018 election, and I can tell you that the people of South Australia will get exactly that if they are on this side of the house—mediocrity. That is all that you will be able to deliver.

I worked with the fire service. They were an exempt employer and operated their own system. I have always thought that all aspects of the Crown's operations ought to be under a single operating organisation, and that is what this is going to do: bring them back or put them under ReturnToWork. I also tried to have a little bit of history, and I know there are people in the chamber who would know a lot more than me about the history of it, but I think it might have been 1985 or 1986 and Frank might have been the relevant minister at the time, when the idea of exempt employers was brought in from the Crown's perspective.

I saw, even during my short time as the minister, an outflow of organisations leaving the WorkCover scheme to become self-insurers or to become Crown-exempt employers. I think that had an adverse impact on the operations of WorkCover and, indeed, on the consistency and the critical mass that are required to have a properly operating scheme in South Australia. I agree with the member for Schubert. I do not often agree with a lot of what he says, but I and the government also understand that there may be some hesitation from both our Crown employees and our agencies in commencing a new way of doing things.

But the government has confidence that, since the decision was made to transfer Crown claims to ReturnToWorkSA, the planning has been comprehensive and inclusive of workers who may be affected. I am certainly heartened by that. Of course, change is always hard and difficult for a lot of people and organisations but, as I said, and I will go back to it again, I believe this is the right and proper thing to do. It is true that the commencement of the Return to Work Act in 2015 marked a new era for work injury insurance in South Australia with the foundation of a new return-to-work scheme.

With it came great challenges as well as tremendous change and, I believe, some significant achievement since that time. I also say that, from my perspective, it is the monitoring of those successes along the way that makes sure we continue to have them, and it is incumbent upon this parliament and all members to make sure that we individually and collectively do that. It is not just a new act, but also a new emphasis on the administration of the scheme, particularly—and this is critically important—a new focus on return-to-work services.

I think the member for Schubert also talked about claims management and some inconsistencies he believed existed with what we are trying to achieve here and the way claims management was being entangled. Well, claims management is claims management, and that needs to be the focus. Return to work is inextricably linked to claims management, but the core responsibility of ReturnToWork has to be the processes by which we manage the injured workers in such a way

that the primary focus, not only of ReturnToWork and the organisation from which they come but also the organisation charged with the responsibility for that, is returning those people back to work as soon as possible, and in such a way that they are capable of carrying out the responsibilities they did prior to being injured.

The new scheme has been a great success with improved return-to-work rates, and again that is pleasing. With this bill, we will confer the benefits of this new focus on Crown employees as well. I am not going to bang on about how I think this is the appropriate thing to do because I have said it often enough. A key challenge has been to smoothly implement the new scheme for new claimants whilst also managing the transition of the much larger group of claimants from the old scheme.

For ReturnToWorkSA the activity has been intense, with new laws to learn and the introduction of a comprehensive new service model focused on face-to-face support for employees and workers. In some areas that is quite novel because the injured workers may not have seen anyone for a period of time, and now, one of the first people they will meet will be people who are there to support them, with additional face-to-face support not only for them but also for employers and workers. There is also the implementation of new software and computer systems to support the new scheme, which can always be challenging, and, very importantly, there is assisting claimants from the old scheme adjust to the changed benefits of the new scheme.

I think the government should be rightly proud of ReturnToWorkSA's achievements in moving from administering what I said earlier was a medico-legal scheme, which had really become a default pension scheme, to delivering a new scheme that embraces the health benefits of work, with a strong service ethic. That is what it is all about. The member for Schubert talked about the second reading speech, but I found the Deputy Premier's second reading speech to be succinct and to the point about what the objectives of this change were, and I am sorry that the member for Schubert does not get it.

I am told there was a survey of new claimants and employees, and in that survey the vast majority of respondents rated the service as 'good or higher', far from the 'mediocrity', I think, that the member for Schubert was focusing on. They rated the service as good or higher, and these survey results are reinforced by significant reductions in complaints and disputes lodged by new claimants. That was something symptomatic of the old system, the amount of disputes that were lodged by new claimants, but also the number of disputes that were consistently being lodged by people who were already in the system for an extended period of time.

ReturnToWorkSA has introduced a new, simpler premium scheme for employers that rewards companies with no employees off work with injury or where swift return-to-work opportunities are provided to injured employees. I think that is a great thing. There should be carrots in there that drive performance and reward good performance. That is a good thing; there needs to be that type of incentive. The scheme's reduced average premium rate has saved businesses \$180 million per year to spend and invest in South Australia, and if we continue with that form of incentive, one that rewards outstanding achievement, that will further drive up the savings and drive down the costs of the scheme.

The last two years have marked the exciting beginning of a new era for work injury insurance in South Australia. I do not want to overstate it—as I said earlier I still have a few concerns, and I will continue to raise those—but at the moment I have nothing to raise of concern and nothing has been raised with me by my constituents at this point. In fact, the few who have raised issues have been adequately and properly addressed through the processes that have been put in place.

I also highlight that the work has just begun, and to me it is abhorrent that on one hand the member for Schubert congratulates the legislation that was passed as being perhaps his greatest moment in parliament since he has been here—he and his side, through bipartisan support of that legislation, the crowning moment of his career to date—yet he is not going to allow, in a bipartisan way, the government to continue the work that we collectively agreed was the right thing to do. I think that is awfully short-sighted, and I do not know for the life of me why you are doing it. You did not convince me in the contribution that you made that there is any fine or sound reason as to why you should be doing it. As I said, the work has just begun.



A durable injury insurance scheme has to be both desirable for workers and affordable for South Australian employees. For the next three years, those key initiatives that need to be put in place will continue to be introduced that will focus on realising the health benefits of work, as well as ensuring the effective and economic operation of the entire scheme. This can best be done by ensuring that Crown employees transfer through, as well, to ReturnToWorkSA.

By accessing ReturnToWorkSA's data analytics capabilities, data on Crown claims will also be able to be captured quickly, accurately and more consistently to allow the government to identify trending areas of claims and, in turn, focus education prevention programs directly in these areas. Some of you might say, 'Well, isn't that novel?' The reality is it is just the proper and appropriate thing to do. Measure your performance; where your performance is down, make those changes that can be made and ensure that you address emerging trends or areas where there has been less than a satisfactory performance. We can do that best by having those Crown employees transferred back to ReturnToWorkSA—not novel, necessarily, just the right thing to do.

The expected outcome of the transfer of Crown claims management to ReturnToWorkSA, as in the words of the Treasurer in his second reading speech, is greater consistency in service and outcomes for all South Australians and additional levers for the Crown to drive improved performance in relation to work injury claims. I commend the bill to the house.

**Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (16:31):** I rise to speak on the Return to Work Corporation of South Australia (Crown Claims Management) Amendment Bill 2017. I am sure the Attorney will be pleased to know that I wish to make a contribution on this matter.

In the time that we have both been in the parliament, there has been major reform in respect of what we knew as the WorkCover Corporation because of its dire circumstances under the mismanagement of the government. The reforms that were undertaken in 2013, which were ultimately supported by the opposition, have enabled the government (I think under the good stewardship of Mr McCarthy) to bring the organisation into some form of management, which has seen a significant reduction in the unfunded liability.

I think there has been a general acceptance in the business community that it is an organisation now free of seriously injured personnel and that is now functioning quite well. During estimates last year, we raised some questions about the future of the Return To Work Corporation and how it might now operate, including whether it was going to assume responsibility for any government work.

There are two deficiencies, in my view, in respect of this bill that need to be identified; one is that the government is progressing this bill without release of the Bentley-Latham report (as if I could forget Latham; that is a good Labor name) that had been commissioned. It is a report which has cost us, as taxpayers, over \$100,000 and which the Attorney-General's office commissioned at the request of the Attorney, being a review of the management of work injuries within the South Australian government.

I find it astonishing that the government would commission this report, make us pay for it, then not tell us what is in it, and then suggest to us that we are not allowed look at it, as some kind of basis upon which we would support such an initiative as is in this bill. I find it astounding. Nevertheless, the government has the opportunity to show us this report, not keep it secret, and presumably present us a case by which it justifies this move.

As has been clearly outlined by our principal speaker on this bill, on all accounts the operation of the departments in managing their workers compensation claims has been very competitive and effective. A few years ago when there was a proposal to perhaps make it more difficult for people to stay out of the scheme (it was seen by some as an attempt to bring them in to prop up the scheme), the self-insured industry made it very clear that they did not want to come into the scheme, that they were very happy to remain self-insured and that there were significant benefits in their being able to operate their workers compensation.

One of the most significant benefits that has been seen and demonstrated repeatedly is that, because these organisations that are self-insured, like our government departments, have a large workforce and a number of personnel who are specifically given the responsibility to deal with

workers compensation, they are able to accommodate the early return—especially the prompt attention to treatment and obviously assessment—and then the quick turnaround of their claims and the return to work in a workforce of which they are commensurate and familiar so that they can bring these people back in. They understand the value of work, they understand the value of prompt return to the workforce and they are able to action it.

Unsurprisingly, the self-insured said, 'Don't put us back into that system in the WorkCover Corporation. We want to stay independent of them and we want to be able to continue operating as we are.' It seems on the face of it that the government departments the government now wants to move into the Return to Work Corporation are also exactly in that position. They have operated quite efficiently and, from the material leaked from this report done by the government, they too have given some credit to their operations.

The second reason, and this is very important, is that it is quite clear on the briefings we have had to date, including from the CEO of WorkCover, that they are only being asked to undertake the workers compensation aspects of the public servants. So, of the 105,000 public servants who are proposed to be transferred, they will only be dealing with the workers compensation claims. Herein lies the difficulty. If a police officer is injured in the course of their duties—say trying to apprehend a criminal—unable to return to work and there is a workers compensation process they need to go through, under the new scheme it appears that that aspect of workers compensation would be under the charge of ReturnToWorkSA and that they would make the appointments for rehabilitation treatment, that they would do the assessments and get the medical reports, etc. They would do all that.

Back in the department, back in SAPOL (or in the Treasury office or somewhere separate to ReturnToWorkSA) they would still need to have a contingent of people to deal with the other benefits and entitlements a police officer is entitled to receive in the event that they are injured. Those benefits and entitlements are under enterprise bargaining agreements and regulations. I am not quite sure what they are in at the moment but they are in other entitlements. For example, you might recall that when SAPOL was striking, holding public rallies outside Parliament House saying, 'Look, unlike most work, we are actually at risk of being shot, injured or severely injured,' a number of those brave police officers came along to those rallies to say, 'It is not fair that we should be restricted to the same rules and restrictions and cut-off times as apply to the average employee. We are like people who are in the Army or the Air Force: we have to go out there and put our lives on the line and we need to have some extra protection.'

The government eventually did make provision for this and, when there were changes to the act, they insisted that they be fixed—and they were. However, that area of provision of compensation, over and above their workers compensation entitlement in the transfer of this new model, would have to still be dealt with back in government. Here is the police officer who has been shot in the neck. He has to go off to ReturnToWorkSA to get treatment in respect of that, with the assessments and the like.

They also have to go off and have meetings with the person back in SAPOL who is going to attend to the entitlements they might have in respect of the regulations. What a mess. How unacceptable is that? So for these reasons—no just cause shown, an opportunity to give us the evidence to support it refused and the splitting of the attention to the injured employee—there are fundamental flaws in us progressing this bill and supporting the government at this time.

Finally, in respect of the reasons not to do this in a hurry, on the information we have been given, the ReturnToWorkSA CEO says, 'If the government say 1 July we have to start then that is what we will have to do, but we have not yet sorted out a premium for what the department is going to do.' Apparently, by the end of this month, in May, they will be able to do that and then there will be some negotiation presumably. Come 1 July, when there is a transfer of management, all will be happy and sweet in paradise and all the public servants who are going to be dealt with will be transferred over and everything is going to be fine.

I have never seen a government department act in such haste ever and I would be surprised if that could be achieved. They are asking us to blindly accept the transfer of this responsibility without just cause when they have not even sorted out the premiums that are going to be paid. There has

been no provision, other than an assurance apparently that this is going to be cheaper or better than the current cost to the departments.

The departments that I look after for and on behalf of the opposition include the Attorney-General's Department and the Courts Administration Authority. We are already being told that the Chief Justice, who is the head of the Courts Administration Authority, is not too keen to transfer his employees over to this scheme and they may be granted an exemption. SA Water, which is a statutory corporation of the government that is responsible to the parliament, is also showing some resistance of transfer and the government may well grant them an exemption. If the Crown instrumentalities that are not keen to join up are as big as the Courts Administration Authority and SA Water, and they are already bucking the proposal, then we need to have some clear advice from the others as to whether there is going to be any other benefit.

I will highlight one other feature. I am told there will still be power for the Attorney to grant exemptions. At present, the claims management services for agencies already under the government's watch include the Legal Services Commission, the Lotteries Commission, ReturnToWorkSA itself, the Royal Zoological Society and a few others. I do not need to go through all of them, but I make the point that there are a number of government agencies that are already paying a premium from their annual budgets to ReturnToWorkSA for ReturnToWorkSA to do the service.

One of the things I think that it is important for us to look at is to see how effective that job is being done for those agencies. I think it is fair to say that most of them are relatively small agencies, relative to the big government departments and statutory corporations. I will tell you what really concerns me, and it relates to what is going to happen with the premium that is to be paid, which will ultimately be settled upon in this negotiated arrangement between Treasury and WorkCover.

At present, the remuneration paid by the Legal Services Commission to its staff in the 2015-16 year was \$16,419,261. The premium that they pay to ReturnToWorkSA is \$135,030.65 and their agent is EML. There is no reason to suggest that they are not provided with quite a good service. As you can imagine, most of the people employed by the Legal Services Commission are there to provide services of a legal nature in advice or court representation in areas under federal and state jurisdictions. They get funding from the federal and state governments.

I think it is fair to say that, perhaps apart from being assaulted by an unhappy client down at the Adelaide Gaol, theirs is mostly not a dangerous occupation. They might break a fingernail, they might slip up when walking to their office or taking an interview, but they are largely employed in circumstances where they are not exposed to the risk of machinery and so on.

If I look at ReturnToWorkSA as an agency, they have a remuneration package of \$30,525,166 for the 2015-16 year, and their premium for the same year was \$114,390.90. It is the same agent, too, EML. I do not understand why, in a remuneration package which is nearly double that of the Legal Services Commission, the Legal Services Commission is paying an annual premium of \$20,000 a year more. I do not understand that. It does not make sense to me. It would make sense if the Legal Service Commission employees were doing some dangerous activity and they needed to have extra cover because of the nature of their employment, such as if they were driving tractors, working machinery or operating fishing boats—anything that is a more dangerous activity than doing a desk job.

There are a lot of questions that we on this side of the house would have just looking at the disparate premium arrangements of those government agencies that are already under the scheme. Of course, using those two as an example, it could be that ReturnToWorkSA wants to keep its premium low, so it has negotiated a good deal for itself, but every other poor bunny that is in the system has to carry the excess. I do not know the answer to that, but I certainly want some answers before we consider this bill being approved by the parliament.

I suggest that the worst interpretation of what the government is doing with this proposal is that it is fattening the pig for market day, and I am not the first to make this observation. The government has consistently said to us in the last 15 years, 'No, we are not going to do this,' then we find a couple of budgets down the track that they run out of money and they do exactly that.

With the Motor Accident Commission, the government said, 'We need to strip down the entitlements of people who have injuries arising out of motor vehicle accidents.' Why? Mr Snelling, the then minister of the day, said, 'Because we want to reduce your premiums.' We received a reduction of premiums for one year and then, of course, they went skyrocketing the following year. What did they do in the meantime? They packaged up the Motor Accident Commission for sale. They stripped it of a number of its assets and then they flogged it off.

We are alert to the government's promises, which evaporate when it wants to change its mind. It would be logical, if the government did want to sell the WorkCover Corporation, that it would do just that: transfer as much as they could to make it a more attractive package for anyone who wanted to acquire it. Again, we have assurances from the government that that is simply not the case and that they have no intention of doing that. We have heard all of that before, so we are not satisfied that there is any justification for doing this, other than if the government wanted to say to a prospective purchaser, 'Here are 105,000 extra customers with potential claimants who would be securely under your control,' which would make this a more healthy asset to purchase.

With that, I look forward to listening to the intensive questioning that will be done by our lead speaker and getting some very clear answers. Frankly, I would also like to see the disclosure of the reports that the government has relied on before it asks us to proceed with this proposal, to its folly.

*Sitting extended beyond 17:00 on motion of Hon. J.R. Rau.*

**Mr WILLIAMS (MacKillop) (16:50):** I hesitate to say that I will not hold the house for long, but I have got myself into trouble on numerous occasions for making that comment previously. In my experience in this place, there has been no greater sin perpetrated on the people of South Australia than has been the case under this government's management of workers compensation, up until very recent times.

*The Hon. J.R. Rau interjecting:*

**Mr WILLIAMS:** Yes, I am going to give you some kudos, minister, because I lived through times when this government remained in denial year after year and brought forward major amendments to our WorkCover legislation, as it was then called, only to see failure upon failure and cost upon cost burden to South Australian businesses. With the advent of the return-to-work legislation, the government claimed that it was going to save South Australian businesses \$180 million a year. I am not too sure what the figure has been.

**The Hon. J.R. Rau:** It has.

**Mr WILLIAMS:** The minister is suggesting that that has been realised.

**The Hon. J.R. Rau:** Exceeded.

**Mr WILLIAMS:** 'Exceeded,' he says, and I am delighted if that is the case. Despite the opposition's protests about various measures that happened over many years, my concern is that the government sat on its hands for in excess of 10 years. What has happened more recently is that the government has fully acknowledged that it was costing South Australian businesses in excess of \$180 million a year. That was a travesty. When we look at the situation of the economy of this state at the moment, one of the key factors, in my opinion, was the mismanagement of workers compensation for many years by this government.

I want to point out to the house that this government has a very poor record over a very long period when it comes to workers compensation and the management of workers compensation in this state, apart from the most recent period under the current minister. I recall when I was the shadow minister that the current minister and I spoke to a group of labour lawyers down at the Town Hall. I talked to somebody only this afternoon about that time when the minister and I could have made each other's speeches. I think we both agreed on the major principles of what had to be done to bring the WorkCover system under control and to lift the incredible burden off South Australian businesses. That has been done to a large extent, which I am delighted about.

Notwithstanding the minister indicating that the \$180 million target has been exceeded, I believe that South Australian businesses are still suffering a greater cost impost for workers compensation measures than their interstate counterparts, so I believe there is still work to be done.

I am delighted that the minister is nodding in agreement. We have come a long way, though, and I acknowledge that. I congratulate the minister, as I think I have previously, on the work he has done in this area.

My concern with this piece of legislation is that the opposition really has not been given any reason for going down this path. I have just reread the minister's second reading explanation when he introduced the bill and I have not seen any analysis. The minister said that there are 12 separate administrative units performing this function within the public sector, but he has not given any information to the house that there are various levels of efficiency or indeed that none of those units is providing a level of efficiency anywhere near that provided by ReturnToWorkSA.

I would have thought that, in bringing this matter to the house, that would be the first job—to present to the house how we are going to provide a better service to the people employed in the public sector in South Australia and how that is going to benefit not only those workers, that workforce, but the taxpayer of South Australia in general. We have not been given that. In fact, what we have been given is this, and I will read from the minister's second reading explanation:

The arrangement provided for in this Bill will lead to improvements over time, given workplace injury insurance is ReturnToWorkSA's core business.

The rationale is that, because this is ReturnToWorkSA's core business, they are going to do it better than anybody else. That is why I gave a little bit of background earlier in my contribution. WorkCover's core business was to provide these sorts of services to injured workers and to industry in South Australia, but we saw for years and years and years that, notwithstanding that that was their core business, the outcomes and the results they achieved were abysmal, particularly when you compared them with the results of the self-insured sector, which was acting under the same legislation and the same regulations but were achieving a much better outcome.

I find it rather amusing that the minister would come to the house and say, 'Please accept this because this must be better because this is ReturnToWorkSA's core business,' with no data, no analysis and no figures to show that, on average, the return-to-work outcomes are superior and/or the cost is more efficient. I have serious concerns. When one finds a lack of suitable motivation for this, one's mind wanders and tries to come up with what rationale is driving the government. Something else this government has shown us very clearly over a long period is that, because it is totally inept at managing the state's finances, it has adopted a policy of continuing to sell everything it can to raise cash.

The forests in the South-East were flogged off, not to pay down debt but to build the new Adelaide Oval. I can assure the house that the people in the South-East do not think it was a good deal. Indeed, if we look at the activity in those forests and the return that has been gained by the new owners, it was a dog of a deal for the taxpayers of South Australia. There was the Lotteries Commission and the Motor Accident Commission. Now we see the government about to sell off the records used in the Lands Titles Office and the functionality there—everything it can possibly use to raise a few extra dollars.

As I pointed out to the house last night, the budget handed down by the federal government the evening before will see the state government receive another \$700 million from the federal government in the next financial year, yet the government will continue to sell everything it possibly can. I do not think there is any sensible rationale for selling WorkCover, or ReturnToWorkSA, other than to try to paper over an inept government, to paper over the fact that this government has failed and continues to fail to manage the state's finances. I can see no worthwhile reason for selling off the functionality and the records held by the Lands Titles Office, just as I cannot see any sense in selling off the state's forests. I have grave concerns.

I wonder what will happen to the return-to-work services provided by the other self insurers and what the government is going to do there, because a significant number of South Australian employers' workforces are protected under a self-insured scheme, not the least being the Local Government Association and the local councils throughout the state. If the government is arguing that its public sector should be brought within ReturnToWork's management, how can it not make the same case that the local government sector should be brought within the same realm, and how can it not argue that other businesses should not be?

There are many more unanswered questions than answered questions on this. As the previous speaker said, they look forward to maybe getting some answers at least when we get to the committee stage of this bill. However, I have serious concerns mainly based on the fact that very little real information and rationale have been given to the parliament and the fact that this government's record of managing workers' rights has been abysmal, and its record of flogging off the state's assets is there for everybody to see.

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:01):** Can I thank the contributors, two of whom were unexpected. One of the unexpected ones was most welcome. Thank you very much, I say to the last speaker, because he was kind enough to acknowledge the work that my staff in particular have been doing to try to get this scheme back in shape, and that was very significant, I think.

On the subject of ReturnToWorkSA, although this may have a tinge of immodesty about it, I think I come into this chamber with some credibility on this topic. I have stuck my neck out on this topic. I stuck it out before a state election. I persuaded my colleagues to take into a tightly contested state election a policy to reform ReturnToWork. We set a fairly aggressive set of targets for ourselves. We set a target of between 1.5 per cent and 2 per cent premium. I can tell you that that was a reasonably difficult process.

Nonetheless, we did take that to the election, and immediately following the election we spent a lot of time drafting legislation. I pay due credit to the opposition. The current Leader of the Opposition said to me that he wished to work in a constructive way about these things and, by and large, the opposition did. Let's take all the rubbish out of this and just report the facts as they are. Those are the facts.

Yes, we had the good fortune to have an excellent team in there—Greg McCarthy and his mob—and they did an extraordinary job of changing the culture inside the old organisation. We now have a new culture in the organisation and we have a new legislative framework, and the proof of that is in the pudding. We have seen \$1.3 billion or \$1.4 billion unfunded liability completely wiped out. The legislation passed at the end of 2014, if I remember correctly, and it came into operation on 1 July 2015. In that time, the average premium has gone from 3.34 per cent, or whatever it was at the time—although we were only charging 2.75 per cent—to a point where it is now below 2 per cent.

Yes, the \$180 million minimum return per annum to South Australian small and medium-size businesses has been delivered. I have some information about this topic that I can share with the parliament. This is something I have spent a lot of time working on and I can say to the parliament that I would not be trying to sully my reputation as a person who genuinely has a commitment to reform in this area by doing something stupid or doing something dodgy. I can assure members that this is neither of those things: it is not stupid and it is not dodgy.

I have a few more home truths because the member for MacKillop addressed a number of home truths in his remarks. I differentiate his from other contributions, but let us focus on his because I am a 'glass half full' sort of chap. The contribution from the member for MacKillop talked about the old scheme. The fact is that the old scheme—and I made no secret about this either—was bugged. It was not functional. There was a whole bunch of reasons for that: it was cultural, it was systemic, it was architectural, it was personnel, it was everything. There was a whole bunch of reasons.

I can assure the member for MacKillop that, if we still had that scheme in operation, I would not be bringing this to the parliament because I would not have confidence that the management of ReturnToWorkSA—WorkCover as they then were—would have delivered a superior outcome, or even an equal outcome, to the outcome that is being delivered by these agencies paddling their own canoes. But times have changed, and we do not have the old rickety show running there anymore. We have a far more sophisticated and a far more highly tuned management.

The proof of the pudding is in the eating. If you look at what has been going on in terms of the small to medium-size businesses that are actually paying premiums to this new outfit, they are getting better results, and they are getting lower premiums, and they are getting really great return-

to-work services delivered to their places of work, and they are getting highly skilled risk management services delivered to them as well. They are getting good results.

There are a few things I need to make clear because a few conspiracy theories were floated. I know the member for Schubert likes a bit of a flourish. I was wondering when he was going to get to the moon landing being filmed at Universal Studios, and Roswell and Area 51, and the weapons of mass destruction that Saddam Hussein had. He was in all that space. I was waiting for the bit about Elvis actually still being alive and living in Hawaii, but we never got to that. What we got to was: 'The government has got a secret plan.'

**The Hon. S.W. Key:** He's too young.

**The Hon. J.R. RAU:** He's too young to remember Elvis. That's probably true.

**Mr Knoll:** What?

**The Hon. J.R. RAU:** You're too young to remember Elvis. Perhaps if we go more contemporary, George Michael is still alive and is living in Hawaii. He is probably not a good example; let's stick with Elvis. I would rather stick with Elvis, because I recall—

**The DEPUTY SPEAKER:** Because you like sequins.

**The Hon. J.R. RAU:** I like sequins. I also liked his return concert in 1969 when he had the leather on as well. That was pretty good, but I only heard about that from my grandparents, of course.

**Mr Knoll:** And you're whingeing about our guys speaking.

**The Hon. J.R. RAU:** Okay, sorry. The point I was going to make is that this bogus stuff you run up the flagpole about privatising ReturnToWorkSA—answer: no, not even contemplated. The other bogus one that was floated was: are we going to tell all the self-insureds out there, the Woolworths and Coles of this world, that they should be jumping in? No. They are perfectly happy doing what they are doing. We are perfectly happy having them doing what they are doing. The third point on that that is probably worth mentioning is this notion of fattening the pig for market. I have already said that there is no market and there is no pig.

I make this point: the way this is contemplated to be done, in accounting terms, is that the mixing of the moneys that would come from the public sector, as opposed to the small and medium-size enterprises that are presently paying premiums in the scheme, would be kept separate. There would not be cross-subsidisation of one for the other. The other fantasy point—and this is the one that sits out there with Elvis—is that we would be dropping the cost. Using this whole big cohort of 100,000 really low-risk workers, we would be dropping the average cost to the scheme, to make it a big, fat pig to sell. Well, wrong on every count. It is not contemplated in this model that there will be cross-subsidisation across the two cohorts of premium payers.

As to the question about how much it is going to cost people, the contemplated position is this: for the next couple of years each agency will be paying what they are paying now. They are not going to be facing a big increase in fees or anything of that nature. What is contemplated is that for the next couple of years they will be paying what they are paying now, and during that time we will get to the point where we can build up a claims history in respect of that agency. We—and when I say 'we' I am talking about ReturnToWorkSA—would have a period of claims management for a couple of years, which they would then be able to use as a claims management basis for assessing whether the transitional premium is higher than it should be or lower than it should be.

In effect, we are going to have a completely smooth transition in terms of cost for the agency but, as time goes by, the agency's performance will continue to be monitored. If the performance of the agency over due course demonstrates that the agency is performing very well, that premium will go down. If the performance of the agency is not so good, that premium will go up. That is entirely within the control of the agency to manage.

The other important thing is that we would have the risk management skills of ReturnToWorkSA being employed and deployed in that agency. We would have the return-to-work mobile case management model being deployed in that agency to get people back to work as soon

as possible and we would actually be saying, 'We are trying to offer the best service the public sector has available to it on a universal offer-type proposition to all public sector employees.'

That is it. There is no point in lifting up the carpet and peering in the letterbox and doing these other things looking for the secret bit. There is no secret bit. That is it. It is as simple as that. We want to be in a position where we can actually say, 'Why is it that there is a particular business unit of government where we have administrative or clerical workers who should have a risk profile of X demonstrating an injury record of 2X? Why is that happening?'

At the moment, we have each individual business unit doing their own thing. Even if they are doing their own thing very well, they do not have a horizontal line of sight across government. They might have a vertical line of sight within their agency, but they are not looking across government and comparing their performance with other people who are doing similar activity.

**Mr Williams:** Have you looked at them like that?

**The Hon. J.R. RAU:** A good question. We did, as many people have mentioned, ask people to take a bit of a look at what is going on around government, and it is the case—and I will not take it any farther than this—that different bits do different things differently, let us put it that way. I think it would be terrific if we had a clear line of sight across the whole of government where you can actually compare apples with apples everywhere.

The other point that nobody has mentioned so far, and it only occurred to me in the course of this debate, is that under the new scheme (as opposed to the old one) we have a cohort of people—fortunately not a great number—who are the seriously injured people. These are the people who wind up with a whole person impairment in excess of 30 per cent. Under the new scheme, they basically have lifetime care offered by the scheme.

As things presently stand, if we do nothing it will mean that the Department of Health, business unit X, has one or two lifetime care customers; the education department has one or two lifetime care customers, etc. These people will be sprinkled like confetti across government agencies. It should be common sense to everybody that all government employees who have been injured at work, and have got to the point where they are seriously injured people, should be managed and provided services of a uniform quality and of a uniform nature. ReturnToWorkSA has a capacity to do that because they have to provide that service for the private sector small to medium-size business enterprises, which are insured with them anyway.

The big people, such as Coles and Woolworths, have to do this now as well. I am saying that it makes sense that, given the government is one employer—it might have people with different insignias on their letterbox, but it is one employer—surely the one employer should manage its one workforce in a uniform way, process their claims in a uniform way, deliver uniform assessment of claims management practice and deliver uniform opportunity for people to get return-to-work services, and, if they are sufficiently badly injured, uniform delivery of serious injury services. For those people who are looking for the jack-in-the-box—

**The DEPUTY SPEAKER:** The pig.

**The Hon. J.R. RAU:** The pig—this is not the one. Private members' time is really the place to look for that sort of thing. But not this place, not this one. This one is nothing more or less than what it says. I have not come in here saying, 'The government will save a gazillion dollars if we do this.' I do not have the bike pump on this, pumping the thing up, trying to fill it up with helium so that it can float around the place and look better than it is. I am not putting any lipstick on the pig. It is what it is. I know that is disappointing, especially for the member for Bragg, who loves that sort of thing. This is not that sort of thing. This is very straightforward.

I hope members appreciate that the overwhelming motivation in this case is to deliver better return-to-work services to state government employees. The state has an obligation under the Return to Work Act to be the best employer it possibly can be for all of its employees. We have a particular government agency now, which is a high performing agency. I accept the member for MacKillop's criticism that it was not, and I totally agree with him—it was not, and if this were a few years ago I would not be doing this in a month of Sundays.



Because that agency is now an efficient good operation, and because it is a government agency and because it is delivering a good service to all the small and medium-size enterprises that are out there paying premiums to this agency, it is reasonable for the government to take advantage of the best service available in South Australia for this type of need, and that happens to be our own supplier of the service.

That will mean that all our employees, wherever they are, get decent, fair, skilled treatment in circumstances where their particular injuries can contribute to overall improvements in safety across government. It also contributes to another thing; that is, under the Return to Work Act the employer has obligations to make alternative employment available to an individual worker. This is an important point, and I think the member for MacKillop might find this interesting.

Under the new legislation, each employer has an obligation to find alternative work for an employee who has been injured at work if they are not for some reason connected with that injury unable to return to their previous work. The way that plays out with people like Coles and Woolworths, which are big employers, is, 'You used to work in the storeroom. You've hurt your back and you can't work in the storeroom anymore,' and they find you a job where you go around with a clipboard and look at barcodes or whatever it might be, but they find another job for you. They have to find a job; that is their responsibility.

*Mr Knoll interjecting:*

**The Hon. J.R. RAU:** Except if you are seriously injured. Although, I have to say that seriously injured people under the new scheme are making quite seriously outstanding improvements, but do not sidetrack me on that.

The other point is this. I would like to see every government employee who is injured, and who for whatever reason cannot return to their present place of work, be in a position where the government genuinely does behave as one employer. Just because you were injured in Health, for example, and Health say, 'Sorry, we can't find anywhere for you,' that is a lot harder to do and a lot harder to dodge when the government has one complete line of sight across the whole of government to try to find that person a place to go back to.

At the moment, we have silos across government, a dozen of them or whatever there are. Again, I am being very frank today. I always am, but today I am being particularly frank. There are some agencies that are not very good at finding spots for their injured people to go back to.

**Mr Williams:** Name them.

**The Hon. J.R. RAU:** No, I don't think that is productive. There is nothing more to the motivation for my bringing this bill to the parliament than I have just described. As I said, I have not come in here all-singing all-dancing, saying, 'It's going to be this. It's going to deliver that. We're going to save a gazillion dollars and everybody is going to feel great in the morning.' I have not said any of those crazy things. I have pitched it exactly at what it is. It is what it is. It is nothing more or nothing less. It is a better way for the state government to look after its employees—that is it.

**The DEPUTY SPEAKER:** No porkies.

**The Hon. J.R. RAU:** No porkies. Hopefully, members appreciate that I always do my best to be frank and informative, but in this particular case I got a little bit lengthy because it is a matter about which I care a great deal. I would not be bringing this here if I did not genuinely believe that this was a sensible move to improve the delivery of service to employees. It will not create the fat pig. It will not put lipstick on the pig. It will not do any of those things.

**Mr Knoll:** You actually don't look fat to me.

**The Hon. J.R. RAU:** No fat pig.

*Mr Knoll interjecting:*

**The Hon. J.R. RAU:** Well, I defer to an expert.

**The DEPUTY SPEAKER:** Is the pig injured?

**The Hon. J.R. RAU:** As I said, no pig, no lipstick on the pig. Nothing is for sale.

**The DEPUTY SPEAKER:** Are you finished?

**The Hon. J.R. RAU:** I think I have.

The house divided on the second reading:

Ayes ..... 19  
Noes ..... 14  
Majority ..... 5

AYES

Brock, G.G.	Caica, P.	Close, S.E.
Cook, N.F.	Digance, A.F.C.	Gee, J.P.
Hildyard, K.	Hughes, E.J.	Kenyon, T.R. (teller)
Key, S.W.	Mullighan, S.C.	Odenwalder, L.K.
Piccolo, A.	Picton, C.J.	Rankine, J.M.
Rau, J.R.	Snelling, J.J.	Vlahos, L.A.
Wortley, D.		

NOES

Bedford, F.E.	Duluk, S.	Gardner, J.A.W.
Goldsworthy, R.M.	Knoll, S.K. (teller)	Pederick, A.S.
Pisoni, D.G.	Redmond, I.M.	Sanderson, R.
Speirs, D.	Tarzia, V.A.	Treloar, P.A.
Whetstone, T.J.	Williams, M.R.	

PAIRS

Bettison, Z.L.	Griffiths, S.P.	Bignell, L.W.K.
Marshall, S.S.	Hamilton-Smith, M.L.J.	Chapman, V.A.
Koutsantonis, A.	Pengilly, M.R.	Weatherill, J.W.
Bell, T.S.		

Second reading thus carried.

Bill read a second time.

*Committee Stage*

In committee.

Clause 1.

**Mr KNOLL:** Deputy Premier, I appreciate that you have ruled out any sort of privatisation, which is a much more direct and definitive response than you provided in estimates last year, so at least that has been cleared up. In fact, had you provided a more definitive answer in estimates last year, maybe the conspiracy theories that abound in the absence of any information would have been quelled.

I want to understand more deeply the way the cost is going to be transposed. I accept the fact that you have said that it is going to be like for like, but I assume at the moment that each department, being their own self-insured agency, essentially just pays for the direct and indirect costs of their claims and under the new act pays the ongoing costs of any payouts, redemptions and/or ongoing support for seriously injured workers. That adds up to a cost divided by the total number of employees and you get an average premium rate.

ReturnToWork is going to have to work out some way to charge departments, and it cannot be just a lump sum cost because there are going to be fluctuations in the number of people in those departments. My question is: how will the levy rate be set? Will it be an agency-wide rate? Will it take

into account different classifications of worker? Is it going to be C (the total cost now) equals A plus B plus C plus D plus whatever the different classifications of workers are?

**The Hon. J.R. RAU:** It is a good question and I will start with the easy bit. The advice I have is that the way we intend to proceed with this would ensure that the premium will be based on estimated costs for post-July 2017 claims each year, which will be informed by an actuarial projection. Because the premium is based on actual claim costs, it is intended to be cost neutral for agencies, with costs building up over time, depending on the agency's costs and performance.

As I explained before, in terms of the accounting units, or the reporting units, each one presently is reporting an amount it is paying in respect of costs associated with return-to-work expense, whether that is wages or whatever it might be. The intention is that, whatever those costs presently are, they will continue to be, in effect, set aside as the premium for the next two or three years, to enable the assessment as to whether or not those are in fact costs that are in line with the performance of the agency. We are not making them take a jump into the unknown to start off with. They are just going to move into a situation where—

**The CHAIR:** A known unknown.

**The Hon. J.R. RAU:** A known unknown. Yes, indeed. There is no jump into the unknown at the transition point. There is no cost shock one way or the other. If you need further details between the houses, I am happy to see if we can get further fundamental breakdowns. For example, when you ask me, as you did in your question, 'Are we going to actually take each individual little element within the agency and add them up, or what are we doing?', I would prefer to try to give you that sort of detail between the houses.

**The Hon. S.W. KEY:** A lot of the constituent issues that I have been dealing with under the return-to-work scheme have been to do with transitional arrangements. I want to know what sort of discretion will be made available to the departments to manage some of the cases where medical expenses, for example, have been ongoing after the period that they are not to be there.

We received evidence this morning from the self-insured employers group and from the Local Government Association that talked about the merits of their having some discretion to be able to look at the worker. Obviously, there is the point that you were making about placing them in suitable alternative work, maybe training or whatever, and I know that that is one of the aims you have. I am just wondering whether there will be the discretion that currently exists in the state public sector to look after people, say, with regard to medical support and services.

**The Hon. J.R. RAU:** It is a good question. I think that the answer is that the public sector really, as a matter of law, should not be dispensing public funds other than for a lawful purpose. If the purpose is an authorised purpose by some means or another, then there is no reason why that should stop. If the only basis upon which the funds could be dispensed to an individual is an entitlement under the Return To Work Act, then either that entitlement exists under the act or it does not, and that would be the answer to that question.

It may be that some employees, by reason of other things associated with their employment, have some other opportunity to be reimbursed by the employer independent of the Return To Work Act; if that is the case, that would obviously continue. The Return To Work Act would be the guidance upon which the disbursing of public moneys to injured workers would be taking place.

**The Hon. S.W. KEY:** There is one thing I would like to clarify. You said in your second reading speech that this would probably take a couple of years to finalise; is that correct?

**The Hon. J.R. RAU:** The reason I say that is that at the moment the statistics we have suggest that within two years 97 per cent of claims, or thereabouts, have been resolved. If we take the starting date for this, assuming it goes through, as 1 July, and bearing in mind that the runoff of the old claims will continue to be managed by the existing people, we would expect that within two years at least 97 per cent of them, or thereabouts, would have flushed through the system; therefore, by that time we will have a very good idea how each agency is going.

**The Hon. S.W. KEY:** Following on from that, we are expecting this bill to get through and be passed and that it will have an operative date of, say, 1 July. If a worker gets injured in the public sector who is covered by this legislation in August of the same year, who will be their case manager?

**The Hon. J.R. RAU:** Who will be their case manager? The answer is: I do not know. The claim would be managed by ReturnToWorkSA. How exactly they determine to manage the claim I guess would be a matter for them, and I expect that it would vary from agency to agency and claim to claim. If what you are asking is whether it is possible that one of the current claims agents they use might be involved in the claim, then the answer is that it is possible, yes.

**Mr KNOLL:** On the same line of questioning, obviously now we have EML and GB. They are going to continue to be the claims agents when things switch.

**The Hon. J.R. RAU:** In the not too distant past, there was an extension of the current arrangements whereby there are two agents that are providing services to ReturnToWork—

*Mr Knoll interjecting:*

**The Hon. J.R. RAU:** Yes. We are not disturbing that. That has just happened anyway, independent of this.

**Mr KNOLL:** I want to pick up on the other point the member for Ashford made. So, essentially, if you are injured on the 30 June you stay with the agency, and if you are injured on 1 July you go with ReturnToWork and EML or GB?

**The Hon. J.R. RAU:** Yes.

**Mr KNOLL:** I understand, Attorney, that potentially this was just going to happen as an administrative stroke of the pen, per se. You have obviously received advice that this bill is necessary to pass in order for these changes to be made.

**The Hon. J.R. RAU:** Yes. I originally contemplated that it would be a simple matter for the state to determine how it used its own agencies to provide services to itself. That turned out to be a slightly oversimplified version of what is required. For that reason, we have introduced this bill.

**Mr KNOLL:** Given the fact that it is 11 May and this bill is likely to wind its way through a recalcitrant Legislative Council and sit there indeterminate for months while they have lunch at the Adelaide Club, what happens if this bill does sit in the other house?

**The Hon. J.R. RAU:** As I said before, I am a glass half full sort of person. I hope that they will look at it, read the contributions that we have all made here and say, 'On reflection, it all makes perfect sense,' and give it a tick. If that does not happen, I guess I will be asking the government representatives in the other place to prioritise this bill in an attempt to have it dealt with before that date. If it is not dealt with before that date, we will just have to manage with whatever we are given.

**The Hon. S.W. KEY:** Assuming this bill does eventually get through the Legislative Council and become law, what will the status of enterprise agreements and industrial provisions that currently exist be? Will any adjustments need to be made to them? I am particularly thinking of people who have the age-old problem of being injured or becoming ill as a result of their work and then are all of a sudden made redundant, sacked or whatever else. There are obviously industrial provisions that look at those issues, but how do those vehicles operate? Is there anything that needs to be renegotiated with the employee representatives who are a party to those industrial agreements, for example?

**The Hon. J.R. RAU:** That is a very good question. The answer to that question is that the substantive rights of the employees are not being affected in any way. It is the method by which those rights are being delivered to them that is changing, inasmuch as those rights refer to return-to-work matters. One benefit of this to those workers is that, because for the first time there will be a line of sight horizontally across government, I am very optimistic that we will have a better opportunity of being able to re-engage injured workers who, for whatever reason, cannot go back to their home place of employment.

We will have a better chance of being able to look across government to find a place to put them back in to. Particularly for returning workers who have trouble going back to what they were

doing before, this should mean that the option of the government providing a suitable alternative is enhanced.

**Mr KNOLL:** I want to respond to the member for Colton, who made two mistakes in his contribution. First, I love WorkCover. I love ReturnToWork and I think the scheme is doing a great job. I was a fan of Greg's, and I am a fan of Rob, Matthew Francis and the whole team. I think they are doing sterling work, so I do not want anyone to suggest that I am not as big a fan and groupie as they come, to the extent that one can be.

Secondly, the member for Colton made some extraneous remarks trying to suggest that somehow those who were on the scheme had different sets of conditions—that those were self-insured when, in all seriousness, it is the same scheme and the same act and regulation; it is just about which bucket they sit in. To try to suggest that somehow by transitioning a different set of regulations will apply to help bring down cost and improve performance is wrong.

Notwithstanding that, have any departments—and, if so, can you advise me of them—asked not to be included in the move, other than the ones that have already been talked about, that is, SA Water, the RDNS and RSB?

**The Hon. J.R. RAU:** To my knowledge, at the present time there are four. We put in here a carve-out opportunity so that if in due course it turns out there is a good reason for a carve-out to occur, we have the capacity to do that. But at the moment, the four are SA Water, the RDNS (Silver Chain), the Royal Society for the Blind and Minda. In respect of each of those, we have given them clear assurances that we will work out a way so that they are not in any way inconvenienced.

**Mr KNOLL:** So, the Courts Administration Authority and SAPOL are coming across?

**The Hon. J.R. RAU:** As far as I know. I heard by way of remarks made today in the chamber that Julie-Anne Burgess had made some comments at Budget and Finance. Those have not been expressed to me, personally, and I am not aware of them being drawn to others' attention either.

**Mr KNOLL:** I would say that you take the positive, 'glass half full' Attorney approach to life. Are departments ready to move by 1 July?

**The Hon. J.R. RAU:** It is not so much the departments moving it is the question of whether ReturnToWorkSA is ready to undertake the claims as they start rolling through. The departments will have an existing structure which is working off the tail, if you like, of their existing claims. That will just be a gradual wind down for them, so I do not think that will be a big deal for them. I have received assurances that when we start ReturnToWorkSA we will be able to hit the ground running.

**Mr KNOLL:** By way of a final question, Attorney, will the detail that you are going to provide between the houses in relation to cost identify reasonably specifically the formula by which the numbers are going to be made?

**The Hon. J.R. RAU:** I will arrange for a briefing for the member for Schubert so that he can sit down with those who know these details and satisfy himself as much as he needs to and ask whatever questions he needs to ask. I am not trying to be in any way—

*An honourable member interjecting:*

**The Hon. J.R. RAU:** No, I am not hiding the pig.

Clause passed.

Remaining clauses (2 to 4) and title passed.

Bill reported without amendment.

*Third Reading*

**The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (17:48):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL (MISCELLANEOUS) AMENDMENT BILL**

*Final Stages*

The Legislative Council agreed to the bill without any amendment.

At 17:49 the house adjourned until Tuesday 16 May 2017 at 11:00.