LEGISLATIVE COUNCIL

Wednesday, 15 October 2014

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:18 and read prayers.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:18): I bring up the 10th report of the committee.

Report received.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

By the Minister for Sustainability, Environment and Conservation (Hon. I.K. Hunter)—

Dame Roma Mitchell Trust Fund for Children and Young People—Report, 2013-14

Question Time

GOVERNMENT CONSULTANTS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking the Leader of the Government a question about government policy on consultants' out-of-pocket expenses.

Leave granted.

The Hon. D.W. RIDGWAY: I have been delivered some leaked documents, and it has come to my attention—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Hon. Mr Maher, the honourable Leader of the Opposition has the floor: can you please let him ask his question?

The Hon. D.W. RIDGWAY: Thank you for your protection, sir. In particular they relate to Mr Göran Roos, who at the time I think was the chair of the Advanced Manufacturing Council. Looking at yesterday's Auditor-General's Report it indicated that he may have been paid nearly $75,000 a year for that role. Mr Roos was on the Invest in South Australia board, and his company, Intellectual Capital Services, has been made significant amounts of money for consultancy services to the South Australian government.

It is interesting to look at the copy of some of the invoices. I will not trouble the chamber with all of them, but one relates to $202.69 for dry cleaning. Another interesting one, for a dinner with Mr Roos and his wife and Ms Erma Ranieri, and I assume her husband or another E. Ranieri as well, was in excess of $300. Also it is interesting to note that a book was purchased, called *Integrative Production Technology for High-Wage Countries*, for a total of $522.60 for that book.

The Hon. R.L. Brokenshire: For a book?

The Hon. D.W. RIDGWAY: For a book—$522.60 for the book. The interesting one is for Vlado's, a charcoal grill in Richmond in Victoria, where Mr Roos had two dinners totalling $186 (so that is $93 per dinner) and one bottle of red wine at $98. But the interesting item for South Australian taxpayers would be the $50 tip he provided to that company and then claimed it back. My questions to the minister are:

1. What is the government policy on out-of-pocket expenses for consultants?

2. Is there a cap on the expenses?

3. Is spending $202.69 on dry cleaning, $520.60 on a book and $50 on a tip at a dinner something that the minister sees as being a wise and prudent use of taxpayers' funds?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:22): I thank the honourable member for his questions and will take them on notice and bring back a response.

GOVERNMENT CONSULTANTS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): By way of supplementary question, as a minister of the Crown, you do not know whether there is a policy on consultants out-of-pocket expenses, even in your own department?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:22): I have answered the question. I said I will take it on notice and bring back a response.

MARINE PARKS

The Hon. J.M.A. LENSINK (14:22): I seek leave to make a brief explanation before directing a question to the Minister for Sustainability, Environment and Conservation on marine parks compliance.

Leave granted.

The Hon. J.M.A. LENSINK: The marine parks website has a page entitled 'Maps and coordinates', on which it states:

> Due to the limitations with GPS technology, this information should be used as a guide only and should not be relied on for the purposes of legislative compliance or for navigational purposes. Although every effort has been made to ensure the accuracy of the information displayed, the department, its agents, officers and employees make no representations, either express or implied, that the information displayed is accurate or fit for any purpose, and expressly disclaims all liability for loss or damage arising from reliance upon on the information displayed.

My questions to the minister are:

1. If the information his own department is supplying cannot be relied on, what should people who are concerned about not straying into sanctuary zones rely on?

2. How do they determine if they are not in a sanctuary zone?

3. Will DEWNR itself rely on its own information to prosecute fishing offences allegedly taking place in a sanctuary zone?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:24): I thank the honourable member for her most important question and for giving me an opportunity again to talk about why marine parks are so valuable to our state, our regions and our economy. Management plans for South Australian marine parks were finalised on 29 November 2012. Zoning regulations commenced on 29 March 2013, giving effect to the zoning, including the final management plans. These regulations describe the various restrictions that apply in each zone type, including restrictions on development, waste discharge, aquaculture, dredging, trawling and fishing. Of course, as we know, the restrictions on fishing started on 1 October 2014.

The government understands that the majority of people accessing marine parks are commercial and recreation fishers and that change will take some time. The delay in implementing the fishing restrictions gave people the opportunity to modify their existing practices. To support the change process we developed an education program to help the public understand why the marine parks are necessary and exactly what changes are required.

Zoning maps are available in hard copy from the natural resource centres or online at the marine parks website at www.marineparks.sa.gov.au. Maps are also available for smartphone users

by downloading the free MyParx app. Zoning maps also include a statement that all other laws of the state continue to apply. The government is committed to developing and implementing a compliance strategy for marine parks: that it is cost efficient; it is focused on conservation priorities, particularly sanctuary zones; complements existing compliance efforts; maximises voluntary compliance; and includes measures to address serious or repeat noncompliance.

It is expected that the education programs will help ensure that the public will do the right thing and that the zones will be largely self-regulating. In addition to this, in most cases warnings and expiations (set at $315, I am advised) will be used to address noncompliance with the zoning. Recreational fishers caught fishing with a handline or rod and line in the sanctuary zone are entitled to a warning before they can be fined or prosecuted. This is specifically provided for in the Marine Parks Act 2007 at section 17, I am advised. Of course, serious or repeated noncompliance is taken very seriously and carries a maximum penalty of $100,000 or imprisonment for two years.

Compliance in marine parks will be led by officers from the Department of Environment, Water and Natural Resources. To ensure costs are not borne in the longer term by the commercial fishing industry, on-water services and targeted operations, as required, may also be provided by the Department of Primary Industries and Regions South Australia through an interagency service agreement.

Stewardship activities that will increase community ownership and voluntary compliance planned over the next three financial years include community education at key events and the provision of maps and educational materials, incorporation of marine park zones and alerts into the free MyParx smart phone app, and appropriate signage installed at priority locations.

The South Australian government is committed to protecting South Australia's unique marine environment. This government has committed to providing an extra $1 million a year to ensure South Australia's network of 19 marine parks is effectively managed, putting our annual monitoring budget at $2.25 million per annum. This extra funding includes a doubling of the funding currently set aside for marine park monitoring (that was $750,000) and doubling of the funding for habitat surveys and mapping in sanctuary zones to $100,000 a year, as well as more money to collect and process data.

The $1 million funding boost also includes new money to develop education materials to promote the results of monitoring and targeted compliance activities at key monitoring locations. In addition, a further a $3.2 million will be provided over the next three years to encourage community use of marine parks and to support recreational fishing in and around our marine parks. This funding is to be used to:

- provide regional support grants to community groups and local councils to improve infrastructure around marine parks, for items such as toilets, camping areas and fish stations;
- work with the peak recreational fishing organisation in South Australia, RecFish SA, to establish an artificial reef; and
- open access and provide minor infrastructure for recreational fishing in reservoirs that are offline.

This builds on the government's significant investment of approximately $42 million over the past 10 or more years in setting up a marine parks system that all South Australians can be proud of. As I said, we gave fishers plenty of time to modify their practices, if needed. It has also provided time for the government to work on a monitoring program that will help to measure the effectiveness of the marine parks and management plans over time.

I can only say that our experience interstate and overseas has shown the importance of an effective marine park monitoring program. Marine park monitoring, for the most part, will be done by my agencies. We will develop partnerships over time with other interested parties, including other agencies, the community and industry to make sure that we have the most efficient and effective use of resources.

I am advised that in August of 2012 we hosted a national marine protected area monitoring workshop to share knowledge and experience and find common approaches among the states and

the commonwealth in marine protected area monitoring, evaluation and reporting. We took advice from both the Marine Parks Council of South Australia and the marine parks scientific working group on the design and implementation of the marine parks monitoring program. All I can say is that we want to make sure that our marine environment is protected into the future; clearly the Liberals have no such interest.

MARINE PARKS

The Hon. J.M.A. LENSINK (14:29): Supplementary question. What is the legal status of the department's GPS data that it has put out for fishers?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:29): I will have to get some legal advice to satisfy the honourable member.

MARINE PARKS

The Hon. J.M.A. LENSINK (14:29): Further supplementary. Does the minister's department have a formal arrangement with PIRSA for compliance and, if so, can he outline what that is?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:29): Mr President, once again, the Liberals have shown absolute disdain for my answering their questions in this place. I don't know why I bother sometimes. If she goes back and reads what I said in *Hansard*, she will find the answer to her question incorporated in it.

MARINE PARKS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): The minister made a reference to compliance and an inter-agency agreement between PIRSA and DEWNR. Could he explain the details of the inter-agency agreement, please?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:30): I thank the Hon. Mr Ridgway. The Leader of the Opposition, at least, was listening to my answer. The person who asked me the question certainly wasn't.

MARINE PARKS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:30): Supplementary. I asked the question: can the minister explain the details of the inter-agency agreement that he referred to in his question?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:30): Mr President, the honourable member can read the transcript of *Hansard* and he will see the details that I have been providing to the chamber.

The PRESIDENT: May I just suggest that you read *Hansard* and, if you are not satisfied, you can ask it again tomorrow.

MARINE PARKS

The Hon. J.M.A. LENSINK (14:31): Further supplementary. Will the minister confirm whether it is true that DEWNR approached PIRSA with an amount of funding and PIRSA told them to get nicked?

The PRESIDENT: I don't know if you want to use that language. Minister, do you want to answer that?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:31): I don't think so.

MARINE PARKS

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): In relation to the cost of compliance, when the professional sector loses a percentage of their acreage, will the cost of compliance imposed on the professional sector be reflected by the amount of sea floor that they have lost? For example, if they have lost 6 per cent of their area, are they still going to take 6 per cent less of the cost of compliance?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:31): Mr President, the honourable member doesn't really understand fisheries. He doesn't understand marine parks, that is for sure. He doesn't understand the processes that we were involved in buying out effort. That means the government paid people to exit the industry—and, of course, we have bought out all the effort that we were after. In fact, as I have said in this place previously, more people came to us wanting to buy them out than we were prepared to do so. More people—

The Hon. J.M.A. Lensink: Yes, people that actually don't use their licences in marine parks, that's what you bought.

The PRESIDENT: Hon. Ms Lensink, let him finish the answer.

The Hon. I.K. HUNTER: More people wanted us to be part of that voluntary buyback process. So the government has taken that into consideration, absolutely, and we have done that through our voluntary buyback process.

SA WATER CONTRACTS

The Hon. S.G. WADE (14:32): I seek leave to make a brief explanation before asking a question of the Minister for Water and the River Murray.

Leave granted.

The Hon. S.G. WADE: I refer to questions and answers in this council on 7 August in relation to the subcontractors BJ Jarrad not being paid for work done on the Kingscote main upgrade. The minister advised the council:

> I understand that BJ Jarrad had entered into voluntary administration in September 2011.

The minister went on to say:

> Over this period of administration, I am advised that BJ Jarrad was not invited to tender for any new work from SA Water.
>
> Upon refinancing of the business and leaving voluntary administration, SA Water only invited BJ Jarrad for new opportunities once a review of their advised financial strength and retained capability was undertaken and, I'm also advised, once they received a written financial undertaking provided by a key investor. Since this period, BJ Jarrad have been closely monitored in line with other panellists who may be given contracts through SA Water, and they have performed to an acceptable standard and, to SA Water's knowledge, until last week met all of their requirements.

The opposition has been contacted by a subcontractor who advises that he is owed a six-figure sum and is concerned that he will not receive any funds for the work done. In answer to a supplementary question on the same day, the minister said that SA Water has:

> …a very stringent process of managing their contracts, and I would imagine that the board will keep that under active review.

I ask the minister:

1. Can the minister update the council on payments to the subcontractors of BJ Jarrad?

2. Can the minister advise what due diligence SA Water undertook before awarding additional contracts to BJ Jarrad?

3. Can the minister confirm that BJ Jarrad had met all of the SA Water requirements before contracts were awarded?

4. Can the minister update the council, two months on, of the progress in and outcomes of any review of SA Water's processes in the light of the BJ Jarrad case?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:34): I thank the honourable member for his most important question. As I said in this place previously on 31 July 2014, SA Water was advised that BJ Jarrad has been placed into voluntary administration, with Ferrier Hodgson the appointed administrator. The South Australian government recognises that this is a distressing time for those contractors who are owed money by BJ Jarrad, and the government has encouraged SA Water to do whatever is possible to lessen this burden. In doing so, SA Water has worked closely with the administrator to ensure the best outcome for parties.

The administrator has indicated that creditors of BJ Jarrad are best served by allowing the company to complete its existing SA Water commitments. SA Water has assisted in this by ensuring that outstanding payments have been paid to the administrator, and I understand SA Water has also accelerated payments for work currently being undertaken. These expedited payments have helped, I understand, to stabilise the cash flow so that payments can be made to creditors by the administrator.

Since learning of BJ Jarrad's insolvency, SA Water has undertaken extensive investigation into its own internal procurement practices; however, I am advised by SA Water that all appropriate safeguards were carried out to ensure that BJ Jarrad was a financially viable company at the time of being awarded its most recent contracts. I have explained previously how BJ Jarrad has entered into voluntary administration, but upon refinancing and leaving voluntary administration, SA Water invited BJ Jarrad to tender for new opportunities only, I am advised, after a review of BJ Jarrad's financial strength and capability was carried out and also after a written financial undertaking was provided by a key investor.

Since leaving voluntary administration two years ago, BJ Jarrad has successfully completed, I am told, over $20 million of projects for SA Water with all creditor obligations being met. Over this period SA Water has monitored BJ Jarrad's financial capability in line with its own commercial practices, and I am also advised that SA Water met with the company regularly and received written statements from senior representatives that attested to the financial strength of the business.

As I said, the South Australian government understands the concerning nature of voluntary administration and empathises with the subcontractors; however, as members would know, and as alluded to in the honourable member's question, matters of payment to creditors are a matter for the administrator. I encourage all creditors to continue to work with the administrator in obtaining the best outcome for all parties. I am sure the administrator will carry out the process in a way that best supports the needs of these creditors, and SA Water will continue to work cooperatively with the administrator to help ensure the best outcome for all impacted by BJ Jarrad's insolvency.

SA WATER CONTRACTS

The Hon. S.G. WADE (14:37): Supplementary question. If I understand the minister's answer, there was a review of SA Water's processes following the BJ Jarrad case. Could the minister advise whether there were any deficiencies identified, and therefore any changes made, to the processes?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:37): I do not have any such detailed advice. I will undertake to ask that of SA Water and bring back a response.

TECHNOLOGICAL ENTREPRENEURS

The Hon. G.A. KANDELAARS (14:37): I seek leave to make a brief explanation before asking the Minister for Science and Information Economy a question about support for technological entrepreneurs.

Leave granted.

The Hon. G.A. KANDELAARS: In his economic priority statement in August this year, the Premier strongly emphasised the need to foster innovation and entrepreneurship. It has never been easy for young people with an idea that they believe has business potential to turn that dream into a

tangible business. Can the minister inform the house about how technological entrepreneurs are being supported?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:38): I thank the honourable member for his important question. The South Australian government is committed to supporting innovation through jobs growth. Part of the $2.68 million investment in our jobs plan will be directed towards supporting the next generation of entrepreneurs who deliver jobs, innovation, and social and economic prosperity to South Australia.

One such initiative is to invest $400,000 into Adelaide-based Majoran, Adelaide's largest co-working hub for tech start-ups. Start-ups and co-working spaces are a popular model for very early stage businesses making the transition from an idea to business, particularly for young people working in the digital and online domain. The concept, which has origins in the manner in which many of the large global online enterprises such as Google and Facebook started, creates an intense workplace in which ideas and products are generated, finessed and brought to the market-ready stage.

Established in 2012 by Michael Reid, Chhai Thach and William Chau, Majoran is the first of Adelaide's tech co-working community, boasting 40 members across 20 businesses that employ the equivalent of 38 full-time employees. As a group their combined turnover last year was around $2.5 million. Majoran, based in Grenfell Street, hosts a space for entrepreneurs, innovators and start-ups to work together, receive training and mentoring, and meet with like-minded professionals to develop and market their ideas.

This commitment will provide $100,000 annually over four years supporting industry-led skills training and national connection building with South Australia's start up community. The training programs conducted by industry are in response to the needs of the entrepreneurial community, for example, technical training, business development, as well as national and international industry speakers presenting things like case studies and latest updates and such.

Majoran already delivers the state government's industry program, MEGA, which provides entrepreneurs with access to a network of mentors offering strategic advice and industry perspective. The government's four-year funding commitment will also help Majoran to deliver a range of other events including HackFest in October and a continuation of the successful SouthStart conference in February 2005. SouthStart is expected to attract more than 50 exhibitors and 600 delegates from across the country. It will connect and promote local, improve linkages, and encourage industry to develop strategies to boost entrepreneurship.

As a test bed for new ideas and ventures, Adelaide has many natural advantages, and this will be enhanced further by resources such as our AdelaideFree wi-fi network and the recently proposed Internet of Things Innovation Hub. The government's $400,000 commitment will continue to showcase the work Majoran is doing to build robust and resilient local entrepreneur networks, fill knowledge gaps and bring a roster of experienced entrepreneurs to Adelaide. The South Australian government is proud to be supporting such a dynamic and passionate organisation as Majoran. They were an exceptional group of young people and I very much enjoyed my visit to their rooms a couple of weeks ago. I look forward to keeping members updated about the development of our local entrepreneur ecosystem.

The Hon. R.L. Brokenshire interjecting:

The PRESIDENT: I do not want to interrupt your conversation, the Hon. Mr Brokenshire, but you have the next question.

EMPLOYMENT OPPORTUNITIES

The Hon. R.L. BROKENSHIRE (14:42): It is alright, the crossbenchers can handle two things at once. I seek leave to make a brief explanation before asking the Minister for Employment a question regarding building jobs here in South Australia.

Leave granted.

The Hon. R.L. BROKENSHIRE: Much has been said by this government in the media of late, criticising the federal government's outsourcing of South Australian jobs and about how we need to throw our support behind local businesses to help build this state's economy and to ensure jobs stay here for the people of South Australia. Yet, according to the Department of Planning, Transport and Infrastructure website and a report in *The Advertiser* on the weekend, South Australian civil engineering firms were overlooked when it came time to hand out a $10.5 million contract to build the Penola Southern Bypass.

When this contract was put out to tender in November last year, the then minister and now Treasurer, the Hon. Mr Koutsantonis, said that the infrastructure upgrades were brought forward to provide opportunities for local contractors to win new work which would help create jobs for local workers. Understandably, local contractors and local businesses are very concerned that they have been again overlooked as serious contenders for local infrastructure projects. My questions to the minister are:

1. Can the minister actually tell us how serious this government is when it comes to keeping South Australian jobs and when it comes to supporting South Australian businesses when they are giving away contracts to interstate companies?

2. How many South Australian jobs will be created when the Victorian firm Millers from Horsham starts work on the Penola Southern Bypass?

3. How exactly will employing a Victorian company to build this 2.5 kilometres of road build the South Australian economy?

4. Finally, what has happened to the Labor government's target they promised to create of 100,000 new jobs? Have they also gone to Victoria?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:44): I thank the honourable member for his most important question. I am sure the honourable member is aware that the contract involving the allocation of the work involved in the Penola bypass is the responsibility of another minister; however, I do have some information about that process, which I am happy to share with the chamber.

The honourable member's assertion that an Adelaide company was overlooked is incorrect, like much of what the Hon. Robert Brokenshire says in this place. It is incorrect; he never lets the facts get in the way of an outburst. I am advised that the Penola Southern Bypass road project south-west of the town of Penola was aimed at reducing heavy traffic through Penola. The state government funding for the project is committed under the 2013-14—

The Hon. D.W. Ridgway: That's all very well, but what about the Victorian contractor?

The Hon. G.E. GAGO: They never want to let the facts get in the way, do they, Mr President? They are happy to get up and shoot their mouths off saying anything, but when I actually bring facts—

Members interjecting:

The Hon. G.E. GAGO: When you bring the facts in, Mr President, they go to water. The project is estimated at $10.5 million, based on 2013. Construction has commenced, and is expected to be completed by June 2015. A Horsham company, P Miller Contractors (Millers) were awarded the $6.5 million Penola bypass construction project on 11 September, I am advised. This company tendered in a competitive price and met the remaining criteria of capability and experience, I am advised, better than any other of the tenderers.

Tenderers were assessed on a comparative price basis, in accordance with the evaluation plan, in May and June 2014. I am also advised that the evaluation included application of the requirements of the industry participation policy at the time the tender was called, where the tender price was subject to a 5 per cent industry participation weighting. A local company withdrew its tender during the evaluation period.

Local firms, I am advised, will benefit from this project, with all subcontracts and supplies valued over $110,000 to be exclusively performed or provided by South Australian businesses. The

value of subcontracts for material supply and works is approximately $4 million of the tendered sum. The state government is constantly looking to maximise the amount of work local companies obtain from our government-funded projects. Over 95 per cent of the $30 million of work already contracted on the Torrens-to-Torrens project I am advised have gone to South Australian companies, and to the Southern Expressway project; 86 per cent of all subcontracts went to local contractors and suppliers.

The state government's objective is to do all we can to maximise local content in our procurement activities. However, we cannot close our borders and disregard competitive tenders from interstate companies. Closing our borders would disadvantage South Australian-based companies, such as Bardavcol, who I am advised were awarded a $5 million dam upgrade in New South Wales; or BADGE Group, who beat competitors from within WA for $16 million worth of works to upgrade Broome Senior High School; or SA-based Built Environs, who were awarded $63 million worth of building works on the Gold Coast Light Rail project.

So, if the Hon. Robert Brokenshire got his way, South Australia would have dipped out on all of those projects, and there are many others that can be cited. That is what his policy direction would do: it would rob this state of many opportunities for businesses to grow and expand. From 1 July 2014 the government increased to 10 per cent the amount of tender price that would be subject to industry participation weightings.

MEDICAL SCIENTISTS

The Hon. J.S. LEE (14:50): I seek leave to make a brief explanation before asking the Minister for Science and Information Economy a question about medical scientists in South Australia.

Leave granted.

The Hon. J.S. LEE: A leading doctor in Adelaide recently described the work of medical scientists as the 'mission enabler' of health care, saying that, 'without their work, we would still be in the Dark Ages'. Medical scientists are professionals who have a role in informing treatment options for the most vulnerable in our community, yet Sarah Andrews, the South Australian director of Professionals Australia, which represents over 25,000 science, technology and engineering professionals, stated in a *The Advertiser* article that there is a growing move in our hospitals to put medical scientists on short-term contracts or to replace them with technicians.

Ms Andrews continues, 'Scientists face an uphill battle to secure research funding.' Therefore, many young scientists are choosing alternate careers, which does not bode well for the future of the industry. Ms Andrews called on the government to ensure that medical scientists are recognised and rewarded. My questions of the minister are:

1. What strategies will the minister introduce to improve the job security of medical scientists in South Australia?

2. What reforms will the minister implement to ensure the retention of scientists in South Australia?

3. Will the minister establish a pilot study to evaluate alternative funding models for this important sector?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:51): I thank the member for her question. The pilot study would be how to study the federal government's savage cuts to research, to the CSIRO and a raft of other areas.

Members interjecting:

The Hon. R.I. Lucas: I'm walking out, Mr President.

The PRESIDENT: In absolute horror. See, you've upset the Hon. Mr Lucas with your outrageous behaviour.

Members interjecting:

The PRESIDENT: A number of crossbenchers have questions they want to ask, so the more time we waste the less chance they have of getting their questions. I know that would horrify the Hon. Mr Parnell; would that be right?

DEVELOPMENT ASSESSMENT

The Hon. M.C. PARNELL (14:52): I am horrified, Mr President. Thank you for your protection. I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills representing the Minister for Planning a question about significant development assessment in South Australia.

Leave granted.

The Hon. M.C. PARNELL: A number of councils have received letters from Mr James Hallion, the state Coordinator-General, advising that he has called in a number of developments to be assessed by the Development Assessment Commission rather than by local council development assessment panels. These developments consist of five On The Run retail outlets in five different council areas proposed by the Peregrine Corporation. The outlets are at Fullarton, Salisbury Downs, Tanunda, Port Pirie and Aldinga. I understand that some of these are new outlets and others are rebranded or redeveloped older petrol stations. I also understand that there are a further 17 outlets that will be given similar treatment.

The Coordinator-General's purported authority for this decision is a new regulation dealing with developments valued at over $3 million. However, it is clear that none of the proposed On The Run outlets is valued at more than $3 million. It is also a dubious judgement that a petrol station and convenience store is of 'economic significance to the state', which is another criterion for the use of the new regulations. Apparently, the state Coordinator-General has sought to strip councils of their decision-making responsibilities by pretending that these five petrol stations and convenience stores are a single project valued at more than $3 million. Such an interpretation would be unlikely to survive a challenge in the Environment, Resources and Development Court. My questions of the minister are:

1. Does the minister consider that a petrol station and convenience store is of such economic significance to the state that it deserves special treatment and removal from the normal planning process?

2. Does the minister support dodgy accounting practices that attempt to aggregate what are clearly separate developments?

3. What does this approach mean for the assessment of residential developments where a number of large housing companies routinely have more than $3 million worth of development applications pending at any one time? Will these companies also be given similar preferential treatment?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:54): I thank the member for his important questions and I will refer them to the Minister for Planning from another place and bring back a response.

The PRESIDENT: The Hon. Mr McLachlan—and also very gallant, I must add, and stoic.

CONSUMER AND BUSINESS SERVICES

The Hon. A.L. McLACHLAN (14:55): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers a question relating to consumer satisfaction in South Australia.

Leave granted.

The Hon. A.L. McLACHLAN: South Australia's Strategic Plan target 32 seeks to increase the satisfaction of South Australians with government services by 10 per cent by 2014 and to maintain or exceed that level of satisfaction thereafter. Satisfaction is rated on a five-point scale, where one means very dissatisfied and five means very satisfied. These scores are then used to measure the average mean score rating.

In South Australia's Strategic Plan progress report 2012, the audit committee reported that in 2008 the mean rating score of satisfaction was 3.31, but by 2012 this score had only increased to 3.32. The audit committee therefore rated progress in this area as 'steady' or 'no movement' and furthermore that achievement of this target is unlikely given the stable trend to date and the limited time frame remaining to achieve this improvement.

Given that there are a number of agencies for which the minister is responsible, I ask which have had a customer satisfaction score below target and where necessary what measures are being implemented to improve service delivery for the South Australian consumer?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:56): I thank the honourable member for his most important question. Indeed, consumer satisfaction in relation to the way we conduct Consumer and Business Services is very important to this government, even though it is an incredibly difficult area to monitor and in which to bring about major change.

Nevertheless, although our efforts thus far are below what we would have liked, we continue our efforts to improve our performance and improve consumer satisfaction. We do that through a series of means. We have particular concentration on our enforcement and compliance efforts, to ensure that those consumers who bring forward complaints and issues are serviced in timely ways and are able to be delivered fair and reasonable outcomes, and to be able to do that in a way that informs consumers not only of their rights but also their obligations.

Sometimes consumers' expectations can be somewhat unrealistic, so there is also the role of educating consumers about what is reasonable to expect and, as I said, what their rights and responsibilities are. We put out numerous pieces of literature to assist consumers in that. Our enforcement officers are out there regularly. They conduct a wide range of different operations. Whether it is credit checks or sales checks, there is a raft of initiatives that they put in place to get out there and make sure that businesses are doing the right thing to ensure that they are treating customers in the right way.

Of course, there is also a significant program around red tape reduction. This often leads to a high level of frustration for both businesses and consumers, and we have worked very hard in an ongoing way to continue to scrutinise our processes and our systems and to put in place simpler and easier to understand systems of compliance.

INTERNATIONAL DAY OF RURAL WOMEN

The Hon. T.T. NGO (14:59): My question is to the Minister for the Status of Women. Will the minister update the council about the United Nations International Day of Rural Women and how this government is implementing initiatives to support women in agribusiness?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:59): I thank the honourable member for his question. Today is 15 October, which is the United Nations International Day of Rural Women. This international day, established by the General Assembly on 18 December 2007, recognises the critical role and contribution of rural women, including Indigenous women, in enhancing agriculture and rural development, improving food security and eradicating rural poverty.

The contributions of rural women are immense. However, limited access to credit, health care and things like education are among the many challenges they face, which are further aggravated by the global food and economic crisis and climate change. Empowering them is key, not only to the wellbeing of individuals, families and rural communities, but also to overall economic productivity, given women's large presence in the agricultural workforce worldwide.

I am very pleased to belong to a government that is committed to women, and on 2 September this year I had the pleasure of launching the agribusiness sector's Women Influencing Agribusiness and Regions Strategy, and I acknowledge the support shown for this strategy by my parliamentary colleague, the Hon. Michelle Lensink, who was also at the event. I am sure she shares

a similar view as me in terms of being incredibly impressed with what these women have accomplished. The strategy has been developed through a partnership between women in industry—

The Hon. R.L. Brokenshire: I'm impressed too; my wife's one of them.

The Hon. G.E. GAGO: Was she there?

The Hon. R.L. Brokenshire: Well, she's a committed, hard working farmer.

Members interjecting:

The Hon. G.E. GAGO: Sorry, I thought she was actually at the event—no, she wasn't. The strategy was developed through a partnership between women in industry, community and Primary Industries and Regions (PIRSA) and raises awareness of the important role women play in agribusiness and our regions.

Little more than 100 years ago, in drawing up census categories, farmers' wives were specifically excluded from being counted as being engaged in agriculture. We know that the contribution women make to agriculture is not simply measured by statistical numbers, which show that men make up 72 per cent of farmers in Australia. They are often the businesswomen, leaders and innovators who manage the world's natural resources and nurture the families and communities of our regional areas. I know from my own experience as a former minister for agriculture, food and fisheries just how comprehensively women fill those roles. I saw it in many of the woman I met as minister, and from what I learned of their own circumstances, and I can certainly appreciate the motivations behind the women who initiated and joined the strategy.

It is important that we acknowledge and recognise the contribution of women right across agribusiness and right along the value chain. The Women Influencing Agribusiness and Regions Strategy, and the clear enthusiasm with which the strategy is being embraced, are hard evidence that there is a powerful mood for change. It provides encouragement for women to think about entering a career in agriculture, as well as ensuring that women already in the industry have opportunity to develop. Having a strategy that coordinates programs and skills training is incredibly important to enabling women to make educated choices regarding their career and what is offering.

I congratulate SARDI as well, and its partners, for the initiative. It is a deeply fitting project to undertake, particularly on the 120th anniversary of women's suffrage in South Australia. The Women Influencing Agribusiness and Regions Strategy is a fabulous initiative and has deep links with the community, which would generate momentum and I believe will be a force to be reckoned with. Congratulations to all those women and men who have been instrumental in addressing gender inequity by raising awareness of the important role women play in agribusiness in regions.

INDIGENOUS JOBS AND TRAINING REVIEW

The Hon. K.L. VINCENT (15:04): I seek leave to make a brief explanation before asking questions of the Minister for Aboriginal Affairs and Reconciliation regarding Andrew Forrest's Indigenous employment and training review.

Leave granted.

The Hon. K.L. VINCENT: In July this year, mining magnate Andrew (Twiggy) Forrest handed down his Indigenous employment and training review, which looks at Australia's welfare system. In this report there are 27 recommendations for welfare reform, including a call for up to 100 per cent management of some welfare payments through a so-called healthy welfare card. This management of welfare income was recommended in Forrest's blueprint for Indigenous people, carers and people with disabilities.

In August 2015, Sarah Martin revealed in *The Australian* that the Premier and his cabinet offered 'the broadest possible support' to Mr Forrest's recommendations and that this was at odds with the Prime Minister, Tony Abbott, and his federal colleagues, who described Andrew Forrest's blueprint as a 'testing for public opinion' and 'a bridge too far' that denies individual dignity. My questions to the minister are:

1. Was the minister present at the cabinet meeting where the Forrest welfare review was discussed and did he express his personal support, as Minister for Aboriginal Affairs, for the Forrest recommendations?

2. If he did not express support, did he articulate concerns about the punitive and ineffective nature of income management for Indigenous Australians?

3. What does the minister think of the SA Unions' resolution condemning the Premier's hasty decision to support the recommendations of the Forrest review?

4. Does the minister, through the Premier, agree with his support of the Forrest recommendations or agree that he is denying Aboriginal South Australians, South Australians with disabilities and other South Australians on welfare payments basic dignity and dignity of risk by not allowing them the right to choose where and what they spend their income on?

5. Does the minister agree that sequestering all of a person's welfare payment onto a card, with no access to cash, is a punitive measure that allows no opportunity for a person to choose where they will spend their income, nor the opportunity to develop financial management skills?

6. Would the minister agree to his taxpayer-funded salary being moved onto a healthy welfare card where he could only spend it on certain items and in particular stores?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:07): I thank the honourable member for her most important question. Before I answer, I have to say: how incredible is my leader in this chamber? She gets an unexpected question from left field, she dredges back her memory, recalls an event that she was at and gives an incredibly comprehensive answer to this chamber. I am astounded and I take my hat off to her. She is an absolute inspiration.

Members interjecting:

The Hon. I.K. HUNTER: Mr President, I think you have to acknowledge talent when you see it.

The Hon. J.S.L. Dawkins: We would if there was any there!

The Hon. I.K. HUNTER: Some of us can't recognise talent even in a well-lit room, but that's not our fault. I have to say to the Hon. Kelly Vincent, in relation to her six questions, on the first two, good try. She has been here long enough. She knows that ministers do not comment on discussions in cabinet and I will not be breaking that precedent any time soon, certainly not in this chamber and certainly not in response to those questions.

On the remaining questions, I also have to say that the premise that she started with in terms of her explanation was completely wrong. She is reporting on an article that she read in the paper without actually doing any investigative work herself about the background to it, and in her questions she impugns the reputation of the Premier and, by extension, myself. All I can say—

The Hon. T.A. Franks: Your inspirational colleague actually confirmed that the Premier said these things in a previous answer to this council.

The Hon. I.K. HUNTER: Now we have the Hon. Tammy Franks jumping in without getting to her feet, interjecting and out of order, Mr President, I would assume, but perhaps we can ignore her, sir.

The PRESIDENT: There is a member on their feet. Point of order, the Hon. Ms Franks.

The Hon. T.A. FRANKS: My point of order is that the minister is accusing the Hon. Kelly Vincent of not having her facts correct. My point of order is that minister Gago, the so-called inspirational minister, had, in fact, confirmed the Premier's words in an answer to a previous question on this very topic in this very council.

The Hon. I.K. HUNTER: Sir, of course, the interjection and the point of order are totally, totally wrong. If either of the members would like to actually go and educate themselves on the topic, what they would find the Premier has said is that we support the thrust of the Forrest reports and the

desire for us as a state to work with other states and the commonwealth to improve the lot of Aboriginal people, particularly in remote areas. But the commonwealth government must not shirk its responsibilities at the same time. Here we have the commonwealth government, through minister Scullion, telling the states, 'We are going to remove your municipal services fund. No conversation will be entered into. We will give you an extra 12 months of funding,' they say—

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: —'but we won't take into account the cost of running these services. Despite the fact we have been paying for them for 50 years as a commonwealth government, we will unilaterally walk away from the remote Aboriginal communities to spend funding. States, you are on your own. And, by the way, we will close down these communities and turn the lights off.' That is where the Hon. Ms Vincent and the Hon. Ms Tammy Franks should be directing their vitriol—at the federal government, which has no concern for Aboriginal communities and which takes away funding without consulting states and dribbles a little $10 million (12 months' extra funding) so that states can pick it up in perpetuity. We won't be doing that.

INDIGENOUS JOBS AND TRAINING REVIEW

The Hon. T.A. FRANKS (15:11): Supplementary. Given the minister has given Khatija Thomas, the Commissioner for Aboriginal Engagement, the task of consulting on the Forrest report, will the minister undertake to provide a response to that report and table the report's findings of the commissioner's consultation in this council; and will the minister attend tomorrow night's income management forum being held by groups opposing the Forrest report?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:11): Once again, Mr President, the honourable member stands in this place and gives wrong information to the chamber. As far as I understand it, it was the Premier who gave the commissioner the job to consult with communities.

The Hon. T.A. Franks: Okay, sorry.

The Hon. I.K. HUNTER: 'Okay,' she says, 'I'm sorry, I got it wrong again.' Well, Mr President, this is a case in point. You come into this chamber, you ask a question of this government and you get your premise wrong. Go and get your facts checked, get the facts right and then come and ask your question.

INDIGENOUS JOBS AND TRAINING REVIEW

The Hon. T.A. FRANKS (15:12): Supplementary. Will the minister attend tomorrow night's meeting at Tandanya that is opposed to the Twiggy Forrest report?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:12): Mr President, I will be on my way to Brisbane for a ministerial conference.

RENEWABLE ENERGY INITIATIVES

The Hon. T.T. NGO (15:12): My question is to the Minister for Sustainability, Environment and Conservation. Since the federal government has cut billions of dollars from the renewable energy sector—

The Hon. I.K. Hunter: How much?

The Hon. T.T. NGO: Billions—will the minister inform the chamber about the initiative of the state government in encouraging renewable energy investment in South Australia?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:12): What a fantastic question from a fantastic member. I thank him very much for his most important question. When it comes to tackling climate change, we need—and I say that collectively: all of us—to be acting with vision and leadership. We have an obligation to listen to the experts, the

scientists, the researchers, and the academics in the field who are warning about the impact of climate change.

The Hon. J.S.L. Dawkins: You have a message.

The Hon. I.K. HUNTER: Yes, I do have a message, sir, but it relates to a previous question. I might come to it at the end of this one.

The Hon. J.M.A. Lensink: Misleading the house again. You should resign.

The Hon. I.K. HUNTER: And the Hon. Ms Lensink jumps to conclusions, as she is wont to, Mr President. I will correct her, too, in a period. Indeed, Mr President, I think the Hon. Ms Lensink was referring to you in her cross-chamber interjection. She probably should be remonstrated with over that, but I'll leave that to you to do.

The Hon. J.M.A. Lensink: Throw me out, please.

The Hon. I.K. HUNTER: Mr President, she can stay here and listen to my answer.

The Hon. J.M.A. Lensink: No, no!

The PRESIDENT: Let us get back to order. The honourable minister has the floor. Fun is fun, but now we are going to get back to answering the question.

The Hon. I.K. HUNTER: Thank you, Mr President. When it comes to tackling climate change, we need to act with vision and leadership. We have an obligation to listen to the experts, the scientists, the researchers and academics practising in the field who are warning about the impact of climate change. According to all the major research, the science on climate change is quite clear.

The intergovernmental panel on climate change has released the working group 2 report, 'Impacts, adaptation and vulnerability' and the working group 3, report, 'Mitigation of climate change'. These reports show that the effects of climate change are already being felt across the world and the world is ill-prepared to manage the risks.

They also show that greenhouse gases are growing globally at an increasing rate, and that immediate action is required if temperature rise is to be limited to two degrees Celsius by 2100. It is clear we have to act now, and that is why I am quite pleased that this parliament has now worked together to pass the Pastoral Land Management and Conservation (Renewable Energy) Amendment Bill 2014.

I thank all members from all sides of the chamber for their support during the debate on this bill, now an act. This bill will not only help us achieve our targets in the use of renewable energy and therefore put us in a better position to combat the effects of climate change into the future, but importantly this bill will also provide pastoral leaseholders with guaranteed income through periods of drought, making them less susceptible to climatic conditions.

Growing our use of renewable energy and reducing our emissions will have a direct and lasting benefit to our environment, our state's sustainability, and on our immediate and long-term economic prospects. It simply makes good sense. It makes so much sense that President Barack Obama has recently announced some of the most ambitious emission reduction targets that we have seen to date.

It was reported in June 2014 that the Obama administration will seek to cut greenhouse gas emissions from existing US power plants by 30 per cent of 2005 levels by 2030. I understand this is one of the most assertive actions and positively aggressive actions ever taken by the US to combat global warming. As expected, of course, there is opposition to the proposal. Change is very often more difficult than maintaining the status quo, but maintaining the status quo is not an option for us now. As the US President so rightly put it recently:

> As President and as a parent, I refuse to condemn our children to a planet that's beyond fixing. The shift to a cleaner energy economy won't happen overnight and it will require tough choices along the way.

This is from a country that has faced the full brunt of the global financial crisis, a country whose unemployment rate is very high and whose federal debt is estimated to be around four times higher

than Australia's, and yet President Obama is proposing to set state specific targets for carbon dioxide reductions and allow states to determine how they will achieve these targets.

This proposal has been called potentially one of the biggest steps any country has ever taken to confront climate change and we should probably compare that to our own federal government's policies on climate change and see how we might be involved at a higher level. Despite having one of the lowest percentages of public debt of all OECD countries, the Abbott government has repealed the national carbon pricing mechanism and replaced it with a direct action plan—a direct action plan that pays the polluters to pollute.

What is more, it will not increase the federal government's budget commitment to meet the stated 5 per cent target, and it does not stop there, of course. The Abbott government has also abolished the Climate Commission, the Australian Renewable Energy Authority, and defunded the Environmental Defenders Office.

The South Australian Labor government, of course, will not be deterred from our commitment in this regard because of the federal government's actions. Thanks to our policies, we lead the nation in addressing climate change and renewable energy investment and production, and also on waste management and water security. We were the first state in Australia to introduce dedicated climate change legislation. We released a strategy to reduce greenhouse gas emissions and began a climate change awareness campaign. As a result of these policies, South Australia's emissions are lower today than they were in the 1990s in spite of our economic and population growth. Quite clearly the increased use of renewable energy can and does go hand in hand with economic growth.

We also lead the nation in the uptake of alternative energy sources. Since coming to government in 2002, we have seen the amount of electricity generated from renewable energy increase from 0.8 per cent to around 39 per cent today. South Australia must build on its national and international reputation as a leader in the use of renewable energy. The Pastoral Land Management and Conservation (Renewable Energy) Amendment Bill 2014 will provide renewable energy investors access to 40 per cent of South Australia's land mass for this crown land subject to pastoral lease.

This will create additional positive incentives for renewable industry investment and allow us to improve on an already fantastic track record. South Australia reached its target of 20 per cent electricity generation from renewable sources by 2014, ahead of schedule, and so we committed to increasing this to 33 per cent by 2020. Yet again we overachieved and, as a result, in September of this year we committed to a further target of 50 per cent by 2025. This along with our investment target of $10 billion in low carbon generation by 2025 is evidence that the South Australian government recognises the economic development potential of this industry.

Since 2003 there has been $5.5 billion in investment in renewable energy, with some $2 billion, or 40 per cent, of that directed towards regional areas. As of March 2013, we have 725 watts of installed wind power per person compared to a national average of 163—that is 725 watts per person, compared to a national average of 163—and 205 watts of installed solar photovoltaic power per person compared to 98 nationally.

As I have said previously, so much can be achieved with vision and leadership—vision and leadership shown by Premier Weatherill and the state Labor government—and these achievements are not only good for the environment, they are also good for the economy. As the Obama administration is doing, we should all look at the enormous potential such changes can generate. The US Environmental Protection Authority asserts that the economic benefits generated by the policy would dwarf the cost—

The Hon. J.S.L. DAWKINS: Point of order.

The PRESIDENT: Point of order, the Hon. Mr Dawkins.

The Hon. J.S.L. DAWKINS: Sir, I draw your attention to the fact that the minister has been on his feet answering this question for eight minutes.

The Hon. I.K. HUNTER: Seven.

The Hon. J.S.L. DAWKINS: Eight minutes, and this is an abuse of question time.

The PRESIDENT: The minister has the right to answer the question in the way he sees fit, but I will draw to your attention that we could have got one more question in, which would have been good—but, go on, minister.

The Hon. I.K. HUNTER: Thank you, Mr President. According to their calculations, household power bills will be 8 per cent cheaper, thanks to energy efficiency improvements, and the rule will accelerate. Locally the Clean Energy Council estimates that almost $3 billion has been invested into wind farms in South Australia and 38 per cent of Australia's total wind power capacity is generated right here in South Australia. Importantly this investment has led to the creation of approximately 800 direct jobs in South Australia, predominantly in regional areas.

It is clear to me that with vision and leadership we can create a more sustainable environment and maximise economic potential through policies that tackle climate change. The state Labor government understands this, the US President understands this; when will the federal Liberal government actually get it? In relation to a question I took on notice yesterday from the Hon. Tammy Franks, I am advised by my office that before question time ended yesterday we sent her, I guess it was an email or text message—

The Hon. T.A. Franks: It was an email.

The Hon. I.K. HUNTER: —it was an email, which linked to the citizens' jury report that she suggested that we had not tabled. Apparently it was tabled on 28 November 2013, is my advice, and so having given her that information now I will not be taking the question on notice.

The PRESIDENT: I now call upon members to give statements of matters of interest for five minutes each.

Matters of Interest

AUDITOR-GENERAL'S REPORT

The Hon. R.I. LUCAS (15:04): I want to address some comments today about the Auditor-General's Report that members received yesterday afternoon. In making the comments, I hasten to say that I make no personal criticisms of the Auditor-General, but as shadow treasurer I did want to place on the record my general view, I guess, of the disappointing nature of the amount of detail that is provided on key issues in the Auditor-General's Report that we received.

In doing so I make the comments when comparing the output of the audit office here in South Australia compared to the type of audit reports that we commonly see from other jurisdictions, in particular New South Wales and Victoria, but some of the other state jurisdictions as well. Also I have the particular perspective of comparing the shape and nature of the audit reports we received now compared to the sort of audit reports we saw back in the 1980s when I was first a member of the state parliament.

Back in that particular period, and certainly in the other states, the receipt of the Auditor-General's Report was something of great importance to individual ministers. It was then a Labor administration in the 1980s and the audit reports highlighted significant examples of financial waste or mismanagement in particular areas.

They were not necessarily always in the big, multi-billion dollar or multi-hundred million dollar-type projects, but were sometimes as short and succinct as the level of wasted money on vacancy rentals within government employee housing, for example, or the waste of money that might have been expended on particular leasehold arrangements with government accommodation contracts.

That sort of detail was commonplace in the audit reports. They were specific details and newsworthy, from that extent, for members of the media and members of parliament. Indeed, ministers and chief executives knew that the sharp focus of the audit report may well mean that there was public pressure on both the minister and the chief executive officer in terms of why money was being wasted in a particular area.

I refer to a couple of aspects of the current audit reports, just to give some examples. EPAS, the major IT project of more than $400 million in SA Health, is a project that has attracted public

scrutiny and some media scrutiny for more than a couple of years now. There has been some media focus on EPAS in recent weeks and months, but members will know that the issue has been raised by myself and other members in this house for at least two or three years, in terms of wastage of public expenditure in this particular area.

I had hoped that in this particular report, given that there was not much in last year's report, there would have been some detailed information provided by the audit office in this particular area. The audit office has indicated that they are doing a separate report, and that at some stage in the future there will be a report on this and on RISTEC, Oracle Corporate Systems and CASIS, which are three other examples of IT projects.

I think that one of the problems with the current operations of the audit office is that sometimes the excessive periods in terms of coming to a reporting timetable on some of these particular projects may well mean that it is long gone in terms of effectiveness and in terms of public scrutiny, media focus and parliamentary debate on the particular issues, in terms of bringing about change. These issues have been prosecuted through the Budget and Finance Committee and other parliamentary committees. They have been well ventilated; copies of minutes and board papers have been highlighted and published, and all of this would be available to the audit office.

Mr President, I think it is time to start a conversation—and I will address this on another occasion—in terms of options for potential reform of the audit office. We spend $15 million a year on the audit office and I think the questions that we need to start to address are: are we getting maximum value from it, and are there other ways that we can sharpen our audit function, in the public interest, to ensure a public focus and scrutiny is placed on the operations of whoever happens to be in government at any particular point in time?

TRANSPORT SAFETY INITIATIVES

The Hon. G.A. KANDELAARS (15:28): I rise to speak about the dangers of truck driving, and safety initiatives of the Transport Workers Union. Truck drivers play an essential and vital role in Australia. Without them there would be no food in our supermarket shelves, no construction material available to builders, and no petrol at the pumps. Recently, I participated in a rally organised in the city by the TWU.

The rally was in response to a recent crash on the South-Eastern Freeway resulting in the death of two people who were hit by an out-of-control truck. The rally, 'A silent message loud and clear', called for a crackdown on transport companies after the loss of multiple lives on our roads from poor safety practices.

Unfortunately, truck driving is the most dangerous industry in Australia, with a workplace fatality rate that is 10 times the industrial average. Drivers have been pushed to the edge and beyond by impossible demands made on drivers day after day. Results from a safety survey conducted in 2012, which had nearly 1,000 respondents, showed that 73 per cent of truck drivers working in the Coles supply chain believed that pressure from big retail clients like Coles is a major cause of unsafe practices in the industry.

The 2012 industry survey of one of the major supply chains, Coles, found that 46 per cent of drivers reported economic pressure to skip breaks, 31 per cent felt pressure to exceed safe driving hours, 28 per cent were pressured to speed, 11 per cent felt pressure to take stimulants to stay awake and 26 per cent felt pressure to carry overweight loads. Worryingly, 40 per cent of the survey respondents indicated that these pressures had delayed truck maintenance. Other findings have shown that there is a link between low rates of pay and poor safety practices in the trucking industry.

In response to these issues the then federal Labor government, in 2012, passed the Road Safety Remuneration Act establishing the Road Safety Remuneration Tribunal. The tribunal is a world first and provides a crucial tool in the fight for better safety and fair conditions for truckies. The tribunal has the power to direct the economic pressures on truck drivers and companies from across the entire supply chain. It is the only body that can address road safety industry issues by holding the entire supply chain accountable. It intervenes when transport industry clients use economic pressure to force drivers to speed, skip rest breaks or illegally overload their vehicles in order to meet unrealistic delivery timetables.

Last year, the Abbott government announced a review of the tribunal. We know this is code for axing the tribunal altogether. Whilst the review has not yet been published, at a recent gathering of the Australian Livestock and Rural Transporters Association, Assistant Minister for Infrastructure, Jamie Briggs, suggested it would be scrapped. Interestingly, Coles, which is currently before the Road Safety tribunal, is a major contributor to the Liberal Party and one has to wonder what influence this has played on the federal government's review.

There is a need for greater focus on road safety, not a weaker one. Sadly, this year in South Australia we have already seen 15 truck related fatalities on our roads. If the tribunal is removed it is my fear that this number could jump dramatically. Safety should always come first, but where there is pressure from companies like Coles to skip breaks or maintenance so that truck drivers can make ends meet it means that safety will not be the priority, and safety is critical here. Drivers are also scared that if they speak out they will lose their contracts.

The tribunal is critical in ensuring that safety is upheld, not just the safety of truck drivers but the safety of all Australians who use our roads. The tribunal should not be scrapped by the Abbott government and I commend the TWU for its Safe Rates campaign and its focus on road safety.

EMERGENCY SERVICES LEVY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (15:33): I rise on a matter of interest. I believe that the state government is viciously attacking the lifeblood of South Australia: our farmers. In doing so, this money-grabbing government is also threatening the community spirit in our state's regions. It is a spirit of selflessness and of helping each other out for the greater good. I am actually talking about the emergency services levy. I am concerned about not only the impact on the hip pockets of hardworking South Australians but also about what it is doing to their willingness and ability to participate in communities on a volunteer level.

In the last few weeks I have received some specific examples, as I am sure all of us have, of how these absurd ESL hikes are affecting our farmers and farming landowners. We have had lots of examples, I think of up to some 1,200 per cent, but one farmer has seen the total ESL payment due on his farming land and investment property increase by some 552 per cent from $231 to $1,278. As I said, this account is not unusual. I have heard of examples of it going up by some 1,200 per cent.

Livestock SA, a member of Primary Producers SA, contacted its members on the ESL matter. They have said to me that usually when they have an issue such as this they get between six and ten responses. They got in excess of 60 responses in a matter of days on the extreme hike in the ESL. One member said his home property payment has gone from $72 to $328. He had not yet dared look at his other properties.

The interesting thing is that he is a member of the CFS with his two teenage sons. He wanted to step up to be captain of his local brigade. In the last 12 months he had spent 100 hours on active callouts and his sons about 40 hours between them. This is a family that is building a culture of community service, but now he says with this levy increase he will need to reassess his commitments and his involvement in the community.

I ask this government: what is the dollar value that you would put on that collective 140 hours of service offered by the family in the last 12 months? Is it $1 less than the exorbitant levy increase that this family is up for? Disturbingly, there are so many accounts of CFS members being slugged with these increases and subsequently having to pull away from their voluntary commitments. One member, who was the brigade's only heavy tanker driver, has had to pull out. Subsequently, they will not have the facility available to them this season.

To slug our farmers with these increases is so unfair and inequitable. This financial year the spending on the metropolitan fire services is set to be some $191 million. The ESL collected on fixed property in the city areas will only be $171 million. Those in small country towns and farmers pay some $23 million towards the levy and their emergency services will only get about $9.4 million of direct funding. In other words, people in the city get an extra $20 million in services over and above what they pay as a levy. Meanwhile, the country towns and surrounding areas get $13.5 million less than what they have paid as a levy. It hardly seems equitable.

Of course, we have a government now that is focused on a number of economic priorities. One that we heard a lot about when the former minister was in this chamber is the premium food and wine from a clean environment initiative. But talk is cheap. How are farmers supposed to grow premium food and wine when they do not have any money? They are trying to run businesses, and what does any business do when it needs to cut costs? It looks for greater efficiencies, but with spiralling costs and stagnating farm gate prices, many of these businesses are running at maximum efficiency. Soon they will be forced to either cut corners or cut business. It is hardly a recipe for creating a premium product.

We are all aware of the particularly unpleasant seasonal conditions we are about to experience over the next few days, with three or four days at the end of the week and early next week well into the 30s, much earlier in the season than we would expect it. A combination of a tough season and ever-increasing costs, charges, taxes and levies on our farmers makes it very difficult to understand how this government can say it is supporting its premium food and wine from our clean environment initiative.

I am sick of listening to this government trying to blame other people for the reasons that they have to put up this emergency services levy. I noticed this morning in *The Advertiser* a letter to the editor. Professor Richard Blandy summed it up well when he said that the reason for these ESL hikes is said to be the cuts to state government funding by the Abbott government, but those cuts apply to every state, and no other state has imposed a wealth tax like South Australia has done.

The South Australian government has a budget crisis of its own making and that is single-handedly why we are leading the Australian nation in wealth taxation. That is why so many of our farmers have been forced to give up what is possibly the only economic bright light on our horizon, and that is our food production.

INTERNATIONAL DAY OF THE GIRL CHILD

The Hon. T.A. FRANKS (15:38): I rise today to speak on the topic of the International Day of the Girl Child. This is a day that has been noted on 11 October each year since the United Nations designated this day in December 2011 in the General Assembly. The day is an opportunity to recognise girls' rights and highlight the unique challenges that girls face worldwide. This year it focused on empowering adolescent girls and ending the cycle of violence. It is a very necessary campaign that is spearheaded by the UN but supported across the globe, by NGOs, by civil society, by governments and by all those who believe in equality.

Girls face discrimination. They face challenges that mean that they are less able to access education, and they are more subject to gender discrimination and violence. I asked yesterday of the Minister for the Status of Women in this place what this state was doing to address one cause of that violence and discrimination, an issue that also stops them getting an education, which is child marriage.

Recently in this country we have seen several cases of child brides hit the media. I would say that it is a hidden issue and, yes, it is not an epidemic. It is certainly not in great numbers, but it is in numbers that count. Any single, young girl being married off is something this parliament should concern itself with. In my own personal school history I had a school friend who was married off at the age of 16 or 17. Certainly we were just at the start of year 11, and she was shipped away to be married.

As her friends, we did not know that this was illegal; we did not know that this was something we could have acted on and gone to the police about. That was some decades ago now. Had we known, and had we been aware, I think we could have changed her life, because the stories from my cohort of school friends at the time were such that we knew that our friend (her name was Suzy) was being beaten up. We knew that she would run away from her husband that she had been forced to marry. We were 16 year olds ourselves. We had no idea what we could do about it.

In this day and age we should be paying particular attention to the issues of child marriage in our society. It is happening in Australia. Those two cases that have hit the media recently, where a visa was stopped for a young girl who was being sent overseas to be a child bride, and the current case going through the Victorian courts, show that it is still happening in 2014 in Australia. The Victorian laws allow it, and they need to be changed. It has been highlighted that the Victorian laws

actually enable an adult lawfully to have sex with a child as young as 12, so long as they are married to that child, a girl.

This is unacceptable, and certainly in South Australia we should be doing whatever we can to address this issue. I hope that this government will start to pay more attention and that we will have the Department of Education and Childhood Development take this issue seriously and develop on-the-ground responses to become aware and to look out for this matter and this abuse of girls' human rights. On a more positive note, I also pay tribute to Malala Yousafzai, who, as many of you are aware, is a girl child, a girl who has stood up for the human rights of other girls and who stood up against the Taliban for her right to education, and for doing so was shot in the face and almost killed.

She was awarded the Nobel Peace Prize this week in honour of her fight for the right for not only herself to have an education but for all girls to have an education. She was told of this news when she was in chemistry class by her teacher and she certainly gave one of the best responses I have ever heard. I was happy to retweet her response, which was, 'Okay, I'll make a public statement once school's finished for the day', which she duly did. In that public statement she said:

> I'm proud I'm the first Pakistani and the first young woman or the first young person that is getting this award. It's a great honour to me. It gives a message to people of love between Pakistan and India.

She also said she was not expecting to get the award and that it came as a great surprise when her teacher told her in that chemistry class. Malala is an inspiration; she is a true inspiration. I think that word got bandied around a little unnecessarily today. I would like to see more Malalas in this world and more girl children having the opportunities that Malala now has.

DEFENCE SHIPBUILDING

The Hon. T.T. NGO (15:43): I rise to strongly express my concerns regarding the future of the defence industry in our state, an advanced manufacturing and highly skilled sector that represents a core element of our economic plan for decades to come. I have no wish to talk down our economy or frighten people unnecessarily, but the Liberal federal government's mixed messages about the future of submarine building in South Australia is a real concern for me and for thousands of families.

South Australia is already home to a number of major maritime projects: the $8 billion air warfare destroyer build project, the most complex ship construction project ever undertaken in Australia; the multibillion dollar Collins class submarine; other smaller but equally important contracts like the LHD mission system design, development and integration; and the ANZAC ship combat system in-service support.

It is estimated that around 27,000 people are directly and indirectly employed in the defence sector in South Australia. The capability of our defence industry has been built up and proven over the past 25 years since the set up and the construction of the Collins class submarines began in the late 1980s. Over this 25-year period, South Australia has become the defence state of Australia, with around 25 per cent of Australia's procurement spending worth around $1.8 billion to our state economy. What other industry has accumulated such knowledge, skills, technology and innovation?

The Hon. R.L. Brokenshire: Agriculture.

The Hon. T.T. NGO: Quite close. Multinational companies like BAE, AFC, Lockheed Martin and Saab have offices in Adelaide, employing thousands of highly-skilled engineers. We also have hundreds of smaller local companies like Axiom, Diemould and Nova Systems, as well as smaller international companies like Ultra Electronics, who employ or have employed up to 20 or 50 people to make devices, equipment or provide support for the submarines or the AWDs. Just consider the intellectual property, wealth of knowledge, our strong industry base and the critical mass of high-end naval ship building and sustainment skills that reside in our state.

On top of that, over the years, the South Australian government has invested over $300 million to build world-class infrastructure at Techport Australia. Techport is uniquely positioned to play a key role in delivering Australia's future naval fleet. The Future Submarines project will be an enduring symbol of what Australians can achieve and its impact on our nation's economy, industry capacity and national security will be enduring.

If the federal government decides to buy submarines overseas and no sustainment work is done in South Australia then the majority of the naval ship building industry will close down. Once lost, it will be practically impossible to resurrect. Other countries will benefit from this, strengthening their capability and economy of scale.

South Australia and Australia's future generations cannot afford to lose this project. Thousands of workers and their families are desperate for the Future Submarines to be built here. Hundreds of small businesses face financial ruin, not due to their mismanagement but due to the prevailing ideology of the federal government. I urge all members of both houses to put politics and to fight for the submarines to be assembled here.

EMERGENCY SERVICES

The Hon. R.L. BROKENSHIRE (15:48): I rise again on this matter of interest to put further on the public record my concerns about proposed changes to the emergency services. I acknowledge, respect and appreciate that the Hon. Tony Piccolo personally believes that he is doing the right thing in the way he is going about this, but I do need to put on the public record some of the responses he wrote to me about after I did my last matter of interest in this house.

Whilst the minister says that the process is in response to last year's review by the Hon. Paul Holloway into the Fire and Emergency Services Act and to ensure that the emergency services sector is appropriately resourced into the future, the reality is—and I respect the Hon. Paul Holloway, but the terms of reference for the work he did and what he had to provide for was directed by the Labor government with a direct agenda.

In the letter from the minister he says that my comments about the reform process and appeasing the United Firefighters Union are extremely ill informed and do not represent the views of the thousands of emergency staff and volunteers that I have personally spoken with across the state. Sir, my comments are informed and can I put to you that, if the UFU were not going to do alright out of this, they would do what they did previously and they would have the snorkel up in the window looking at the desk of the minister, intimidating the minister and doing all sorts of other things that they used to do, including the stickers that they had all over their fire trucks when I was minister.

The UFU is not intimidating the government nor the minister. There are a lot of sugar-coated opportunities here for the UFU, I believe at the expense of the volunteers of the CFS and the SES, notwithstanding, of course, the volunteers in blue and white water, mainly the marine rescue and the surf lifesaving.

The fact of the matter is the government say they will be looking to put the volunteers charter into legislation. That is way overdue and I support that, but that can be done without structural changes that I believe are the thin end of the wedge for those emergency services. There was a report, which I will talk more about later on, done in the late 1980s which was always endorsed by Labor when in government and it is ironical that what they are now proposing is very similar to that report. The minister goes on to say that:

> While the sector performs well operationally, it is widely acknowledged that the structure itself is not efficient.

I am not sure about that and I want more answers as to where they are inefficient. He says:

> The reform will reduce significant duplication across the sector with savings reinvested back into front line services.

Sir, I put to you that, if the reforms that were made available by SAFECOM were actually implemented properly, there would be more efficiencies, but this government has had SAFECOM going for something like 10 to 12 years and SAFECOM has not provided the reform. How is it going to be different now? He goes on also to say that I suggested in my speech, and I did, that I am not being well advised. I stand by that. He said:

> I can assure you that my service chiefs and the chief executive of SAFECOM have been involved with the reform from day one.

I question that, from information that I have sourced. The ones who are supportive of this are the ones who are scared for their jobs and/or have been wink-wink, nod-nod promised a job under the new structure. I would say to those people that they need to put the interests of the people that they

serve, and particularly the volunteers, in front of their own ambitions and personal desires. I would like to speak to them to find out just what has been offered to them. The minister also says:

> They understand the need to reform and have provided me with a new sector model for consideration.

I will not be anything but relentless in putting the other side of this debate. I hope the association sticks strong because, whilst the minister may have had the luxury of going across the state to round tables and meetings that I have not had, I have had the luxury of being contacted by a lot of volunteers directly, across most of the regions of this state—indeed, from the Fleurieu Peninsula right back through to Eyre Peninsula—and, sir, I can tell you that they are very concerned.

I say to those volunteers that they do not have to be forced into anything by the government. The volunteers are already angry about the massive ESL. They are angry they have not been included in the compensation for cancer illnesses that are contracted when you are firefighting, such as the MFS has been included in; and they are also angry that there are very little budgetary increases for them at a time when they need to hire.

I say to the minister: I would like to work closely with the minister on this. I have a meeting this afternoon with the minister and some of my colleagues but I believe this is, as I said, the thin end of the wedge and we must ensure the autonomy and proper structures long-term for the CFS and SES and, of course, marine rescue and surf lifesaving.

SUICIDE PREVENTION CONFERENCE

The Hon. J.S.L. DAWKINS (15:54): I rise today to speak about the inaugural Network of Networks Suicide Prevention conference which was held in the Festival Centre on 26 September. I congratulate the Chief Psychiatrist, Dr Peter Tyllis; Lynne James from his office; and others within the Mental Health Unit within the department. I think the conference, which was conducted free of charge for participants from the Suicide Prevention Networks around South Australia, was very well received. I think it was unanimously regarded as a great way of networking and finding out what other groups are doing in their various communities.

I acknowledge the fact that my colleague from another place, the Parliamentary Secretary for Mental Health and Substance Abuse, Leesa Vlahos, was there and spoke on behalf of the government. I was very pleased also that the keynote speaker was Ms Susan Murray, who is the CEO of Suicide Prevention Australia. Her topic was about collaborative action and, having been at the recent Suicide Prevention Australia conference, I can attest to the fact that there is a great deal of collaborative action happening in this country on suicide prevention, self-harm, and mental health in general. I think in some ways we are ahead of the game compared to what I saw in the United Kingdom recently, although there are some aspects of their research that I think are probably better than ours. Collaborative action goes beyond international boundaries, and I commend Ms Murray and her organisation for the work they are doing.

The conference also included a session on postvention—working together to achieve the best outcomes for our communities, which certainly had a strong emphasis on assisting those who are impacted by suicide in a number of different ways. Ms Chez Curnow from Port Augusta who works for Standby Response Service in the north of South Australia was a speaker, along with Jill Chapman, the founder of MOSH Australia (Minimisation of Suicide Harm). Also other speakers on that topic were Tim Porter from Bereaved Through Suicide, and Michael Traynor and Janette Mckinnon from Living Beyond Suicide. They are all organisations that do a great job in assisting families and others who are impacted by suicide.

I think a significant part of the day was brought back to representatives from input from representatives from the various groups that were there, and they were from communities such as Mount Gambier, Port Adelaide, Strathalbyn, Playford, another group from Mount Gambier which is dedicated to the local Aboriginal community, the Port Augusta group known as SILPAG, Back2Back Basics at Clare, Gawler, Murray Bridge and Naracoorte. There were also some people there from communities in the Mid-Murray and Karoonda East Murray areas who are also interested in commencing a network.

It was a privilege to be able to speak to the group in the afternoon and to talk about some of the things that I had seen in my recent visit to the United Kingdom. I suppose the overall emphasis I

had in that presentation was the fact that, like those various communities that I have just mentioned, there is a great range of differences in the communities that I saw in the United Kingdom. Something that I think we all can agree on is that each community needs to be able to deal with these issues as best fits that community.

Out of the conference there was certainly a strong demonstration of the importance of that. I once again commend the Chief Psychiatrist and all who work with him on their support for the Suicide Prevention Networks. I know it is intended to have another one of these network of networks conferences next year, and I look forward to it.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to welcome all our friends in the gallery here to listen to the Hon. Mr Maher. I call upon Mr Maher.

Motions

MULTICULTURALISM

The Hon. K.J. MAHER (16:00): I move:

That this council—

1. Is committed to promoting a diverse and welcoming South Australia;

2. Recognises and values the contribution that people from a wide variety of backgrounds, cultures and beliefs have played and continue to play in shaping South Australia—from the thousands of years of history and culture of the traditional owners of this land to the very newest residents to call our state home; and

3. Notes the important role of elected representatives in promoting a welcoming, diverse and harmonious community.

Today I move a motion that at its heart reaffirms that this council is committed to a welcoming South Australia, a South Australia that welcomes the diversity of cultures and experiences that so many have brought to this state from all over the world, a South Australia that welcomes inclusion and tolerance, and a South Australia that recognises we are stronger and better as a society because of this diversity and it enriches all of us as individuals.

We are indeed fortunate to live in a country that includes the oldest living culture in the world. The land on which we stand is Aboriginal country, always has been, always will be, but today this land is shared by so many people from so many parts of the world. Statistics from the 2011 Census show that about 350,000 South Australians were born overseas and about 220,000 speak a language other than English at home.

South Australians come from about 200 countries, speak more than 200 languages, and believe in over 100 religions. Migrants from non-English speaking backgrounds make up nearly 13 per cent of South Australia's population and when the children of migrants are added, this figure rises to nearly 25 per cent.

We are truly a diverse and multicultural community and we are better for it. We have seen many groups settle in South Australia over decades past. For example, large Italian and Greek populations have enriched our state and a sizeable Vietnamese population has further contributed to our shared diversity. Today we are seeing new and emerging communities making their own and welcomed cultural contribution to our state.

However, in recent times debate in this area has not always brought out the best in all of us and not always the best in all of our elected representatives. Some of the debate on immigration and particularly those seeking asylum has been divisive and unhelpful. This is a complex area where many people are genuinely trying to do what they think is the right thing.

When federal MPs spoke of the Christmas Island boat tragedy a few years ago you could see the genuine distress that wrestling directly with these issues and the people involved brought. However, some of the language used in this debate has been very unfortunate. Terms such as 'queue jumpers' and 'illegal immigrants' are not only factually incorrect but are often used deliberately

and designed to dehumanise, offend and to be inflammatory. Such language and rhetoric has no place in an informed debate.

Although the language used in this debate is now reaching dangerously divisive levels, I have to say my own party has not always got it right in the past. In decades gone by the Labor Party's support of the White Australia Policy is and ought to be seen as shameful, and some of the language and characterisations over recent years that have been used in the immigration debate, right across the political spectrum, whether intended or not, have been distinctly unhelpful.

I and many others have become particularly concerned and distressed at recent comments made that have inflamed prejudice, caused division and fostered hate. Many of the comments of Senator Cory Bernardi have been as ridiculous as they have been spiteful. When he tweeted last month 'note burqa wearers in some of the houses raided this morning?' he went beyond being 'stupid', 'ignorant' and 'out of touch' as others have labelled him and became just plain racist.

It is incumbent on his parliamentary leader to pull him into line here as he has on other occasions on other issues. It is not enough to leave it to others to condemn him; his leader ought to do the same. But that has not happened. What we have unfortunately seen are further comments from the Prime Minister when he said he wished the burqa was not worn and it made him feel uncomfortable.

Even if what a person chooses to wear genuinely makes our Prime Minister feel uncomfortable, the result of this statement does nothing to further cultural understanding and harmony. In giving tacit support to Senator Bernardi's comments by refusing to condemn them, and then by his own comments, the Prime Minister has effectively given licence to the intolerance that is occasionally shown by a small segment of our community. Many things may be said of Tony Abbott, but he is not completely politically unaware. He knew, or ought to have known, the nature and quality of the comments he was making, and the likely effect they would have.

At the request of senator Bernardi, and apparently with the knowledge of the Prime Minister's Office, the presiding officers of the two chambers of the federal parliament then made rulings about what visitors could wear when visiting their parliament to observe proceedings. New measures were introduced to force any woman wearing particular attire to sit segregated in a glass box if they wished to observe the House of Representatives or the Senate. We do not have the time here today to examine the chorus of condemnation that followed, but it is probably best summed up by an editorial in *The Advertiser* the day after, which read:

> To force Muslim women wearing a burqa to sit in a glass cage in parliament is demeaning and unnecessary.
>
> Make no mistake: this is xenophobia dressed up as security…

How did we get here? In Australia, a country generally so well regarded for acceptance, how did we arrive at such a dark place that warranted such a blunt rebuke and criticism from our daily newspaper? Frankly, it is when our political leaders and political representatives, by their comments, actions or inactions, either by design or stupidity, effectively give licence to and encourage intolerance. That is how we get to the sort of place where these sorts of things can happen.

I cannot speak of political representatives' comments fuelling intolerance without mentioning the new Palmer United senator, Jacqui Lambie. There are a number of things which she has said that are just plain wrong, and often offensive, but perhaps the most repugnant was her comment a few weeks ago that, 'Anyone who supports Sharia law should pack their bags and get out of the country.' She followed this up by trying to justify it with this clarification: 'If you're not going to show your allegiance to our constitution and the Australian law, then get out.'

I am not a religious person, and I am certainly not an expert on comparative religion and theological constructs, so I am grateful to academics and others who have helped me better understand what this means and its implications. By senator Lambie's reasoning, any person who adheres to religious exclusivism and the divinity of their god that they choose to follow should pack up their bags and leave the country.

I do not think senator Lambie envisaged that most people who follow mainstream organised religion should be required to pack up their bags and leave the country; I am pretty sure she was singling out just one group, and that is what makes her comments so insidious. She was singling out

one group of people because of their beliefs. Senator Lambie is rapidly becoming the Pauline Hanson of this era, and her attitudes and comments will be regarded in history just as shamefully.

When such comments are made and when such attitudes are not challenged and condemned, it demeans all of us and lessens all of us as a whole. We have an obligation to ensure Australia is a welcome society that brings out the best in all people to call our state and country home. I have said this earlier: our state has been enriched by its diversity, and it continues to be the case.

I have made previous contributions in weeks gone by that in just over a week we can all show our commitment to a tolerant and diverse South Australia by taking part in the Walk Together march on 25 October, starting in Elder Park at 1pm, and in many other locations around Australia, including Mount Gambier, where I will be walking.

In addition, anyone who wants a better understanding and appreciation of some of the different faiths that make up South Australia, around the country on the same day there are mosque open days, including the mosque on Marion Road here in Adelaide. I encourage all members who are interested, and all South Australians, to avail themselves of that opportunity.

Mr President, I would like, as you have, to acknowledge the people sitting in the gallery here today and briefly share a couple of stories, because I think it is important in the context of this motion. Arefa Hassani is in the gallery today, and I am privileged to share her story and some of her thoughts. Arefa was born in Afghanistan and fell victim to the Soviet-Afghan war and the chaos and bloodshed that occurred during the war and after. Thousands of civilians were unfortunate casualties of this war, and, like many others, Arefa's family suffered.

Arefa's father arrived in Australia by boat back in 2000, and her father has been referred to as 'illegal', a 'queue jumper' and other things. Her father came to Australia, staying in detention for about eight months, then on a Temporary Protection Visa for about three years. Soon after, what was left of Arefa's family moved to Pakistan until they were sponsored by her father; however, her two brothers were over 18 and not granted visas. The day came when she and her mother had to board the plane to Australia and say goodbye to her brothers. She says of some of her first experiences in Australia:

> Not only did I start at a new school, which is difficult enough, but in a different country; with a different culture, language, set of regulations, everything. The first few years were probably the hardest years of my life. Not only did I have to fit in to a new school and make a few new friends, I was back to square one. Not being able to speak English was a huge barrier, which knocked me back emotionally, academically and socially. Because I was simply unable to communicate, I kind of disappeared into a universe of my own, which probably gave some people the wrong impression. Many probably assumed that I liked being alone and thus stayed away and the few that did try to get to know me failed because it must have been like talking to a cardboard cut-out seeing as how I could not understand or respond.

Her time in Australia has been hard, yet it has moulded her as a person. If it were not for the opportunities that Australia has given her, specifically her school for accepting her into its community and providing her with an education, she would be a very different person than she is today. Arefa is thankful and acknowledges that she is fortunate to be able to wake up each morning with a sense of purpose. She has also said that:

> Right from the first day that I stepped on to the soil of this country, every day, every hour, every minute and every second, I have wished that everyone I left behind could one day have the opportunities that I have. It has been a long journey indeed, and one that has shaped me into the individual that I am today, and formed some indelible memories that will shine through no matter where I go or who I become.

Mr President, Manal Younus is also in the gallery today. Her family are of Eritrean origin; however, her older sister, brother and herself were born in Saudi Arabia as her father was working there at the time. Manal notes that her family faced significant discrimination as a non-Saudi living in Saudi Arabia. Before she was born, an Australian nurse who was working in Saudi Arabia become very close with her family. She would later become, and remain to this day, Manal's mother figure despite their 61-year age gap.

Manal's father was not permitted to return to Eritrea due to the political situation and he decided that their family should move to Australia. He knew that here his family could be united, his children would not be discriminated against by the system and they would have equal access to

education and a bright future. As soon as Manal was born, she and her siblings were taken to Eritrea to live with their grandparents while her dad came to Australia. Her father worked for three years, became a permanent resident and saved to bring them to Australia. Manal met her father for the first time in Singapore when she was 3½ years old.

When they arrived in Australia, Manal and her siblings enrolled in Gilles Street Primary School, which is a quite diverse school as many would know. She went to child care where kids do not really notice differences. They were very well received and accepted as children and there was little prejudice shown towards them. In fact, Manal said that they received an overwhelming amount of kindness. However, in the early and mid-2000s Manal noted that different attitudes started to prevail. The rate of immigration was increasing and with it the levels of hostility and racism that her family were subjected to also seemed to increase. Looking back at these years of growing up Manal says:

> I look at how the discrimination we faced since these [times] have affected us…and I consider myself lucky. My brother who was two years older than me, and my sister who was four years older bore the crux of teenage racism. My brother would get jumped and teased. He would have authoritative figures pick on him and call him racist names. All of this has affected him in such a way that his whole life and faith, his relationship with his family, the general Australian population and other immigrants have been deeply affected. He has become more resilient and most people love him but anyone who bothers to get to know [him] will quickly learn that he wasn't always so confident.

While the attitudes Manal and her family have endured are significant and not to be downplayed, she is keen to balance that with the positive reactions she has received. Again, she says:

> The hostility that I have had to endure has been so strongly overshadowed by the acceptance that I have encountered. For every one hostile comment, I have received millions of kind words. This has made me grateful and it encourages me to do what I can to give back to the community that did so much for me. I am now comfortable around anyone of any nationality, religion or cultural background.

Manal is now in her third year of university, is a volunteer for the Oaktree Foundation and many other non-government organisations and is the assistant national director for Welcome to Australia, helping other new arrivals feel welcome in their new home.

The accepting, tolerant Australia Manal and others are promoting is the sort of society I want my kids—Marley, Flynn and Jai—to grow up in, and I thank you and so many others like you for the great work that you do. I am committed to promoting a diverse and welcoming South Australia, and I recognise the contribution that people from a wide variety of backgrounds, cultures and beliefs have played and continue to play in shaping a better South Australia. It is incumbent on members of this council—in fact, it is our responsibility—to promote and embrace diversity, not division. I commend the motion to the chamber and look forward to further discussion on it, and a vote in the coming weeks and months.

Debate adjourned on motion of Hon. T.J. Stephens.

Bills

STOLEN GENERATIONS (COMPENSATION) BILL

Introduction and First Reading

The Hon. T.J. STEPHENS (16:17): Obtained leave and introduced a bill for an act to establish a scheme for ex gratia payments of compensation to be made to members of the Stolen Generations; and for other purposes. Read a first time.

Second Reading

The Hon. T.J. STEPHENS (16:18): I move:

> That this bill be now read a second time.

I rise today to speak on the Stolen Generations (Compensation) Bill 2014. It is a great pleasure for me to be able to introduce this bill on behalf of the Liberal opposition. This is one of those private members' bills that come about rarely, in that it has the goodwill of the crossbench members of parliament and, I believe, the government. This bill, although historic, is not revolutionary.

Reparations have been made to members of the Stolen Generations and their families in Tasmania and this bill is based upon that jurisdiction's legislation. Last year the Aboriginal Lands

Parliamentary Standing Committee handed down its report into the Stolen Generations Reparations Tribunal Bill, which was originally moved by the Hon. Tammy Franks in 2010. This multi-party committee found overwhelmingly that providing ex gratia reparations to members of the Stolen Generations and their families would give some closure to those Aboriginal people who were removed, most of whom suffered as a result of being taken from their families. The committee recommended that the bill be redrafted to simplify the process and reflect the Tasmanian legislation, which we have done.

So, I would like to thank the Hon. Tammy Franks for her work on the 2010 bill, as I know that this is an issue dear to her heart. I would also like to acknowledge the government members opposite and in the other place who have served on the Aboriginal Lands Parliamentary Standing Committee at any one time or another. I know they, too, appreciate the importance of formally acknowledging the pain and suffering South Australian Aboriginal people have experienced as a result of the policies of previous governments.

The support the opposition has received, from the time my leader in the other place, Mr Steven Marshall, the member for Dunstan, announced his intention to introduce this bill, has been both humbling and touching. If the chamber will indulge me, I will read a few excerpts of comments made in the media in relation to this bill. The South Australian Commissioner for Aboriginal Engagement, Khatija Thomas said:

> This bill and process recognises the individual suffering of these people. It's a meaningful acknowledgment of their pain and suffering. While no amount of money can ever take away the pain the stolen generation experienced and lived with...for the members who are elderly and frail it may provide for a few comforts in their final years.

The University of Adelaide's Dean of Indigenous Education, Professor Lester-Irabinna Rigney, said:

> One of the things about any process is the pain you feel when you relive and retell those stories. This is a far easier route for Indigenous people to get heard, to hear and to have people care for them in a way that is respectful of what's happened.

Only this week a prominent Aboriginal activist and lawyer, Michael Mansell, said of the Tasmanian experience:

> I have seen that those victims of the stolen generations policy in Tasmania have closed that dark chapter in their lives and have moved on.

NAIDOC Male Elder of the Year, Tauto Sansbury, said:

> Instead of going through the court system where you again suffer the ridicule of being interrogated about things that have happened to you...[this bill provides] truth in reconciliation of understanding the impact of the stolen generation and how it doesn't get to affect one person but it affects a family, so I think it's a great move.

Cheryl Axlelby from the Aboriginal Legal Rights Movement said, in relation to the reparations payments coming out of the Victims of Crime Fund, that:

> The Aboriginal Legal Rights Movement think it is a good suggestion, particularly because members of the stolen children generation are also victims of crime in that context;...many of our members were illegally taken from their families.

The Liberal opposition has introduced this bill because we believe that members of the stolen generations in South Australia deserve the opportunity to tell their stories and to receive compensation for what they have experienced. However, this bill is not only morally correct but financially prudent. As the parliamentary committee found, a resolution through the act of reparations would:

> ...reduce the cost to both the state and the members of the stolen generations...[as] a total cost of operating the tribunal and paying monetary compensation and reparations to up to 300 stolen generations persons would probably be far less than the total cost of defending against litigation.

That is currently the only course of action Aboriginal South Australians have. I would like to thank all those people who have come forward and spoken to the opposition on this matter and thank them for their support. I am hopeful that the passage of this bill will signal a new chapter of reconciliation in South Australia. In closing, I would like to signal my and the opposition's intent to work with all members in whatever way necessary to see this legislation progress and to ensure that we get the best outcome for Aboriginal South Australians.

Debate adjourned on motion of Hon. T.T. Ngo.

Motions

QUESTION TIME SESSIONAL ORDER

The Hon. S.G. WADE (16:23): I thank the council for its forbearance and I apologise that I was not available to take the call when it was given earlier. I move:

That the Standing Orders Committee considers a six-month trial of a sessional order requiring a minimum number of non-government questions each sitting day.

For a number of years this council has laboured under frustration at the long-winded and irrelevant answers by Labor ministers in question time. Sometimes it feels like a verbal form of Chinese water torture. Question time is limited to one hour's duration, without any provision for a minimum number of answers. Standing Order 69 states:

Unless otherwise ordered, the period for asking questions without notice and giving notices of motion may not exceed one hour. If, however, before the expiration of one hour, a question is in the process being asked, then that question may be answered, even though the period of one hour has expired.

The one hour time limit on question time encourages ministers to provide longwinded answers, because to do so limits the scope for more questions to be asked. The result is that non-government members are deprived of the opportunity to do their job in keeping the government to account. My motion proposes that the Standing Orders Committee be asked to consider a six-month trial of a sessional order requiring a minimum number of non-government questions in the Legislative Council each sitting day. I commend the motion to the council and indicate that I propose to bring the motion to a vote at the next sitting week.

Debate adjourned on motion of Hon. T.T. Ngo.

BORDERLINE PERSONALITY DISORDER

The Hon. T.A. FRANKS (16:25): I move:

That this council notes that—

1. At any one point in time, between 1 and 4 per cent of the general population experiences borderline personality disorder;

2. This illness can be characterised by overwhelming emotions, relationship problems, impulsive and risk-taking behaviour and a fragile sense of self;

3. A history of trauma, abuse or deprivation is common among those with the illness;

4. Despite its prevalence, enormous public health costs and devastating toll on individuals and families, recovery from borderline personality disorder is possible;

5. Borderline personality disorder is a leading cause of suicide, with an estimated 10 per cent of individuals with this diagnosis taking their own lives;

6. An increased understanding of borderline personality disorder is required among health professionals and the general public by promoting education, research, funding, early detection and effective treatments; and

7. With the aim of promoting understanding of the illness in the community and working towards better treatment options and quality of life for those affected by the disorder in South Australia, Ms Janne McMahon OAM, Dr Martha Kent, Professor Andrew Chanen and the Australian Borderline Personality Disorder Foundation request the South Australian Legislative Council to acknowledge the first week of October each year as Borderline Personality Disorder Awareness Week and a statewide specialised borderline personality disorder service (unit) for South Australia be established.

I note that this motion was seconded by the Hon. Ms Vincent. The Hon. Ms Vincent and I are actually moving this motion together today, and we were hoping to get the support of all members of this council, but certainly I am moving this motion in conjunction with the Hon. Ms Vincent. We move this motion to draw the attention of not only this parliament but also this government to borderline personality disorder. Many of us would have heard the term but may not have a deeper understanding of what that term means.

It is a term that was first proposed in the 1930s to describe a group of people who—and I quote Adolph Stern of the United States in 1938—'fit frankly neither into the psychotic nor into the psychoneurotic group' and thus bordered on other conditions. The term was certainly one that was a recognition of this illness, and understanding of this illness has progressed over time.

Not only those who have this illness but also their loved ones and families do really struggle. The Hon. Kelly Vincent has dubbed this particular illness the 'Cinderella' of mental health labels, if you like. As we know, labels are for jars, not people, but certainly the Cinderella of borderline personality is waiting to come to the ball and we hope that this motion will ensure that borderline personality disorder is treated with the seriousness that it deserves.

People who have borderline personality disorder conditions really suffer a double stigma: there is the stigma of having a mental illness and then there is the stigma, even with the mental health professionals, of having a condition that is called borderline personality disorder. We know from Senate report after Senate report that this is an area where not only is there a great deal of work that needs to be done but there is hope. There is hope, not only for a recovery—a hope which in previous decades was thought to be an impossible hope, but indeed with dialectical behaviour therapy we know that people who have borderline personality disorder can actually recover and can get better.

We also know that this is a condition where those people who suffer that double stigma—the double whammy of being stigmatised not only by the general community but even by the mental health professionals who they have to deal with—can have a win-win. We know that the way this illness manifests itself leads to people unnecessarily coming into contact with emergency departments, and emergency departments are probably the last place that people should be in this state, particularly when they are having quite severe incidences of their illness.

We know that the state government has been looking into this issue, and a report was finally released that was prepared and presented in June 2014, and I draw members' attention to that report. It is called Borderline personality disorder: an overview of current delivery of borderline personality disorder services in the public sector across South Australia and a proposed way forward. That is what we are here to discuss with this motion today: a proposed way forward.

In response to that report (which I note took some time to surface into the public realm, and that was quite disappointing for all concerned), I absolutely commend the work of Dr Martha Kent and also those who have lobbied us long and hard about this issue to get this report out into the public, and now let us get that proposed way forward actually moving forward, not just in the way that Julia Gillard in her campaign for prime ministership used that term but in the way that we are all working together on this.

One of the key recommendations in that state government report is for a statewide specialist BPD service to promote preventive approaches and focus specifically on early development and attachment disorder in at-risk groups as well as early intervention services for early and late teenage clients. It was also the case that we need effective treatment pathways from primary care, emergency and rural and remote, as well as drug and alcohol settings.

As I say, this has been the subject of several Senate inquiries, and there is another document that I would like to draw members' attention to, and that is the financial argument for the establishment of a statewide specialised borderline personal disorder service in South Australia. It is based on the strengths of the Spectrum personality disorder service in Victoria but, certainly, with a relevance to South Australia and tailored to South Australian needs.

That particular report points to the fact that in our South Australian population there are likely to be in the order of 84,000 to 336,000 people who are ultimately affected in some way because of a diagnosis of BPD. That is an estimate of some small number of those directly affected but with the extrapolation for those families and loved ones and others who are around those with that deep diagnosis. That is some 20 per cent of the South Australian population.

The report argues, and quite rightly so, that for an investment of something a little over $1 million a year we could actually see significant savings, most evidently through the alleviation of pressures on our emergency departments but, obviously, as we know in this place and we have

come to learn in 2014, early intervention is certainly better than allowing a situation to get to the stage where you need acute intervention.

It is as simple as a stitch in time saves nine. It is as simple as an apple a day keeps the doctor at bay. It is as simple as you do not put the ambulance at the bottom of the cliff: you put a fence at the top of the cliff with a sign. You do some community education and you help people before it gets to a situation where they have jumped and they need that acute care.

In one case alone, and this is a case that has taken place in South Australia, we have seen one particular consumer who had had 97 emergency department presentations in the 12 months prior to his engaging in dialectical behavioural therapy. He had had multiple physical health problems, he had sabotaged his medical treatments, he lacked suitable accommodation, he had lost his friends and his family because of his behaviours, and he had lost his possessions due to his behaviours as well.

He had had alcohol abuse in his life from the age of 13 and he had had substance abuse with amphetamines, THC and heroin, and so on, from those teen years. He had been self harming since the age of 18, and he actually had not had any contact with his family for many years. He had a forensic history and had been assessed as being in persistent danger of harming himself. In 2006, case management was recommended for him as a consumer. However, not a single worker in the South Australian mental health services was willing to manage him.

After DBT he has continued to abstain from alcohol and other substances, he has reunited with his family, he has moved out of supported accommodation and into independent housing, he has not self-harmed for approximately 18 months and has had no suicide ideation either. He has had zero presentations to the emergency department for approximately two years.

This case study shows that recovery is possible, that hope is possible, and that with a small investment we could see not only lives changed and lives saved but, of course, that budget bottom line. The cost of reductions in this case study are based solely on emergency department bed days and that would be an estimated cost of on average $850 per day. With 97 bed days that would be some $82,450 in one single year that we would save by that small investment in not only this person's future but in our community's future.

We know that he now has a life worth living, a life that is not in chaos, and that that particular course of treatment has allowed him to engage fully. Indeed, he is even now talking about going on to study computer science, he is living in rented accommodation, and he has very much moved along that path to recovery.

That man's story could be replicated across the board for those in our community who suffer from borderline personality disorder, for those who love and support them, and for those who they have lost. This motion before us today hopes to draw attention to the issues around borderline personality disorder, and certainly we hope that we can work across this parliament, across party divides, to see a service unit in this state, along the lines of what currently exists in Victoria with the Spectrum unit, a reality by next year.

Next year we hope that this Legislative Council will have recognised, as is called for in this motion, Borderline Personality Disorder Awareness Week, and wouldn't it be fantastic if we could be standing, not just Kelly Vincent and myself, as part of the Mental Health Week celebrations and commemorations and we could all be commemorating and seeing the opening of a service for Borderline Personality Awareness Week next October 2015. That is also something that is not just a dream; that is possible. This parliament can make it happen.

The Hon. K.L. VINCENT (16:37): I speak today as the seconder and co-mover of this motion. As a passionate advocate not only for the content of this motion but mental health and mental health awareness more broadly, I want to start by acknowledging that I am in a privileged position to be able to be here in this chamber talking about Mental Health Awareness Week and talking about World Mental Health Day which we have just had, but for many people, especially those with a stigmatised disorder like borderline personality disorder, every day is Mental Health Awareness Day and every week is Mental Health Awareness Week.

Every day people with borderline personality disorder (BPD) face the discrimination, the stigma, the trauma and pain of borderline personality disorder, so I am very proud to move this motion, together with the Hon. Tammy Franks. Dignity for Disability has been working on this issue for quite some time. It is very pleasing to be joined by a parliamentary colleague and, hopefully, as the Hon. Ms Franks alluded, more and more colleagues as time goes on.

As my honourable colleague, the Hon. Tammy Franks, has said, borderline personality disorder has been ignored, sidelined and kept on the borders for far too long. It is, as I believe the wonderful Dr Martha Kent labelled it, the Cinderella of mental illness, and it is time that South Australia provided appropriate services for people with this particular mental illness. Certainly it is arguable that the name of the condition does not help. The fact that it is called borderline personality disorder often seems to imply to people that it is something that you almost have, or that you are on the borderline of having.

For years it has also been seen as the mental illness that is too hard to treat. People with BPD are often presenting at emergency departments with varying health issues that they then find to be ignored, mistreated, stigmatised and put down on the basis that the person has a diagnosis of borderline personality disorder and, therefore, can sometimes exhibit symptoms that do not manifest physically or that the patient is somehow otherwise considered untrustworthy, or even crazy.

Needless to say this does not help people who already feel misunderstood, ignored, rejected, dejected, hurt and mistreated by those around them, by society more generally and by the family members and even the friends who do try to help them. Like those with what could arguably be called other invisible disabilities such as stoma, fibromyalgia, chronic fatigue, HIV/AIDS, chronic pain, acquired brain injury, or other psychiatric disabilities or illnesses, accepting that someone has BPD and that this is a reality for them and one that needs support and treatment has proved a challenge for our community, our health system and even for our mental health services.

We used to have a day service at the Glenside campus of the Royal Adelaide Hospital here in South Australia called The Willows. This provided services to people with borderline personality disorder but, unfortunately, tragically, this service was closed back in the mid-90s. Nothing replaced this day service. We have dialectic behavioural therapy, or DBT, that is highly regarded as an effective treatment for people with borderline personality disorder. However, there are significant waiting lists for this treatment, and services for people with BPD in rural and regional areas of our state are virtually non-existent.

I attended the first ever national Borderline Personality Disorder Awareness Day at the Mental Illness Fellowship of South Australia in Wayville, back in October 2011. Since that time, I have become increasingly aware of just how much suffering due to lack of appropriate support and services there is for people living with BPD and their friends and families in the South Australian community.

Sadly I have seen young members of our community with a BPD diagnosis commit suicide. They were in contact with both public and private South Australian mental health services but that did not prevent these tragic deaths. Young lives lost. Dignity for Disability has asked questions without notice of both the previous and current health ministers about BPD and we are yet to receive a single answer to any question on this matter. I have been asking these questions for the past three years. I have also delivered a matters of interest speech on BPD and the response I receive is always from people with a BPD diagnosis and their family carers, thanking me for raising this ignored mental illness with the government.

I want to take the time to thank them as well for the information that they have shared with me that has allowed me and now my parliamentary colleague, the Hon. Tammy Franks, to continue this important fight. As this motion states, 1 to 4 four per cent of South Australians are experiencing borderline personality disorder at any one time but, as Ms Franks suggested, the numbers are actually greater than that when we consider the severe suffering and loss of family connection that family members and friends of people with a borderline personality disorder diagnosis can also experience.

It is high time and it is past time and we are obliged to acknowledge this and establish a specialised specific borderline personality disorder support and treatment service in this state, similar

to the one in Victoria known as Spectrum. We have the model, the economic and societal savings have been proven, and we in South Australia are running out of time to meet our long-ignored obligation to people living and suffering every day with the stigma and mistreatment of borderline personality disorder in our communities. It is time to accept that, while borderline personality disorder can be life changing, and there is no doubt of that, it does not have to be a life sentence. I commend this motion to the chamber.

Debate adjourned on motion of Hon. G.A. Kandelaars.

Bills

SEXUAL REASSIGNMENT REPEAL BILL

Introduction and First Reading

The Hon. T.A. FRANKS (16:45): Obtained leave and introduced a bill for an act to repeal the Sexual Reassignment Act 1988. Read a first time.

Second Reading

The Hon. T.A. FRANKS (16:46): I move:

That this bill be now read a second time.

I am pleased to present this bill to repeal the Sexual Reassignment Act 1988 to this council today, and I do so not to see this go straight to a vote in this council chamber but with the purpose of opening up to a process of consultation. Many of you would have never come across the Sexual Reassignment Act 1988 in your parliamentary careers, I should imagine, and certainly most of us were not part of those original debates when this bill was conceived and produced.

We do know that in the entirety of this bill's life, it has never been reviewed. From my consultations with those who are members of the transgender community in this state, and indeed members who were born in this state but have moved interstate, I know that this act, which is 26 years old and has never been reviewed, has never worked, not even in that first year of its operation. In fact, community standards and scientific understandings have come a long way from when this bill was first introduced and implemented, as have attitudes.

This certainly needs to be better reflected in this state's legislation, but we also need to recognise that this bill, while well meaning and of its time, does not serve the transgender community, the broader community, or the medical health professionals of this state. It is now better appreciated that being transgender is not a personal lifestyle choice, but rather a human developmental variation. It has always affected a small minority, and that does not look like it will change, but the human population has always had transgender individuals.

I draw the attention of members to the World Professional Association for Transgender Health (WPATH), which is the leading body for transgender health care and which has long held a scientific evidence-based view that the best and most effective assistance is to support gender transition of those people in need of that assistance. The South Australian legislation has long been left behind by laws in more advanced Australian jurisdictions such as the ACT, and by international best practice, represented by the laws of jurisdictions and countries such as Argentina and Denmark.

Most importantly, as both the transgender community and healthcare professionals will tell you, this legislation is currently impractical; it does not work to the benefit of healthcare professionals, and it has never worked for the community. This repeal bill that I bring before the council today would enable those people who are most affected by this inadequate and ineffective legislation to have their voices heard. As I said, I flag my hope this council will refer this bill to a committee for inquiry—my preference would be for the Legislative Review Committee, but I am certainly open to discussing the options with members.

The flaws of this act as it currently stands can be summarised in two key areas. The transgender community and medical professionals have expressed that it creates a system that hinders effective quality health care for transgender people in this state. While it was well-meaning at the time when it was passed through parliament in the 1980s, it is inconsistent with the human

rights of all peoples, in particular the human rights expressed by the United Nations International Covenant on Civil and Political Rights and the international Convention on the Rights of the Child.

The South Australian legislation establishes administrative processes that may well, if reviewed, be seen as unnecessary, including the recourse to a Magistrates Court to undertake a hearing for what is called a gender recognition certificate. I would even give some attention to the very title of this act, being called 'sexual reassignment'. It is an inappropriate title; it always was. Certainly, that is something that notes that the content of the act is not only out of step with current times but is indeed, an inappropriate approach to these communities.

Examples of modern progressive legislation that I would hope South Australia could look towards to better serve not only our transgender community but, as I say, the broader community and health professionals, are laws such as those in Denmark and Argentina. In those two nations they have embraced full social acceptance of transgender people and their laws are compatible with the United Nations human rights conventions. The laws there, unlike the South Australian act, do not contain criteria designed to prevent people who might identify as a gender different from their birth from achieving legal recognition. These laws only require a simple and relatively quick administrative process and they are handled by registry officers rather than a court and going through a legal hearing.

Modern legislation does not include unique approval requirements by government ministers of associated healthcare professionals, as the South Australian act does. I have raised attention in this place previously to the fact that under this act it is required that the health minister approve those medical professionals and, with particular regard to the *Hansard* debates in the late 1980s, there was a thought that surgeries, for example, would be done at the Flinders Hospital. That is not actually something that occurs in this state. Indeed, if surgery is part of somebody's transition, that does not take place in South Australia, it takes place interstate or overseas. While the health minister might want to be able to give recognition to those particular healthcare professionals, he has no jurisdiction and never will have jurisdiction over a healthcare professional interstate or overseas. That is the most transparently obvious failing of this legislation, but believe me there are many.

In Argentina, there is a law which is called the 'Gender identity law of 2012'. It was passed in that jurisdiction on 8 May 2012 and it came into force in July of that year. It is widely acknowledged by human rights activists as the best legal identity recognition law across the globe. Unlike the South Australian act, which seeks to regulate, it has a different approach. In short, that law fully respects the self-determination of transgender people. It has none of the prerequisites that apply in the South Australian act, such as a prohibition on a married person changing their birth certificate or medical treatments associated with what are quoted as reassignment procedures.

That law is open to anyone, including minors (subject to process consistent with the Convention on the Rights of the Child), and it has a fast and transparent administrative procedure which, for adults, takes two to three weeks (approximately) to complete. It is very successful legislation and in its first year of operation approximately 3,000 new identity documents were issued, with no known cases of fraud. It does not impose a burdensome approval regime on healthcare practitioners, which is often associated with those who work with the transgender community.

We point to the gender recognition law of 2014 in Denmark, which came into effect on 1 September of this year, as another way forward for South Australia. I also draw members' attention to Transgender Europe (TGEU), the major transgender human rights organisation for the European Union, which has recognised the new law as the benchmark for other European states to emulate. It is similar to the world's best legislation in Argentina in that it is human rights based and does not impose other prerequisites such as divorce or medical treatment, which prevent gender diverse individuals from achieving recognition and certainly prevents them from achieving that recognition here in South Australia under our current laws.

Like Argentina's law, that law mandates a simple and transparent administrative system for changing all identity documents, including birth certificates. Unlike Argentina's gender identity law, it does impose a six-month waiting period between application and amendment of documentation from a concern with the potential of hasty decisions being made by individuals. It also establishes a minimum age of 18 years for an application, which does contradict the International Convention on

the Rights of the Child. Like Argentina's gender identity law, it does not impose an approval regime on healthcare professionals.

I have had many discussions, and I thank the then minister for health, his chief of staff (Peter Luca) and the Hon. Stephen Wade, who was then the shadow attorney-general, for attending a forum I called in this parliament approximately two years ago to hear the concerns of the transgender community. At that forum I know that there were many varied stories of people who were having myriad problems with the South Australian system. Whether that was because a health minister could not authorise the medical professional that they had employed to have a surgery, for example, or whether it was because they had been born in another state, there was a range of problems.

Basically, it was a difficult proposition for me to see a way forward at that first meeting, but I was certainly heartened by the interest shown by the minister for health's chief of staff and the minister for health by proxy on this issue, and indeed the shadow attorney-general at that stage. I am very keen to keep working with all sides of politics on this.

I see the referral of this particular bill—a simple bill (a one-page bill, so it will not take you long to read) to repeal this act—as an opportunity to hear from the transgender community, which this law does not serve (I think they are almost unanimous in agreement on that), and certainly from the health professionals, who find these laws that we have in our state difficult to operate under (indeed, in some ways they are quite significant barriers), as well as people like the Registrar of Births, Deaths and Marriages and those in government departments.

This will be an opportunity for the first time to review this act, to hear those stories and to create a piece of legislation, if it is needed at all, that better serves the transgender community but certainly one that must reflect our obligations under the United Nations conventions. In the framing of whatever comes out of this I would hope that we pay some attention also to the motion that has just come out of the third international biennial conference of the Australian and New Zealand Professional Association for Transgender Health (commonly known as ANZPATH), which was actually held in Adelaide in the past week.

That passed the following motion addressing Australian gender recognition legislation:

> That the Federal, State and Territory Governments develop unifying laws that address the human rights of all Trans identified Australians.

It is a simple motion. It would have a profound effect on many people's lives. I note that there were several presentations and certainly community space at that particular confidence, and a scholarship was set up. I acknowledge the South Australian government for facilitating that work that has opened up that particular conference to the trans community more than has ever been done before.

I understand from anecdotal feedback that, for example, comments were made that it was the safest space people had ever been in and that they had actually felt quite positive, having had some trepidation about attending the conference, and that there was a particular room there designated as an even safer space within the conference and it did not even have to be used. I would love to have a community where that was not an unusual occurrence for transgender people in our state and that that was what they experienced every day. Changing our laws will go some small way to seeing that cultural shift occur across the broader community.

There were presentations to the ANZPATH conference that last weekend which focused specifically on the South Australian Sexual Reassignment Act. It is safe to say that we probably have one of the most retrograde acts in the country. It was very well meaning when it was first debated, and I understand that at the time we were probably ahead of the game, but many of the assumptions and pre-suppositions have not turned out to be effective or supportive.

I draw members' attention to the fact that our South Australian act was a focus of workshops at that community as an example of something not to have. It was highlighted as an inappropriate piece of legislation within the Australian context.

There is some debate that perhaps trans people are not visible enough or large enough in numbers, and I have noted that a large part of the journey for many trans people is actually not to be visible and not to be noticed and to pass and not to make themselves stand out from the community.

That is part of what they want. They want to pass as a member of the community who is no different from any other member of the community.

That has been to the detriment of their ability to organise because, by the very nature of not wanting to be seen to be different, their differences and points of view have not been heard. I certainly hope that one of the other great things that came out of the ANZPATH conference, which was a national advocacy group and which was overwhelmingly supported by those members of the community, will see not only this law change but laws across the country, and cultural shifts that we so need.

It is no surprise to members of this council that the trans community suffers mental health problems and stigma and have higher rates of suicide and discrimination than some other members and portions of the community. We can go a long way to assisting with that by ensuring that at least we hold up our end of the bargain as parliamentarians and ensure that we have an act that serves the very people it was designed to help and does not hinder them.

With those few words, I commend the bill to the council and look forward to further discussions and debate and hopefully a process where we hear the voices of the trans community, the medical professionals, as well as those in government responding and ensuring that we have legislation that not only complies with United Nation conventions but that we can be proud of.

Debate adjourned on motion of Hon. G.A. Kandelaars.

Motions

INDIGENOUS JOBS AND TRAINING REVIEW

The Hon. K.L. VINCENT (17:04): I move:

That this council—

1. Notes that the recommendations in the Forrest review further restrict access to the disability support pension and make it easier for job seekers to have their payments cut or suspended without warning or justification, which will increase poverty without dealing with the fundamental undersupply of jobs, especially in regional and remote communities, and the many societal barriers which Aboriginal people and people with disabilities in particular can face when looking for work;
2. Condemns Premier Jay Weatherill's blanket endorsement of the recent Forrest review;
3. Notes a report from the commonwealth Parliamentary Library which states that there is no evidence to support Mr. Forrest's recommendation that income management schemes be expanded to cover all welfare recipients;
4. Notes that, whilst voluntary income management has had some success in Aboriginal communities, involuntary income management has had adverse effects as stated in the Closing the Gap reports, which suggest that punitive policies that rely on fear or threats to change behaviour, such as cutting or suspending Centrelink payments, do not work;
5. Notes that Mr Forrest's recommendations regarding land ownership have the potential to further erode Aboriginal control of their lands and communities which will destabilise these communities and further deny them the right to self-determination;
6. Notes that Mr Forrest's plan calls for the dismantling of TAFE;
7. Notes with significant concern the apparent return of the 'announce and defend' model of governance that Premier Jay Weatherill's announcement suggests; and
8. Calls on the Premier to invest in genuinely supporting those who actually require education and assistance to manage their income and eschew his blanket endorsement of the recommendations until proper consultation is done to allow him to fully understand the real impacts they would have on everyday South Australians.

On 15 August 2014, an article in *The Australian* by political editor Sarah Martin announced that Premier Jay Weatherill had indicated that his government would offer 'the broadest possible support' to all 27 recommendations of the recent review into Indigenous jobs and training by Andrew (Twiggy) Forrest.

There has been widespread concern in the South Australian community about this ever since. As one of my Twitter followers put it when I announced that I would be putting this motion to parliament today: 'I am confused by a left-wing Labor Premier endorsing a report written by a far right

self-serving billionaire.' That is perhaps an oversimplification of the issues that this endorsement represents, so let me elaborate on what those potential issues are.

Before I do that, though, I would like to provide some context by reading onto the record a letter which I think summarises very well many of the issues that I will touch on. I believe this letter was sent to the Premier in mid September of this year from Pas Forgione from Stop Income Management in Playford (SIMPla) and Tauto Sansbury, a well-recognised Aboriginal elder. The letter states:

Dear Premier Weatherill

I write on behalf of several individuals and organisations deeply concerned by reports in The Australian on August 15th that you have offered 'the broadest possible support' to all 27 recommendations in Andrew Forrest's Indigenous employment and training review. We seek to meet with you personally to outline these concerns.

The letter continues:

Forrest's report includes numerous heavy-handed punitive proposals that will increase disempowerment and humiliation for the most vulnerable. Proposals that ignore the research on which programs achieve positive outcomes and build personal and financial skills for struggling individuals.

The letter goes on to say:

We are particularly concerned by Forrest's proposal to expand income management. Any moves to extend this policy, whether a blanket approach for all working-age Centrelink clients or as a targeted measure for at-risk or vulnerable groups, defies the history of the policy. Over the past seven years, evidence of income management achieving its stated goals has been limited and weak. The commonwealth Parliamentary Library's 2012 paper titled 'Is Income Management Working?' noted 'an absence of evidence relating to the effectiveness or otherwise of the scheme'.

A Department of Families, Housing, Community Services and Indigenous Affairs study from the same year evaluating new income management in the Northern Territory first evaluation report noted: 'Income management has been applied to many who do not believe they do not need income management and for whom there is no evidence that they have a need for or benefit from income management. It has led to widespread feelings of unfairness and disempowerment. For many people, the program largely operates more as a means of control rather than a process for building behaviours or changing attitudes or norms.'

The letter goes on to say:

Also concerning is the report's consistent focus on the use of punitive sanctions that rely on fear or threats, such as cutting or suspending payments, to change behaviour, despite evidence from multiple Closing the Gap reports that these approaches are not effective. Moves to restrict access to the disability support pension to make it easier for job seekers in particular to be penalised and to make it harder for job seekers to obtain exemptions from the requirements will create unnecessary hardship and will not address the undersupply of jobs, particularly in regional and remote communities, and other causes of disadvantage.

The letter further states:

The linking of family tax benefits to school attendance will not only punish already struggling low-income families but may also damage critical relationships between schools and parents, and will fail to address many complex issues behind truancy in metropolitan and remote Aboriginal communities. For example, research by the Australian Catholic University shows that Aboriginal students with a strong sense of cultural identity are most likely to attend and perform well in school. We look forward to discussing these issues with you.

Kind regards,

Tauto Sansbury, Narungga elder and First Nations Peoples' United Front member

Pas Forgione, SIMPla (Stop Income Management in Playford) and Anti-Poverty Network South Australian member.

I have been informed by the letter's authors that the Premier has not offered a complete response, instead referring the matter to Khatija Thomas and minister Hunter. The Premier was happy enough to announce his support for the report but he appears less enthusiastic to explain the reasons for that support or defend the report itself.

I would now like to go on to elaborate on some of Dignity for Disability's concerns about the Premier's endorsement of this report and those concerns that have been presented to me by members of the community through my office. Firstly, given the content of the report which has been released to the public, I think the title of the report is a little confusing. One would, I think, rightly expect that a review into Indigenous jobs and training would solely focus on access to jobs and

training for Aboriginal Australians. Why then, we must ask, I feel, does Mr Forrest see fit to use this publication to make all sorts of wide-ranging and punitive recommendations that cover other areas?

I want to make it very clear before I go on that I think there are a small number of recommendations within the report which I consider are worth further consideration. Early childhood support, for example, and making counsellors available in more communities to assist people to overcome drug and alcohol-related problems may very well be welcome steps. However, I am afraid the majority of the report appears less hopeful.

It may well be that the Premier is privy to some other draft of the report that the public and I are not yet aware of. It may well be that the Premier has given the punitive and wide-ranging recommendations in the report further consideration since he made his announcement in *The Australian* in August. I can only go on what I and the community know thus far, which is that the majority of the recommendations in the Forrest review are of great concern to a number of individuals and communities.

One aspect of the report which Dignity for Disability finds especially troubling is Mr Forrest's recommendation that all recipients of Centrelink payments (bar aged and veterans pensions recipients) can have up to 100 per cent of their Centrelink payment transferred to a so-called healthy welfare card with the aim of prohibiting the purchase of things like cigarettes, drugs and alcohol or other non-essential items.

I am sure that some members of the chamber may say that this is fair enough and, on the surface, it certainly appears to be so, until we consider the enormous breach of civil liberty that this represents and, more importantly, the lack of evidence to suggest that there is any greater incidence of drug and alcohol purchase among those who are in receipt of Centrelink payments compared to those who are not, nor to suggest that simply because someone is in receipt of a payment they are less able to responsibly manage their own funds than others.

There is also no evidence, it is important to note, to suggest that measures like this actually reduce the number of people purchasing items like alcohol and cigarettes. Indeed, as I noted when giving notice of my intent to move this motion yesterday, our very own Australian commonwealth Parliamentary Library has stated in a report into the issue:

> There are very few studies available that seek to directly evaluate the effectiveness of income management. In part, this is because income management is still relatively new and untried elsewhere. Surely, we would not be asking too much of a government to base its support of recommendations on strong existing research and community feedback.

I do not deny that some people, particularly in Aboriginal communities as I understand it, have voluntarily gone onto income management schemes. I understand that for some people these have been particularly helpful in communities where the practice of what is known as humbugging, or persistently pestering a family member or friend to share their income partly due to the traditional family and caring role in many Aboriginal communities, is common. However, from my correspondence and meetings with people who are currently forced onto involuntary income management, the effects have been damaging and humiliating.

I first became aware of this issue and the effects that involuntary income management was having on many members of the community when I met with representatives from SIMPla (or Stop Income Management in Playford), a group that has come together to raise awareness of the unfair and unjustified expansion of income management being forced on people based on the fact that they live in what is generally a low socioeconomic area. It is worth noticing that SIMPla also suggests that voluntary income management has been useful for some people. It simply stands against sweeping generalisations that many people in Aboriginal communities, in particular, are now facing because of forced income management.

I would like to return now though to the problem of the lack of evidence to support or, indeed, to disprove the effectiveness of involuntary income management. Surely if the problem of people misusing their taxpayer Centrelink funds were as big as Mr Forrest's report seems to suggest, almost 100 per cent of Centrelink payment recipients would be facing hearings at the Guardianship Board to have administrative orders placed over them because they are unable to responsibly manage their own funds independently.

Unless I have severely misread something in the newspaper of late, this simply is not the case. It is not what is happening, and casting aspersions on all members of a particular group of people, whether due to race, gender or the type of welfare payment that they receive, is grossly unjust and irresponsible of a government which should be able to respond with maturity to the individual needs of its citizens. This government needs to recognise the extremely damaging effects—

Members interjecting:

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The Hon. Ms Vincent has been battling very well, but there is another conversation happening in the chamber and I would ask that the Hon. Kelly Vincent be given a clear run to make her presentation.

The Hon. K.L. VINCENT: I thank you very much for your protection, sir. As I was saying, this government needs to recognise the extremely damaging effects that this could have not only on people's personal lives, but on their broader reputations. It is particularly upsetting to see the Premier endorsing the recommendation that tars so many people with the same brush in a political climate where many groups and many people are currently struggling to differentiate themselves from those who do the wrong thing.

The feminist movement, for example, is frequently howled down with cries of 'Not all men behave like this. Not all men do this.' Particularly relevant are people of the Muslim faith currently fighting, and quite rightly, the broader societal misconception that all Muslims believe in the same abhorrent actions that are currently being carried out by groups like ISIS, for example. So, why now, of all times, would a Labor premier claiming to hold the profound belief in the benefits of diversity, wish to portray such damaging images of Centrelink payment recipients as a group?

I think another question that now must be asked is: why is it that aged and veteran pension recipients are exempt from this particular recommendation to have their pension put onto a healthy welfare card? Is there some evidence of which I am not aware, and this may well be the case, which proves that this particular group is any less or any more innocent than others?

Of particular concern to me pertaining to the recommendations about the healthy welfare card is recommendation 5.7 of the report which suggests that retailers could be issued on-the-spot fines of $2,000 for every $100 of value that they supply to a healthy welfare card holder for cash or goods which are prohibited to be purchased by a holder of the card.

I ask Premier Weatherill: are we really expecting retailers, checkout operators and the like, many of whom are still in school, to make choices about the appropriate lifestyle and diet of their clients and customers? Are we really suggesting that these are the people who have that knowledge? Forgive me, but I would have thought the people most capable of making those decisions based on individual need and experience would be the healthy welfare card holders themselves, their family and friends where appropriate, and personal supporters and advisers in the relevant area.

Withholding, suspending and controlling someone's payment in the way that the review seems to suggest could very well drive people into poverty. I do not deny for a moment that there may be some welfare payment recipients who do the wrong thing by the taxpayer and by society in the way they spend their funds, but I humbly, and I think quite rightly, suggest that the way to fix this is not to restrict the freedom of others with a punitive measure just in case they do the wrong thing. I ask you: do we lock up all dogs in cages in the event that they might bite someone? If we have a broken window in our house is the solution to go through the house and break all of the other windows so that they are the same? No, we fix the window; we train the dog.

Dignity for Disability believes that through education and the provision of proper advice and support we can fix the issue of inappropriate use of Centrelink funds without damaging the reputations and further restricting the lifestyles of existing recipients. As Closing the Gap reports numerous times, punitive measures which do not take into account traditional cultural nuances and responsibilities simply do not work, particularly in Aboriginal communities.

I want to move now to the concern that Dignity for Disability holds about the report's recommendations regarding the freeholding of Aboriginal land. The proposed changes to the manner in which Indigenous land is held potentially seriously erodes the ability of native title claimants to be

collectively involved in decisions regarding that land. It makes it easier for external interests, for example—and particularly relevant to Mr Forrest's recommendation—mining, to railroad communities by having the ability to negotiate with individual landowners.

It is strange that a premier drawn from a party rooted in the value of collective action on the part of working people should be so quick to apparently endorse a recommendation which has the potential to sign away the rights of Aboriginal communities to raise their voice as one. I am also concerned that this will lock the larger membership of communities out of a negotiation process that frequently yields many valuable concessions that in many respects underpin the development and enrichment of communities, particularly in remote communities—employment in, and cultural advice on, mining, frequently offered as part of negotiations on land use agreements, being one such example.

The proposed reforms create the potential, as I see it, for the concessions to become commodities that could be monopolised by individuals or small groups with self interest. It would not be the first time that the involvement of resources and interests has seen Indigenous communities tear themselves apart over the promise of work and royalties. In order to establish native title, traditional owners are required to demonstrate a continuous and unchanged relationship with the land extending back prior to western colonisation.

For over 200 years they must have maintained the traditional custodianship, customs and practices in relation to that land and, in the event that the devastating effects of colonisation have not extinguished the native title, a limited set of rights are recognised by the court in its determination. It is frankly bizarre that, having made traditional owners jump through so many hoops to demonstrate that they have retained their traditional connection and relationship with a particular piece of land, we should immediately begin trying to compel them to adopt a more western approach to their belatedly recognised property rights so that corporate interests can potentially readily monetise them.

Given the well-recognised occupation of the Forrest Report's author, I cannot help but express what I see as a healthy level of scepticism regarding the motives that sit behind this particular recommendation. I want to point out that certain recommendations in the report could also have an adverse affect on the education of young people in particular, and particularly again those in Aboriginal communities and those from low-income families.

Of particular concern are suggested changes to the TAFE system and the suggested linking of family tax benefits to child school attendance. I believe that the problem with the latter recommendation to do with linking family tax benefits to school attendance is explained very eloquently in a paragraph from the letter to the Premier from Pas Forgione and Tauto Sansbury which I read earlier, so I would like to reread that paragraph onto the record for the point of emphasis:

> The linking of family tax benefits to school attendance will not only punish already struggling low-income families but may also damage critical relationships between schools and parents, and will fail to address many complex issues behind truancy in metropolitan and remote Aboriginal communities. For example, research by the Australian Catholic University shows that Aboriginal students with a strong sense of cultural identity are most likely to attend and perform well in school.

Furthermore, Mr Forrest's recommendations regarding TAFE are also potentially problematic as far as I see them. Recommendation 14 states:

> That, in order to create job-specific employer-directed training, the Commonwealth, state and territory governments, as joint regulators and funders, introduce vouchers for employers redeemable at education providers to replace all funding for the vocational education and training system, particularly the TAFE system.

As I see it, this proposal potentially kills off TAFE and the VET sector as a source of general education. To access this sector if this recommendation were implemented, as I understand it, you would need to get a voucher to do a specific course to get a specific job at a specific employer post-qualification.

While there may be some merit to this recommendation, I think it is worth pointing out that the proposal, as I read it, fails to recognise the level and value of freelance and agency work in a range of VET-linked sectors. As a result, it could produce an unintentional shortage in a range of areas like nursing, aged care, sign language interpretation and other industries where agency work and freelance are popular and much needed.

What I have provided the chamber with today is but a snapshot of some of the concerns that have been presented to me by various members of the community about the Forrest Review recommendations. I feel that as I am not someone currently in receipt of a Centrelink payment, nor am I someone currently experiencing the effects of involuntary income management, it is somewhat difficult for me to properly articulate the level of stress and anxiety that Premier Weatherill's apparent endorsement of these recommendations is causing.

I want to acknowledge that Khatija Thomas is, as I understand it, currently undergoing some consultation, particularly with Aboriginal communities, about the true intent of these recommendations, but Dignity for Disability and I certainly want to see that consultation taken more broadly and more genuinely so that all members of the community truly understand what is meant by these recommendations and what the effect of these recommendations would be if they were implemented.

I also want members of the community to be given a proper chance to have their voices heard by Premier Jay Weatherill, as the people who live day to day on Centrelink payments and other measures are those who would be most affected by these recommendations if they were to be implemented.

I want to state that it is my understanding that Premier Jay Weatherill is currently in discussion with my office about arranging a meeting between him, myself, Mr Andrew Forrest and, I believe, some other community members as well, and that is a welcome step. I would have liked to have seen, as I know many members of the community would have liked to have seen, that consultation happen a little earlier. Unfortunately, just yesterday I was citing another example under the SACAT bill where the announce and defend, or announce and then consult, model was undertaken. So, yet again I implore Premier Jay Weatherill to truly live up to his word that he will implement a model of consult and decide governance.

To me, to be a leader means taking people with you, discussing ideas and walking side by side with the people whom you represent, particularly those who are most directly affected by the decisions that you make. That is why consult and decide is such an important model of governance. We need government to recognise that it should make decisions in collaboration with those who are affected by the decisions they make.

I commend this motion to the council and I call on all members to join with me in supporting this motion and calling on Premier Jay Weatherill to better consider the effects that these recommendations may have, to better consult with those who may be affected by them, to better communicate what the extent of his endorsement of these recommendations may be and to better collaborate and hear the voices of those who will be directly affected. I hope that members of this chamber will endorse this motion and call on Premier Jay Weatherill to be a true leader in this matter.

Debate adjourned on motion of Hon. J.M. Gazzola.

QUESTIONS ON NOTICE STANDING ORDERS

The Hon. R.I. LUCAS (17:32): I move:

That the Standing Orders Committee considers and reports on amendments to standing orders to require ministers to provide answers to questions on notice within a period of 30 calendar days.

In speaking to this motion members would be aware that it is an issue I have raised on any number of occasions now for half a dozen years or so. I guess the genesis of this is the concern that the longstanding convention (certainly in this chamber) of ministers responding to questions within a reasonable period of time has now been breached for almost 10 years.

I previously indicated that under previous governments (both and Labor and Liberal), and my experience when I first came into the parliament in the 1980s was under a Labor government and Labor ministers in this chamber, such as attorney-general Sumner and ministers Blevins, Cornwall and others, for all of their failures that might have been highlighted, generally observed the convention of responding within a reasonable length of time to questions that had been placed on notice by non-government members of the Legislative Council.

During the nineties, I know, as a government, we also took seriously the notion of responding within a reasonable period of time to questions on notice. I know, as one of the nominated members of cabinet for some of that period, answers to questions on notice went through a cabinet process, not the full cabinet process but a cabinet minister would look over the proposed responses to questions, which, I am informed, is still the process under this government.

It is fair to say that under the former Labor government in the eighties and the former Liberal government in the nineties, there was no rigid requirement in the standing orders. There may well have been occasions when the former Labor government or the former Liberal government did not comply within a reasonable period of time responding to a difficult question on notice, but, as I said, in the main both Labor and Liberal governments through all of that period have abided by that longstanding convention.

It has been, sadly, this government, and increasingly so this government since 2002 that has just snubbed its nose at that longstanding convention. It has essentially taken the view that there is no standing order requirement or any other on the ministers to answer the questions, and we have the ludicrous position where as at the end of last year there were more than 3,000 unanswered questions on notice, not just in our house but in the House of Assembly as well. In terms of accountability, I remind members that it was their Labor premier who in 2002, in his plan for honesty in government, said:

> We will lift standards of honesty, accountability and transparency in government. Secrecy can provide the cover behind which waste, wrong priorities, dishonesty and serious abuse of public office may occur. A good government does not fear scrutiny or openness.

I did not always agree with many of the things that former premier Rann said, but certainly that was a lofty ideal and one with which I am sure we could all agree. Answering questions on notice within a reasonable period of time is part of that openness and transparency principle which should be abided by in terms of government.

What has occurred is that, sadly, many of us are getting to the stage where it is a waste of time putting questions on notice, and so in many cases the only way of getting the information is by lodging hundreds and hundreds of freedom of information requests, and that is a problem in and of itself. We are then criticised by ministers saying how much it costs to respond to freedom of information requests from members because members are too lazy to collect the information themselves.

This government cannot have its cake and eat it too in relation to this particular argument. If they were in a position to actually respond within a certain period of time to questions on notice, then it would take some of the heat out of the issue of increasing numbers of freedom of information requests from members.

I still have questions on notice unanswered from 2002-03. That must be some sort of a world record in terms of just simply ignoring questions on notice. One can go to the parliament's website and see the questions that have been asked in the last 11 or 12 years, those that have been answered and those that have not been. It is a sad testimony that this Labor government has just sought to ignore many of those questions that have been asked.

Most other jurisdictions (not all) do have a requirement in their standing orders for answers to be provided. In New South Wales, it is 35 calendar days. In Victoria, Queensland and the Senate, it is 30 calendar days, and in Western Australia the requirement is nine sitting days. Some of the other jurisdictions do not have requirements, but the majority do place some requirement on providing an answer. Of course, that does not make any judgement about the quality of the answer. The answer still may well not be to the satisfaction of the member who has asked the question, but nevertheless some response has to be provided to the member within that particular period.

Each of the jurisdictions in their own way has tackled it slightly differently. In most of the jurisdictions, a copy of the answer must be provided by the minister's office to the member and to the clerk of the legislative council or to the staff at the same time.

Various jurisdictions, such as the Legislative Council of Victoria, do have detailed procedures in terms of how they are to be processed and handled. They outline in their standing orders a process where, if a minister decides that it is going to cost too much, the minister's office is required to consult

with the member to see whether or not the question can be redrafted in a more acceptable form, but that an answer has to be provided.

The standing orders in Victoria and some other jurisdictions outline that, if the answer has not been provided within 30 days, there are procedures within the standing orders where the minister is required to give an explanation to the Legislative Council of Victoria to say that they have not provided an answer but that they will have an answer back in seven days, or whatever it is, as it has taken a longer time or that it is impossible and that they cannot comply with the requirement. There are in some jurisdictions the opportunity for the member who still has not got a reply to either ask the question or put on the record some statement in relation to the minister's failure to comply with the relevant standing order.

In some of the jurisdictions a questions paper is printed and circulated by the staff of the house. I refer in particular to the New South Wales standing order 67 in relation to written questions. Each of the jurisdictions approaches it in a slightly different way. My motion gives the government the opportunity, through the Standing Orders Committee, on which it has a majority, to address the issue of coming to some sort of agreed standing order change to meet this particular requirement.

Ultimately, if the government stands on its digs, then the issue of a standing order change rests on the floor of this chamber where, if a majority of members wanted to go down a particular path, it could either make a sessional order or standing order change, if it so chose. That is not my preferred course of action: my preferred course of action is that we have the discussion, look at the changes in other states and that some agreed change of procedure could be entered into in terms of providing answers within, for example, a 30-calendar-day period, which seems to be the general average of most of the other jurisdictions. Ultimately, the reserve position rests with the Legislative Council.

It is disappointing that it has come to this, that the longstanding convention that Labor and Liberal governments have adhered to has been so grossly abused by this current Labor government for a period now of 11 or 12 years. It is not as if this motion has been moved summarily or promptly as soon as the breaches have occurred; this has just got worse and worst over a period of time. Ministers feel no compulsion at all to provide answers. We know that public servants tell us they have provided the answers to the minister's office.

I got an answer from one particular minister after two years in relation to overseas trips the minister had taken, which came back and said that the minister had not taken any trips at all. Clearly that reply was provided promptly by the staff in the minister's department and/or office, indicating that in the period of 12 months no overseas trips had been taken, therefore no cost was incurred, but it was a period of two years before that particular response was provided.

As I said, I am still waiting for replies to how much money was spent on ministerial office accommodation upgrades in the transfer to government in 2002-03. Questions I have asked about frequent flier point usage and travel from the period of 2002-03 onwards still remain unanswered from various ministers and minister's offices, some of whom are no longer members of the South Australian parliament.

Finally, in one other case 2½ years after asking the question, one minister's office responded to say that their department had employed a person who had taken a targeted separation package. As you know, that is not meant to occur, but it was 2½ years later, almost two years after a reply had been provided by the department.

I guess we ought to be grateful for small mercies: at least that particular minister eventually, after two to 2½ years, did provide a response to the question; in many other cases those ministers have just not responded. The answers sit on the ministers' desk and they just refuse to provide the answers to the questions on notice. The responsibility for this rests on the shoulders of the government ministers who are here (ministers Gago and Hunter) and those who have preceded them. They have brought it on their own heads. They are the ones who have grossly abused this convention, which had been previously adhered to by Labor and Liberal governments in the past.

We will now go through a process, should this parliament decide, of referring it to the Standing Orders Committee, and then ultimately it will be for the floor of the parliament, if there can

be no agreement reached, to decide whether or not it wants to proceed down a path of placing greater accountability requirements—reasonable accountability requirements—on government ministers in terms of answering questions on notice. I will formally send an email to all members' offices but, given the fact that this is just a referral to the Standing Orders Committee to discuss this issue, I will be calling for a vote on the next Wednesday of sitting.

Debate adjourned on motion of Hon. G.A. Kandelaars.

AUSTRALIAN RED CROSS

Adjourned debate on motion of Hon. J.S.L. Dawkins:

That this council—

1. Notes that—

   (a) 2014 is the centenary year of the Red Cross in Australia, a substantial milestone in the social history of the nation, and commemorates 100 years of humanitarian service to the people of Australia;

   (b) many Australians have shared a personal connection with the Red Cross, from its humanitarian role during two world wars, to preparing for, responding to and recovering from natural disasters, or helping vulnerable people and communities overcome disadvantage, and through its world-class national blood service;

   (c) for 100 years the Australian Red Cross has enjoyed a unique auxiliary status to the public authorities in the humanitarian field, working in partnership with governments of diverse political persuasions, in Australia and internationally, to alleviate suffering in a voluntary aid capacity whilst adhering to its principles of independence, neutrality and impartiality; and

   (d) the Australian Red Cross is part of the world's largest humanitarian movement, with millions of volunteers working in over 100 countries, united by the fundamental principle of preventing and alleviating human suffering, without discrimination, wherever it may be found in times of war, conflict, disaster or personal crisis.

2. Calls on all honourable members of this council to join the Australian Red Cross in celebrating the 100th anniversary of its founding on 13 August 1914, nine days after the outbreak of World War I.

(Continued from 6 August 2014.)

The Hon. S.G. WADE (17:46): I rise to support the motion of the Hon. J.S.L. Dawkins. The motion calls on all honourable members of this council to join the Australian Red Cross in celebrating the 100th anniversary of its founding on 13 August 1914, nine days after the outbreak of World War I. I am delighted to do so. Clause 1(d) of the motion highlights the international work of the Red Cross. In doing so, it reads:

> (d) the Australian Red Cross is part of the world's largest humanitarian movement, with millions of volunteers working in over 100 countries, united by the fundamental principle of preventing and alleviating human suffering, without discrimination, wherever it may be found in times of war, conflict, disaster or personal crisis.

I would like to focus on international humanitarian law and international humanitarian assistance that are referenced in that clause. The creation of the Red Cross and Red Crescent Movement and the birth of modern international humanitarian law stem from the vision of one person: Henri Dunant. Henri Dunant was a young Christian activist in Geneva. In 1848, he was involved in forming a group of young evangelical Christian men, and in 1855 he was involved in the establishment of the first World Alliance of Young Men's Christian Associations in Paris.

Nine years later, on 24 June 1859, Dunant was travelling through Italy on business. He came across the battleground of the battle of Solferino. The Italians and the French were fighting Austrian forces which were occupying Italian lands. By the morning of 25 June, wounded soldiers lay all over the battlefield. An estimated 40,000 soldiers were killed or wounded on that day.

On a European battlefield in the 19th century, a wound was almost a death sentence. Military medical services were primitive and the warring parties considered physicians and nurses as combatants and legitimate targets. Soldiers bled to death, died of dehydration or succumbed to infections well before medical personnel could meet their medical needs.

Dunant was deeply moved, and he was moved to action. He soon had local townspeople organised to move the wounded into homes and chapels. Most remarkably, Dunant persuaded people to care equally for the wounded enemy. 'Tutti fratelli'—I ask forgiveness from Hon. Mr Gazzola, as I understand he is the only member of Italian extraction; I do not know how that is said—I understand means 'all are brothers'. He kept telling the local volunteers that it was a concrete demonstration of a Christian vision.

After the battle, Dunant wrote a little book called *A Memory of Solferino*, which brought the horrors of war to public awareness. The first edition of the book was published in November 1862. By October 1863, a committee had been formed and Dunant had gathered in Geneva 31 delegates representing 16 nations to discuss his vision.

The central idea of Dunant was neutrality. If medical personnel on the battlefield could be considered neutral parties by both sides, the wounded could be treated and many lives saved. It was a controversial concept at the time but it remains the bedrock of the ICRC. In 1864, Dunant and his committee organised a conference where 12 nations signed the 10 articles that formed the first Geneva Convention. In 1876, the International Committee for the Red Cross was established. In 1901, Dunant shared the very first Nobel Peace Prize.

Just as the central idea of the ICRC is neutrality, the central idea in its sister movement, the international humanitarian law, is the simple idea that even wars have limits. IHL is the set of international rules which seeks to limit the effects of armed conflict on people and objects with the aim of reducing suffering. The Geneva conventions of 1949 deal with the protection of those on the battlefield, those fighting at sea, prisoners of war and civilians. Along with their additional protocols of 1977, they are the basis of international humanitarian law. Sadly, the conventions and their aim of limiting armed conflict are needed as much today as they ever were.

Australia has ratified the Geneva conventions and the domestic implementing legislation. The Geneva Conventions Act 1957 deals specifically with the capacity for Australia to prosecute those accused of grave breaches of the law of war as well as the correct use of the Red Cross emblem. The Australian Red Cross was established as a branch of the British Red Cross Society within days of Britain's declaration of war in 1914. Whether it be responding to natural disasters, providing aid for vulnerable people or through services such as the blood service, the Australian Red Cross has played an integral part in the lives of thousands of Australians over those 100 years.

Australia, of course, as a continent, is particularly susceptible to natural disasters. Within the past decade, more than 700 Australians have lost their lives and over 600,000 people have been affected by bushfires, floods, cyclones and natural disasters. The Australian Red Cross is always intimately involved in assisting communities and individuals recover from such disasters through the provision of food and emotional support as well as providing assistance for evacuees.

The Australian Red Cross has an international reputation throughout the Red Cross and Red Crescent Movement as a leader in the promotion of international humanitarian law. Few, if any, of the other Red Cross societies have a dedicated IHL officer in every state and territory. I have had the privilege of being involved in the Red Cross 'Even Wars Have Laws' international humanitarian law program for a few years now. The program encourages schoolchildren to engage with the principles of international humanitarian law and highlights the importance of that law not only during times of war but in the context of everyday civilian life.

This year, I co-sponsored a successful IHL youth parliament together with the honourable Speaker of the other place and the Hon. Mark Parnell. The parliament was conducted in the House of Assembly chamber on 17 September, and the Speaker kindly presided. I want to pay tribute to the work of the local International Humanitarian Law Committee and, in particular, the work of Mr David Lascelles and Ms Petra Ball.

It is appropriate that we celebrate the centenary of Red Cross. It is also appropriate that, at this difficult time in world affairs, we pause to remember with deep respect the risk that Red Cross and Red Crescent staff and volunteers take every day to alleviate suffering in areas affected by war or disasters. We have two stark examples of that risk that have come to light in the last two weeks.

Only two weeks ago an ICRC delegate and staff member, Mr Laurent DuPasquier, was killed in Donetsk in the Ukraine when a shell landed near a Red Cross office in the city. The 36-year-old Swiss national had worked for the International Committee of the Red Cross for five years, having previously worked in Pakistan, Yemen, Haiti, Egypt and Papua New Guinea. Mr DuPasquier had been in the Ukraine for six weeks. Our condolences go to his family and friends.

Last week an Australian Red Cross worker was hospitalised in Queensland. The Australian nurse and Red Cross volunteer, Ms Kovack, returned to Australia after treating Ebola patients in Sierra Leone. There was widespread concern that Ms Kovack had reported a fever soon after returning home. Having been cleared of the virus following extensive tests, Ms Kovack remains adamant that more volunteers, aid workers and resources are required to help fight Ebola. The Australian Red Cross continues to send specialist aid workers to Sierra Leone and Liberia where they are providing aid through health facilities.

One hundred and fifty-five years ago Henry Dunant witnessed the battle of Solferino. One hundred years ago the Australian Red Cross was established. I am pleased to associate myself with this motion and express my gratitude to the ICRC for all the good work that it has done in the past and what it will achieve in the future.

The Hon. J.S. LEE (17:56): I rise today to support the motion of the Hon. John Dawkins and convey my heartfelt congratulations to the Australian Red Cross on achieving the significant milestone of its centenary year. From 1914 to 2014—what a remarkable achievement as the Australian Red Cross is standing proud to celebrate 100 years in the social history of the nation.

I thank the very diligent member, the Hon. John Dawkins, for bringing this important motion to the Legislative Council. He made an excellent contribution, highlighting his involvement and personal connection with the Red Cross.

I also take this opportunity to acknowledge the member for Hartley, Mr Vincent Tarzia, in the other place for taking the initiative to call on the parliament to acknowledge the enormous contribution of Red Cross in delivering 100 years of humanitarian service to the people of Australia.

As the shadow parliamentary secretary for multicultural affairs, I come across many people who have benefited from the help of Red Cross. I would like to acknowledge Red Cross in the areas of migration support and settlement services that protect and uphold the health, dignity and wellbeing of vulnerable migrants.

Red Cross provides a wide range of programs and support to refugees, asylum seekers, immigration detainees and other people who are vulnerable as a result of migration. They also work to reconnect family members whose loss of contact is caused by international or internal conflict, war and disaster. With tsunamis, floods, bushfires, cyclones and heatwaves, people in Australia and across the world have faced hardship and suffering. Red Cross ensures that they are not alone. Professionals and volunteers of Red Cross have been there on the ground helping people prepare for, respond to and recover from disasters.

I thank the many community organisations within the multicultural sector for their continuous efforts in organising functions and making generous donations to assist the Red Cross disaster relief and recovery programs so that the valuable support of their emergency services teams can get to the disaster zones in Australia and overseas in a timely fashion.

On Saturday 26 July this year, the Italian communities, in association with Australian Red Cross, had a successful gala dinner dance. I pay tribute to a former member of the Legislative Council, the Hon. Julian Stefani OAM, and Mr Lorenzo Ferini, President of Fogolar Furlan, and all those involved in putting together a meaningful event to celebrate the centenary of the Australian Red Cross.

On a personal note, please allow me to acknowledge my brother-in-law, Dr Yew Wah Liew, who is a brother of Eddie Liew, for his long-term service and commitment to Red Cross. He is the manager of the Red Cell Reference Laboratory at the Australian Red Cross Blood Service in Brisbane. He has been working there for more than 24 years. There are many doctors, scientists and professionals like him who have devoted significant expertise over a long period of time to helping Red Cross to deliver much needed services to the most vulnerable communities.

In closing, I highlight the slogan on the centenary book of the Australian Red Cross, 'The Power of Humanity, 100 years of people helping people'. Thank you to some one million people, including professionals, staff, donors and volunteers, who are generously and compassionately helping Red Cross to make a positive, lasting difference to the life of many. That is a lot to reflect on over 100 years and that is a lot to celebrate! Happy anniversary, Red Cross. With those few words, I support this motion wholeheartedly.

Debate adjourned on motion of Hon. J.M. Gazzola.

Sitting suspended from 18:00 to 19:45.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (19:47): I am very happy to speak just briefly, noting that 2014 is the centenary year of Red Cross in Australia, a substantial milestone in the social history of the nation, and commemorates 100 years of humanitarian service to the people of Australia.

The reason I wanted to say a few words was that some of my earliest recollections of community service growing up on the farm just out of Bordertown were of helping my mother who was a local president and a member of the Red Cross. In fact I went to the parliamentary library today to get a copy of the book called *Great Women of the Good Country*. The 'good country' of course, as you would know as a former local government minister, is the Tatiara district. There is a whole range of women mentioned.

The Hon. J.S.L. Dawkins: It is not a town.

The Hon. D.W. RIDGWAY: Not a town. It says here that in the early years after the Second World War she joined the volunteer service detachment and later became a Red Cross aid, so she started her involvement with Red Cross at a very young age and she had over 30 years' involvement. By the time this book was printed in the mid-1990s, she had been president of the local Red Cross branch for a considerable amount of time. My earliest recollections were that she was the coordinator of the Red Cross blood transfusion service in Bordertown so she had a list of all the people in the community who were on the roll to donate blood.

It was her job to work out who had been called last time and who needed to be called this time, and she would type up the notices and send them out and then the people would ring. We had a list next to the telephone, and I was probably only eight or nine years at the time and people would ring and say yes they were available or no they were not and we would tick them off. It was something she did for, I think, close to 30 years in that sort of coordination role, and I was very keen to be a blood donor. I think you had to be 18 and I think I turned 18 on a Friday and I gave my first unit of blood on the Monday night.

An honourable member: What was your blood alcohol content?

The Hon. D.W. RIDGWAY: Well, probably quite low at that point. One of the things I feel a little guilty about is that I have only given blood a couple of times since becoming a member of parliament, but I was certainly a regular donor. It is interesting and it is one of those things: with that particular service in regional South Australia, Mrs Barbara Johnson, the wife of a long-time member—well, they are still members—of the Liberal Party in Naracoorte, was one of the nurses who accompanied the blood transfusion service around the South-East. So it was something that knitted the community together and it was a very vital service, obviously with the importance of a lot of people donating blood.

The other thing I think was of interest and played an important role was that the Red Cross were involved at a local level on the local disaster committee. Bordertown is a unique town in one sense but a bit like some of those along the highway. There was a level crossing with a major interstate railway line. It was on the major highway between Adelaide and Melbourne and, of course, it was on an air route between Adelaide and Melbourne, so there was a preparedness if a train was derailed and ran into the fuel depot and it blew up, or if a plane fell out of the sky and crashed onto the train.

Thank God it never happened, but there was always the chance we would have a significant disaster involving a lot of people being injured and a significant logistics operation, so the Red Cross

were intimately involved in making sure they could provide not the first aider, not the nursing service, but all of the support for those disasters whether it was a big road crash, a derailment or even a bushfire. Thankfully, we did not really have any of those in my time and certainly in my mother's time, but it was seen as a really important way of being part of the community.

Just briefly, two of my children were the local Red Cross babies, which again was a fundraising thing. The kids were sponsored and they went to a state final. They must have got their looks from me because they did not do particularly well in those finals; nonetheless, it was a way of bringing the community together, and they were strongly supported.

I think regional communities have valued the service of the Red Cross. I know my colleagues the Hon. Stephen Wade and the Hon. John Dawkins spoke about the history of Red Cross in Australia, but I wanted to pay tribute to all the locals in the country towns. All they want to do is make sure they are part of that group in their local community and play a role whenever there is a crisis at hand or just providing a service by supporting the local blood transfusion service. I commend the motion to the chamber, and I thank the Hon. John Dawkins for bringing this to the chamber's attention.

The PRESIDENT: Thank you. I am sure that your daughter's gene pool does not come from you, mate: it comes from Meredith, without a doubt.

The Hon. D.W. RIDGWAY: One of the children happened to be my son; it was not both my daughters.

The PRESIDENT: You are out of order. The Hon. Mr Ngo.

The Hon. T.T. NGO (19:52): I know the Hon. Mr Ridgway's son is quite a good-looking bloke, so I am sure he has got his Dad's looks.

The Hon. D.W. Ridgway: Sorry?

The Hon. T.T. NGO: I said you have got a pretty good-looking son. I met him in the lift a while ago, and I said he has got his old Dad's looks. I rise to offer my support for the honourable member's motion on the 100th anniversary of the Australian Red Cross. Once again, I commend the Hon. John Dawkins for his leadership in acknowledging community groups such as the Red Cross for their tireless work not just in Australia but around the world.

The Red Cross has been active in Australia since 13 August 1914—nine days after the outbreak of World War I. It quickly became the leading wartime voluntary charity, appealing largely to Australian women. Only 25 years later, during World War II, the Red Cross became the largest charitable organisation in Australia, both in terms of the scale of its operations and also in the support it received from the Australian people.

From a national population of seven million people, nearly half a million people—roughly 7.1 per cent of the total population, which is equivalent to around 1.63 million members of today's total population of around 23 million people—mostly women, were members of Red Cross at that time.

Red Cross branches and volunteers were vital through the post-war reconstruction period, focusing on social welfare and national emergencies including floods and bushfires. The Red Cross blood service and first aid programs were also established at this time. The Australian Red Cross works tirelessly to help communities prepare for, respond to and recover from disasters; increase international aid and development; champion international humanitarian law; address the impact of migration; partner with Aboriginal and Torres Strait Islander peoples; reconnect socially isolated individuals with their communities; strengthen communities trapped in a cycle of disadvantage; and provide a world-class blood service.

Currently, the Australian Red Cross has 30,000 volunteers, including 2,400 South Australians. Volunteers help make daily phone calls to older people living alone to check that they are okay. This is very comforting for many elderly Australians and their children, who may be unable to speak to their parents on a daily basis, even more so as we enter the summer period. They also serve nutritious breakfasts to school children who may otherwise go without, provide a friendly face

and customer service at Red Cross shops, and are trained to support the community if a disaster ever strikes.

The Australian Red Cross is a member of the international Red Cross and Red Crescent Movement (the movement). The movement's mission is to prevent or reduce human suffering wherever it is found, and its focus in Australia is international humanitarian law programs and refugee services. In all its activities, their volunteers, members and staff are guided by the Fundamental Principles of the Red Cross and Red Crescent Movement. They are:

1. Humanity: the International Red Cross and Red Crescent Movement, born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours in its international and national capacity to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and ensure respect for the human being. It promotes mutual understanding, friendship, co-operation and lasting peace amongst all people.

2. Impartiality: it makes no discrimination as to nationality, race, religious beliefs, class or political opinions. It endeavours to relieve the suffering of individuals, being guided solely by their needs, and to give priority to the most urgent cases of distress.

3. Neutrality: in order to continue to enjoy the confidence of all, the movement may not take sides in hostilities or engage at any time in controversies of a political, racial, religious or ideological nature.

4. Independence: the movement is independent. The National Societies, while auxiliaries in the humanitarian services of their governments and subject to the laws of their respective countries, must always maintain their autonomy so that they may be able at all times to act in accordance with the principles of the movement.

5. Voluntary service: it is a voluntary relief movement not prompted in any manner by desire for gain.

6. Unity: there can be only one Red Cross or Red Crescent Society in any one country. It must be open to all. It must carry on its humanitarian work throughout its territory.

7. Universality: the International Red Cross and Red Crescent Movement, in which all societies have equal status and share equal responsibilities and duties in helping each other, is worldwide.

As an Australian of Vietnamese origin, I would like to pass on the Vietnamese community's gratitude to the Australian Red Cross for all the support it continues to provide to Vietnam, even well after the war ended 40 years ago when international aid to Vietnam reached its peak.

Many Australians who have worked, or continue to work, for the Red Cross have provided invaluable efforts to Vietnam with the organisation's ethos in mind, that is, recognising humanity whilst being impartial, neutral and independent and recognising that the pain and suffering of the Vietnamese is also Australia's pain and suffering. To this end, on behalf of the Australian Vietnamese community, I say thank you to the Australian Red Cross. Finally, I commend the Hon. John Dawkins for moving this motion in this place.

The Hon. K.L. VINCENT (20:01): I take the floor to speak very briefly on behalf of Dignity for Disability in support of the Hon. John Dawkins' motion celebrating the centenary year—100 years—of the Red Cross in Australia. I would like to reiterate and support the many positive comments that have been made by previous speakers about the work that the Red Cross has done, and continues to do.

As canvassed by my fellow colleagues, the Australian Red Cross provides the community with significant and important humanitarian services locally, nationally and internationally. The work of the Red Cross is invaluable to the most vulnerable in our community, whether that be those requiring a blood transfusion, refugees looking for lost family members, elderly people needing transport or children who need breakfast before they start school. The Red Cross provides services and runs programs for all of these groups, and many others in need.

The work I would particularly like to illustrate is the important work the Red Cross is currently carrying out in West Africa, where there has been—as I am sure all members would be aware—the deadliest outbreak of the Ebola virus we have ever seen.

Australians, including the Cairns nurse who was featured in the news bulletins last week, continue to volunteer locally and abroad to ensure that people can lead full and healthy lives. In the case of Ebola, heading to West Africa is riskier than your average volunteering experience, but Australians and many others continue to put themselves in harm's way to uphold the humanity principle of the Red Cross, which I quote:

> …born of a desire to bring assistance without discrimination to the wounded on the battlefield, endeavours, in its international and national capacity, to prevent and alleviate human suffering wherever it may be found. Its purpose is to protect life and health and ensure respect for the human being. It promotes mutual understanding, friendship, co-operation and lasting peace amongst all people.

It is also interesting to note the basic principles that drive the work of the Red Cross: humanity, impartiality, neutrality, independence, voluntary service, unity and universality—pretty reasonable concepts, I would have thought, especially at a time like this. I commend the Red Cross for their ongoing important work and commend the motion to the chamber.

The Hon. T.A. FRANKS (20:04): I rise to speak in support of the motion put forward by the Hon. John Dawkins in support of the Australian Red Cross and the Red Cross movement. The Hon. John Dawkins spoke about the noble history of our Red Cross, particularly about its formation after the outbreak of World War I, which was, of course, called the Great War at that time, and about the more than one million volunteers, donors, members and staff who have made such an enormous difference in the lives of those in need across not only Australia but obviously across the globe. Today, I would like to talk about, in particular, part (d) of this motion, which reads:

> The Australian Red Cross is part of the world's largest humanitarian movement, with millions of volunteers working in over 100 countries, united by the fundamental principle of preventing and alleviating human suffering, without discrimination, wherever it may be found in times of war, conflict, disaster or personal crisis.

We are currently faced with some really divisive discourse in our federal parliament, our media and our community. I cannot help but reflect upon that as I reflect upon this motion. Therefore, I welcome the opportunity to speak in the parliament today about the wonderful work of the Red Cross in welcoming people and including and helping people from all walks of life into our communities. In particular, I would like to commend and recognise the Australian Red Cross for the great support they provide to refugees and asylum seekers.

The Australian Red Cross provides vital support to refugees, asylum seekers, immigration detainees and other people who are vulnerable as a result of migration, through a range of valuable services and programs. Of course, quite often when one is fleeing persecution, and there is also the fleeing of war, it really goes back to the heart of why the Red Cross is there in the first place. Through these Red Cross programs that organisation works to protect and uphold the health, dignity and wellbeing of vulnerable people. Importantly, the Red Cross also works to reconnect family members whose loss of contact is caused by international or internal conflict, war and disaster. The Australian Red Cross does this through programs such as their asylum seeker assistance scheme, migration support program and community detention program.

As stated in part (d) of this motion, the Australian Red Cross is part of the world's largest humanitarian movement, with volunteers united by the fundamental principle of preventing and alleviating human suffering without discrimination wherever it may be found. I would like to highlight this important work because I believe that Australia has lost its way as a country with this approach and the Australian Red Cross and the Red Cross movement in general has a lot to teach us.

The Australian Red Cross has been monitoring conditions in immigration detention facilities for over 20 years. In fact, at one point we were the only country in the world to have mandatory immigration detention, much to our shame. Much to those other countries' shame, we are not the only country that continues to have that inhumane approach to those who are fleeing persecution and war.

The Red Cross is an experienced and neutral organisation that people can turn to with any issues or concerns. This, of course, is vitally important where we have this immigration detention

regime. The Red Cross aims to reduce harm and increase resilience amongst people in detention, particularly those who are so vulnerable. I note that the Red Cross believes that immigration detention should only be used as a last resort and always for the shortest practical time. People in immigration detention facilities are entitled to the maintenance of good health and wellbeing and to be treated with dignity and respect, and all efforts should be made to mitigate the negative impacts of that detention.

Humanitarian observers from the Red Cross conduct independent humanitarian monitoring of immigration detention facilities, assessing the general conditions as well as access to services and the treatment of people detained. Previously, they had been the only independent organisation to visit all detention facilities on at least a quarterly basis. As a result of this monitoring, the Red Cross has been able to raise issues of humanitarian concern and engage in confidential advocacy with the Department of Immigration and the Australian Advocate. I would commend them for this vital role, although bemoan that we need to have them play this role within our country where we have gone down this path of mandatory immigration detention.

With those few words, I echo my colleagues' support and gratitude to the Hon. John Dawkins for, yet again, highlighting the work of civil society and community organisations in this parliament. With that I commend the motion.

The Hon. J.S.L. DAWKINS (20:09): First, I thank my colleagues the Hon. Mr Wade, the Hon. Ms Lee, my leader the Hon. Mr Ridgway, the Hon. Tung Ngo, the Hon. Kelly Vincent, and the Hon. Tammy Franks for their contributions to this debate, and a number of other people who have also indicated their support for the motion and, obviously, their support for the Red Cross.

The contributions we have had on this motion today have provided a wide range of examples of the work of Red Cross locally, nationally and on the international stage. Each of the speakers has brought a different context to their own experiences with the Red Cross. In particular, we have heard of the involvement of the Red Cross in the Tatiara district, in the Bordertown area particularly, and of course in Vietnam. We have also listened to a range of other ways in which the Red Cross has had an impact on society generally over the last 100 years.

I also acknowledge the fact that you, Mr President, have indicated your support in perhaps reactivating your blood donation regime. I think you are probably like a number of other people who give blood donations for a time and then, for whatever reason, lose track of it but then wish to come back. I would certainly support any work you might suggest or any other member who is interested in raising awareness of blood donation. That is how I became involved—through the Hon. Mr Gilfillan and the now Speaker of the House of Assembly, who were the ones who activated new members in my day. With those few words, I commend the motion to the council.

Motion carried.

JONES, MR HENRY

Adjourned debate on motion of Hon. J.M.A. Lensink:

That this council expresses its deep regret at the death of Mr Henry Jones and places on record its appreciation for his long and tireless commitment to the River Murray and the Murray-Darling Basin.

(Continued from 4 June 2014.)

The Hon. T.A. FRANKS (20:12): I rise to support this motion put before us by the Hon. Michelle Lensink. It is one of the privileges of this parliament and of being a member of parliament that we are exposed to some extraordinary people. While I never met him personally, I am privileged to represent my party tonight in praising Henry Jones, who was indeed an extraordinary South Australian.

He was a man who gave a long-term commitment to the environment in the face of the Lower Lakes community advocating for more environmental freshwater flows in the region, and he was a man who had fought for the River Murray since 1981, when the mouth first closed over. I rise to support this motion and echo the words of the Hon. Michelle Lensink, and I note that across party political divides in this place we are marking the passing of a truly great man who made a profound contribution. Mr Jones is survived by his wife, Gloria, his daughters Christine, Julie and Susan, and

his five granddaughters and one grandson, and I extend to them my sincere condolences. Shortly after he passed away, the Clayton Bay Community Association President Leonie Henderson said:

> As a resident of Clayton Bay since 1961, Mr Henry Jones gave a lifetime of service to that community. He was described as always ready to do his bit for our Clayton Bay community

She went on to say:

> He and Gloria have made Clayton Bay what it is today: a well planned residential area with a local hall, shop and restaurant, the CFS—all of which would not be, had it not been for Henry's vision and dedication.

For those who might think that perhaps that was stretching the point, further research shows that every word of that sentence is true. He was a commercial fisherman for more than half a century and also served on his local council for 10 years. He sold and cooked his catch at his shop and restaurant and, although the Joneses sold Yabby City some time ago, the business still remains.

I am informed that while yabbies are no longer available at the renamed restaurant, Sails at Clayton Bay, the giant yabby he and his wife, Gloria, built has since been removed. On that point, I observed to my staff that my grandmother was actually a yabby farmer for a short period of time, but she did not think to erect a giant yabby to help sell her produce. It is an ingenious idea and certainly very Australian.

As well as this, he was the captain-coach of the local football team and part of the local cricket team, something that cannot be underestimated as of vital importance to any community, particularly regional and rural communities. He was, of course, best known for his tireless campaigning to convince decision-makers to reverse decades of overallocation and save the ailing river system.

He was a longstanding member of the Native Fish Strategy and Basin Community committees, along with the Living Murray Community Reference Group. He was perhaps the most influential figure, enforcing the implementation of a plan to save the environment of the Murray-Darling Basin and through that the livelihoods of many thousands of people, those many thousands of people who rely on it.

Just last year, Mr Jones was awarded the River Murray Medal by the Murray-Darling Basin Authority and he was, of course, also named as a state finalist in the Senior Australian of the Year. His impassioned speech in 2012 to federal parliamentarians, including the then prime minister, Julia Gillard, opposition leader, Tony Abbott, and the then Greens leader, Bob Brown, was hailed as a game changer, reminding Canberra that South Australia would not rest until true water reform was delivered.

As president of the Southern Fishermen's Association, Mr Jones helped shape a world first environmental management plan for a whole of fishery approach in the Lakes and Coorong. This included looking after fish stocks, banning undersized catching and finding ways to increase the fish population. He later named this as his proudest achievement.

I think the environment movement can learn a lot from Henry's approach to campaigning. He was on every committee that dealt with the Murray and he fought wherever he could. Of course, the Greens' party community was certainly very much touched by the work of Mr Jones and also very moved upon his passing. One particular Greens' member, Janet, said:

> I will never forget the frequent sight of Henry partially silhouetted against natural backdrops, working alone from his large tinny, setting and hauling in nets along the long open line of the barrages from Mundoo Island to the Coorong.
>
> Glimpsed over hours of my own work in the Mud Islands and barrages, he always appeared both tiny against the sandhills to the west while at the same time as a constant and persistent presence at water level in all weathers. he loomed large as an integral part of the very strong, beautiful and changeable landscape he worked in.

When talking about the changes in the community when the rain finally fell, Mr Jones said:

> It just proved to me beyond a shadow of doubt that you need a healthy environment and healthy rivers to have a healthy community.

I could not agree with that sentiment more, and I certainly could not commend this motion more. With that, I offer my support to this motion.

The Hon. J.M. GAZZOLA (20:18): I rise to reiterate our great sadness at the passing of Henry Jones. Many people in South Australia knew Henry Jones for his amazing advocacy work during the Save the Murray campaign. Fewer people perhaps know that the campaign was the culmination of a lifetime of dedication to the river, the river communities and its environment. Henry's passion for the river went back over 30 years. He was the first permanent resident in Clayton, where Henry and his wife, Gloria, created their home and brought up their family. I extend our condolences to Gloria, family and friends.

As a commercial fisherman, Henry developed a deep connection to and understanding of the unique environment of the Lower Lakes. Henry understood and championed the principles of conservation and sustainability of his beloved patch of the river. He witnessed how decades of overallocation upstream was adversely affecting the health of the river and the prosperity of his community, and he fought the good fight.

He took his fight to the highest levels of government, inviting leaders, experts and policymakers to join him on the river to see for themselves what was at stake, and he was more than effective. It was clear that Henry was not motivated by party politics or fame and fortune or any other ulterior motive. Henry Jones was motivated purely by his love and passion for the place where he lived. While Henry Jones' selflessness, his boundless energy, passion and fight will be sorely missed, we are so grateful that we continue to reap the benefits of his dedication and commitment.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (20:20): As I have said in this place before, and echoing the sentiments of others in this chamber, I again express the deep sadness and regret on behalf of the government about the passing of Mr Henry Jones. This chamber is aware Mr Jones was a tireless and passionate advocate for the health and prosperity of the River Murray and its communities. The state of South Australia owes Mr Jones a great deal for his work and advocacy about the importance of preserving and fighting for the River Murray.

In fact, Mr Jones was the face of the government's campaign to fight for the River Murray. Mr Jones, of course, valued the importance of bipartisanship for the greater good of the river and his passion and dedication was respected and loved by all sides of politics. All of those who had the honour of working with Mr Jones understood that his heart was always in the right place, and that was about saving his part of the world. For this reason, Mr Jones' work received formal recognition in him becoming the first community member to receive the River Murray Medal, awarded by the Murray-Darling Basin Authority.

We all have very important things to learn from Mr Jones and his legacy. We all have very important reasons to be grateful to Mr Jones and to the years of service he dedicated to saving our River Murray. I extend my condolences to his wife Gloria and their extended family.

The Hon. J.S.L. DAWKINS (20:22): It is a privilege to contribute to this motion, and I firstly extend my thanks to the Hon. Michelle Lensink for moving this motion and also the amount of detail that she put into her speech about the late Mr Henry Jones. I had the privilege to meet Henry Jones on a number of occasions, not only as a member of parliament but also in community aspects of his part of South Australia. As has been mentioned earlier, not only was he a passionate advocate for his industry and his environment but he was also a great community stalwart and, something close to my heart, a passionate country football person. Those people are always pretty special in my eyes.

I had the privilege to hear evidence from Henry on a number of issues to parliamentary committees about matters fishing, and I think it is pretty clear that Henry had forgotten more about fishing and about the Lakes and Coorong than most people will ever know. He was a fascinating man to listen to in relation to those issues, and I particularly remember him giving the committee that I chaired about pipis and cockles evidence that in some ways put into perspective some of the other evidence we had heard, because he had that great history that backed up his knowledge.

I think also the thing that I will always remember about Henry is that, as a commercial fisherman and someone who had generations of commercial fishing in his family background, he was like the majority of people in his industry and the majority of farmers. He knew that if he messed up his patch there would be no patch for him to work in. He used that philosophy in his dedication to

the Lakes and Coorong, particularly to the Clayton Bay area but also the whole of the River Murray system and the state that he loved. I commend the motion moved by the Hon. Michelle Lensink to the chamber. Mr President, I draw your attention to the state of the council.

A quorum having been formed:

The Hon. R.L. BROKENSHIRE (20:26): I rise to support strongly the condolence motion of Mr Henry Jones. I acknowledge the great work that he did on the Fleurieu Peninsula and around the Lakes. I was privileged to know both Henry Jones and his family, particularly his wife, since I was quite a young person. My first real experience in getting to know Henry Jones was back when he and his wife decided to set up the Yabby City Restaurant at Clayton, which was quite an innovative concept back then and was very successful for many years. Not only those of us who lived on the Fleurieu Peninsula could enjoy that Yabby City Restaurant but it became an iconic restaurant for those people from the city who loved yabbies, and it became quite a tourist destination. During that time I experienced the incredible hard work that Henry and his wife and family were putting into the Clayton area.

The Country Fire Service I want to touch on as well, because Henry Jones was committed to the Country Fire Service, and as a former minister responsible for that service I can say that when I came in and had to work with CFS volunteers it was great to see the efforts of people like Henry Jones who had put so much into ensuring there was competency, commitment and improvement in the CFS. He had the capacity to be able to do that partly because of his commitment as a councillor to the District Council of Strathalbyn. Also during those times he also put his community before himself and his family.

If anyone has been down to Clayton Bay in recent times you see a great town, with a blend of retired people who have chosen the green change opportunity to retire and also those who see it as a destination for weekend and holiday living—a real opportunity for tourism development.

I want to also pay tribute to Henry's wife Gloria and to his daughters Christine, Susie and Julie, and his five grand daughters and his grandson. Henry settled in Clayton Bay in 1961, some 53 years ago, and was a fourth generation fisherman. He was a commercial fisherman for more than half a century, and I would argue that he knew the river system, the lake system and the Murray Mouth and the situations around the drought and the closure of the Murray Mouth better than anyone else in the district.

If you had the privilege of going to some of the restaurants in the area or dropping in for a counter tea in places like the Wellington Hotel, you often had the opportunity of eating Coorong mullet, something that I think is fantastic to eat. Henry was one of the fishermen out there looking after the environment, looking after the fish catch, and ensuring that there were opportunities for commercial fishing and the restaurant trade from the lake system.

His involvement in the Living Murray Community Reference Group, the Native Fish Strategy Committee, the Murray-Darling Basin Authority, the Murray-Darling Basin Community Reference Group, the River Murray Advisory Committee and in the Basin Community Committee needs to be put on the public record. I have mentioned already that he was a councillor for the District Council of Strathalbyn, and he established the local CFS at Clayton; so, he was a founding member of the Clayton CFS and was its captain for 20 years. That is no mean effort. We all know the role that the captain plays in a brigade, and Henry did that for some 20 years.

He also played a role in developing halls, boat ramps, boat clubs and jetties. He was Chairman of the South Australian Fishing Industry Council and President of the Southern Fisherman's Association and assisted the local fishing community to achieve Marine Stewardship Council certification. Clayton Bay Community Association President, Leonie Henderson, has been quoted as saying, and I quote:

> He and Gloria have made Clayton Bay what it is today: a well planned residential area with the local hall, shop and restaurant, the CFS—all of which would not be, had it not been for Henry's vision and dedication.

I want to put on the record my appreciation and recognition of awards that were very much Henry's for the efforts that he had put in. They were very broad awards and they were richly deserved by a gentleman who just got on with the job. They include the Pride of Australia Medal 2008 for a lifetime

of achievement in fostering Australian values and making Australia a better place to live (what better award could you get than that?), and the River Murray Medal in 2013 for his efforts for the River Murray. That award was recognised by both Liberal and Labor members of parliament, Family First and, I am sure, the Greens and all those who knew there were challenges with the river. It was the good advice, the commitment and strong voice that Henry Jones had for the river system.

He was the first community member ever to receive the River Murray Medal, awarded by the Murray-Darling Basin Authority, since its creation in 1853; so in 160 years he was the first community member. He was a state finalist for Senior Australian of the Year for 2014. In more recent years as well, when many of us were privileged to go to the Alexandrina Council's Year of the Farmer Celebrations in 2012, Henry Jones was recognised for his lifelong contribution. He was recognised and thanked by the Basin Salinity Management Advisory Panel for his significant contributions to the 2009-10 Independent Audit for Salinity. Henry and Gloria were invited by the federal minister at the time, Tony Burke, to be present in parliament as the Murray-Darling Basin Plan was passed into law.

I will finish with just a couple of things. One of my good friends, the Mayor of Alexandrina, Kym McHugh, who is now retiring after 25 years in local government, worked very closely with a lot of people on the Fleurieu Peninsula and around the Lakes in the Alexandrina Council. He knew Henry Jones very, very well and always spoke strongly, affectionately and admirably for Henry Jones and his commitment.

To Gloria and the family, it is never easy to lose a loved one, to lose a husband, to lose someone so committed to a community, but they can hold their heads high for being part of a family team and effort with one of the most magnificent men I have seen, committed first and foremost to his community, his environment, and the industry he loved so much, namely, the fishing industry. I commend the motion to the house.

The Hon. J.M.A. LENSINK (20:34): I will be very brief in my summing up, as I outlined the details when I moved the motion. I thank all honourable members for their contributions: the Hon. Kyam Maher, the Hon. Tammy Franks, the Hon. John Gazzola, minister Hunter, the Hon. John Dawkins and the Hon. Rob Brokenshire. I think the number of contributions we have had is telling: almost a third of members of this house have made some contribution to honour the legacy of Mr Henry Jones.

I would also like to acknowledge once again that the motion was instigated in the other place by the member for Hammond, Adrian Pederick, and that we believed it was fitting that Mr Jones also be recognised by the Legislative Council. With those words, I commend the motion to the house and thank members in anticipation of their support.

Motion carried.

Bills

SEXUAL REASSIGNMENT (RECOGNITION CERTIFICATES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 June 2014.)

The Hon. T.A. FRANKS (20:36): I rise, having sought leave to conclude my comments on this bill, so I will be brief and refer members to the introduction that I made some months ago. I conclude this week with the knowledge that in the Parliament of New South Wales the Hon. Mehreen Faruqi, and in the Parliament of Tasmania the Hon. Nick McKim, my Greens' colleagues, are both moving similar bills. So in South Australia, New South Wales and Tasmania at the very least we are seeking to ensure that marriage equality takes another step forward.

Some members will recall that this bill seeks to amend a part of the Sexual Reassignment Act 1988. Of course, I have also moved a bill to repeal the entire act, or at least to have a committee ensure that that act is scrutinised and brought up to speed. However, one particularly problematic part of this current act is that, if a person is married and they wish to undertake a process where they

can apply for and be approved to have a gender reassignment recognition form, they have to not be married, which means that they are forced into divorce.

One particular story has been provided to me to share with members tonight. This is the story of yet another person who was married for some time, who describes herself as a 56-year-old transgender woman who transitioned less than two years ago. She goes on to say:

> My marriage which was very happy, ended as a result of the stress imposed on it by my transition but my now separated wife and I have maintained a close supportive friendship. This was terribly hard on us both. A divorce will happen in time but doesn't feel urgent at the moment.
>
> When I learned of the prohibition in the Sexual Reassignment Act on having my gender recognised without a divorce, it felt terrible. It was worse than the verbal abuse I get in the streets sometimes for being who I am. It felt like society was saying my gentle love for my dearest friend had no value and was wrong because of who I am. That provision seems so heartless. I just cannot comprehend who is protected by this or why any person should be made to choose between love, family and recognition of their self. It breaks my heart.

Some members will recall that I mentioned that the New South Wales Human Rights Law Centre was investigating this issue to provide some advice. That advice is inconclusive, but I can put on record that, while some members might be concerned that this bill would allow for same-sex marriage, it does not. The bill is constitutional. The Marriage Act 1961 deals with the solemnisation of marriages in Australia, which only permits the marriage between a man and a woman. This bill before us in this council has no impact on this.

The Marriage Act is not concerned with what happens between a couple after that solemnisation. Indeed, the real injustice here is what a happily married couple is put through should one of the members of that partnership wish to be recognised for the person they are. With those few words, I commend the bill to the council and look forward to further debate on this and also my repeal bill overall.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

RETURN TO WORK BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 October 2014.)

The Hon. R.I. LUCAS (20:41): I rise to continue my remarks that I commenced last evening. In summary, last evening I indicated that this bill was seeking to clean up a mess that had been created by the financial mismanagement, negligence and incompetence of a Labor government over 12 years. My colleague the Hon. Mr Gazzola reminded me when last we debated the WorkCover legislation I had unkindly referred to him and other Labor backbenchers as sitting there 'fat, dumb and mute' and hoped that they would not do the same thing this time. I summarised by saying that they were about as useful as garden gnomes in terms of representing workers in the WorkCover debate of 2008. Time will tell in terms of this particular debate as to whether any of them are prepared to speak up.

In terms of the sad history of the Labor government's mismanagement of workers compensation legislation, one only has to look at a number of the decisions that the government has taken at various stages over the last 12 years. The government's quixotic attitude towards the use of redemptions is a perfect case in point. Depending on which particular minister at which particular time in which particular government and under which particular management of WorkCover, we had an approach as to whether or not redemptions were to be either allowed, encouraged or discouraged.

At varying stages we had ministers, and we had learned reports which had been written for those ministers, indicating that the use of redemptions encouraged a culture which was not to be supported within workers compensation administration in South Australia and, therefore, those Labor ministers and administrations decided that redemptions should not be encouraged.

At other stages over the last 12 years, WorkCover and ministers have gone on redemption binges to clean up or remove from the books significant numbers of injured workers. I think anyone who traces the history of government policy in relation to the use of redemptions over the last

12 years certainly would not be able to see any coherent thread in terms of this Labor administration as to whether or not they were going to support them.

As you would know, Mr President, the terms of the legislation in 2008 essentially were meant to almost prevent the use of redemptions except in the most exceptional of circumstances, and that again was part of the package of changes that the government brought to the parliament in 2008. Prior to that—during, in and around about the period 2005-06—we had the significant debate at the time, again championed by this Labor government, that in some way the introduction of a monopoly claims manager was going to significantly improve the administration of the WorkCover scheme and would in some way significantly reduce it by, I think they used a figure of, up to $100 million.

Members interjecting:

The PRESIDENT: I would just like to remind honourable members that the Hon. Mr Lucas is giving a speech.

The Hon. R.I. LUCAS: I am used to people not listening to what I am saying, Mr President. It does not worry me. In terms of the argument the government used for a monopoly claims manager, they convinced themselves that, by removing any semblance of competition in terms of a claims manager and any pressure on the claims manager, in some way that would improve the performance of the claims managers and also reduce significantly the unfunded liability of the scheme. They similarly convinced themselves that, if they had a monopoly legal services provider, again, that would significantly reduce costs and make major savings and reduce the extent of the unfunded liability of the scheme.

The naivety of the government, its ministers and management of WorkCover—and, indeed, the board of WorkCover at various times—was stunning for all to see. How some of those people could have convinced themselves that removing completely the element of competition in terms of, in particular, claims management, was going to be conducive to effective and efficient management of the workers compensation scheme defies belief. Indeed, the reality of the various reviews and reports in recent years has demonstrated that that was a disaster area.

I have referred to the inquiry by the Occupational Safety, Rehabilitation and Compensation Committee in 2012 and I was a party to that particular inquiry and, indeed, supported I think the initial reference in that committee to look again at WorkCover. I think in and around about 2007 or 2008 a motion moved in this house referring to the Statutory Authorities Review Committee inquiring into the mismanagement of WorkCover was passed and the committee met, I think, through the period of 2008-09, and its committee report was signed by the Hon. Carmel Zollo in February 2010 just prior to the 2010 state election.

That inquiry was brought about because of the significant deterioration in terms of the performance of WorkCover, major concerns in relation to its governance, that is, mismanagement and its performance in terms of the premiums being charged, the unfunded liability and also its appalling performance in terms of return to work.

It has been quite apparent for quite some time. Newer members elected to the parliament since 2009-10 would be unfamiliar with the background of that report but I just refer briefly to a number of the bits of evidence that were taken at the time and, in particular, to the minority report signed by the Hon. Terry Stephens and me in relation to one particular aspect of that.

Other major issues that were raised during that report were significant concerns about the waste of money in terms of rehabilitation and the appalling performance in terms of rehabilitation and the return-to-work performance of the scheme. Significant questions were raised at that time about conflicts of interest to which I think the Hon. Mr Brokenshire has referred in terms of board member Sandra De Poi and the very significant contracts that her companies received from WorkCover.

One of the major concerns during that particular period were the significant concerns obviously being raised not only by whistleblowers within WorkCover about the influence of Ms De Poi and the contracts that were going to Ms De Poi, but clearly also coming from many others who were active within the rehabilitation industry.

The report refers to evidence provided by Les Birch, someone who would be very familiar to many on the left of the Labor Party and at that time a workers compensation advocate for the CFMEU, who spoke out and gave evidence quite passionately about some of the concerns in relation to rehabilitation, conflict of interest issues and a number of others. Even Janet Giles, SA Unions former board member, gave evidence which raised some concerns in relation to Ms De Poi's position on behalf of the union movement, along with representatives of injured workers and the Work Injured Resource Connection's Ms Rosemary McKenzie-Ferguson, so a large cross-section of people raised concerns at that time.

One of the issues was the fact that, if a particular company was getting a lion's share of the rehabilitation contracts and their performance could be demonstrated to have been much better than all the other performers, there can be little criticism made of that and that was an issue we pursued during that particular inquiry and then again through the inquiry of the Parliamentary Committee into Occupational Safety, Rehabilitation and Compensation.

Sadly, through all that period, the government and WorkCover could not demonstrate to either of those committees that rehabilitation contracts were being awarded on the basis of those who did the best work in terms of returning injured workers to work. One would think that over the space of 12 years or so WorkCover and the government could have constructed some mechanism at some stage in that 12-year period.

With the millions of dollars—and we were spending, as I indicated yesterday, significantly more on rehabilitation—one would think it would not be beyond the wit or wisdom of somebody within the government or WorkCover at some stage to develop a mechanism where, if we were going to spend all this money, we could actually demonstrate that we were directing the resources to companies and individuals who were doing wonderful work with injured workers in terms of their performance, but WorkCover at no stage was able to demonstrate that.

The closest we got in the 2012 inquiry was that WorkCover was working assiduously on trying to develop performance indicators and a new process and mechanism as to how to measure return-to-work performance and in terms of allocating contracts, and that was the concern. Certainly some information that was leaked from a whistleblower within WorkCover indicated on the basis of those blunt figures—and they were published in one of the media outlets as well at that time—that Ms De Poi's companies could not demonstrate that their return-to-work performance was better than the other companies with which they were competing and that is what, of course, set up a lot of the concerns.

There were many others which have been raised in the various committees and I have raised publicly, but I do not propose to delay the debate today. It was a perfect example of something as critical as rehabilitation and return to work where we were spending tens of millions of dollars over a period of time and where the financial mismanagement and the negligence of governments, of ministers, of boards, and of WorkCover management demonstrated just one of the problems that we had with WorkCover, governments and management.

The second example that I will take out of the Statutory Authorities Review Committee report related to the issue of a monopoly contract in terms of claims management. The evidence of this committee and others showed that there were very significant concerns about the way Employers Mutual managed claims management during the period they had the monopoly arrangement, but this minority report, signed, as I said, by my colleague the Hon. Terry Stephens and myself, related to two issues. One was the fact that the government and WorkCover had decided to offer the monopoly contract to Employers Mutual. Frankly, the evidence from everyone was that, right until the death knell, no-one realised that the government and WorkCover were going to award a monopoly contract.

Most of the competitors and the tenderers at that time were assuming that there would be a panel of two or three, which is subsequently what we have (we have two claims managers now), which to all of them seemed to make sense. No-one assumed that the government or the board would be stupid enough to give, in essence, the whole lot to one claims manager but, sadly, that is what occurred.

Then what happened is that WorkCover renegotiated this contract with Employers Mutual, and there was a lot of suspicion that Employers Mutual had engaged in what might be described as the 'bid low and then renegotiate later' mechanism of winning the contract. I am sure that Employers Mutual at the time denied and now will deny that was the case, but that was certainly the suspicion from others in the field. Those suspicions were heightened when, soon after, the WorkCover board and the government renegotiated the contract with Employers Mutual. I want to read in full the one page of the minority report signed in February 2010. It is headed 'Renegotiated Contract', and it states:

1.) At the December 08 meeting of the Committee, Liberal Members first questioned WorkCover representatives about industry concerns that WorkCover was renegotiating the five-year claims management contract WorkCover had entered into with EML in 2006. Industry concerns were that WorkCover was offering EML a new contract with significant increases in revenue, less than halfway through a five-year contract.

2.) Liberal Members are disappointed in the evidence of the former Chairman of WorkCover, Mr Bruce Carter, who told the Committee that EML would not receive windfall financial benefits from the Government's 2008 legislative changes under the original contract. The current Chairman, Mr Bentley's, evidence made it clear that that evidence was not correct.

3.) Liberal Members strongly oppose the view of WorkCover and the majority of the Members of the Committee to prevent greater details of the potential multimillion dollar benefits to EML from the renegotiated contract to be released publicly.

4.) Liberal Members accept some details of the renegotiated contract should be kept confidential, however, at the very least, details of the maximum 'upside' and 'downside' that could be received by EML under the renegotiated contract should be made public.

5.) The renegotiated contract was finally signed in April 2009 but was made retrospective to July 2008. In the first year under the renegotiated contract (2008-09), EML received $48.9 million, or an increase of $17.2 million over 2007-08 payments.

6.) At a time when significant criticism remains about the management of WorkCover, Liberal Members believe it is unacceptable that the Rann Government and WorkCover should allow such a massive increase in payments without appropriate public scrutiny and accountability.

7.) Liberal Members believe WorkCover need to answer publicly the question as to whether EML won the original tender on the basis of being willing to accept 'upside and downside' conditions of the proposed contract that were unacceptable to other bidders and whether the renegotiated contract has significantly amended those 'upside and downside' conditions in a way which provide a significant financial benefit to EML.

I have read the minority report in its entirety because it is yet another example. Of the two examples I have given, one was the mismanagement of rehabilitation contracts, return-to-work processes, and the conflict of interest issues of board members and others. The second one was significant mismanagement in terms of the decision to have a monopoly supplier claims manager and then, very soon after negotiating the monopoly arrangement, secretly renegotiating a contract with a significant multimillion dollar financial benefit to Employers Mutual ensuing as a result of those decisions. These were typical of the financial mismanagement of the WorkCover scheme which has led us to the sort of mess we see before us now.

We were told that they had fixed the mess in 2008 when we debated the major changes to WorkCover. We were told at the time that the government's WorkCover reforms would help us deliver a workers compensation scheme that was fully funded, fair to workers and affordable. We were told that the government was committed to maintaining the best and fairest workers compensation scheme in the nation.

We were told that changes to the WorkCover scheme were aimed specifically at improving the rehabilitation and the return-to-work rates of injured workers and at making the scheme more affordable and efficient. We were of course told that the government was going to remove the unfunded liability, reduce the levy rates to somewhere between 2.25 and 2.75 per cent, and that in the end everything was going to be basically hunky-dory with the workers compensation scheme if only the parliament would support the 2008 WorkCover changes.

We, the Liberal Party, were sceptical at the time, but ultimately the government, with the actuarial advice they said they had, indicated that if the legislation went through all those good things

would happen to workers compensation in South Australia. The reality is that six years later, as we are now, none of that has occurred. The Deputy Premier has referred to the scheme, in his words, as being 'buggered', and many others—injured workers, long-suffering employers—would use even stronger language than that to describe their experiences with WorkCover and the mismanagement and performance of WorkCover over the last six years.

So we approach this particular debate, I guess, rightfully sceptical about the claims that again have been made by the government. We are hopeful as a political party, as an alternative government, that on this occasion, unlike on all the previous occasions, that the lessons might have been learnt, that some of the claims for this package of changes will be delivered, that they will be successful and that we will see not only the reduction in levy rates and the removal of the unfunded liability but, hopefully and just as importantly, improved rehabilitation performance and improved return-to-work figures for those injured workers under our workers compensation scheme. Time will tell on all those indicators.

We accept that there are some key differences in terms of this package of change which will give greater hope for the achievement of some of the lofty goals which have been outlined by all who support the scheme. Certainly, as the Liberal leader, the member for Dunstan, has indicated, the Liberal Party is prepared to demonstrate or has already demonstrated its willingness to work with the government in terms of delivering on a significant WorkCover reform package.

In terms of looking at the relative performance of WorkCover, I just want to briefly refer to one other section of the Statutory Authorities Review Committee report which refers to the evidence Mr Robin Shaw gave on behalf of Self Insurers of South Australia (SISA), in terms of how their organisation and their employers work with exactly the same legislation but obviously much more successfully. The committee reports in the following ways. Mr Shaw also—

Members interjecting:

The PRESIDENT: Could I just ask members to be a little quieter.

The Hon. R.I. LUCAS: Mr Shaw also gave evidence about the claimed benefits of self-insurance, that is:

- Comparative levy cost was lower at 1.7 per cent rather than 3 per cent;
- Lower lost time claim frequency per $ million remuneration;
- Lower average claim numbers, donations and costs resulting in self-insurers having 22 per cent of claim liabilities, even though 36 per cent of the scheme; and
- Better return to work performance.

In summary, Mr Shaw reported that some companies were saving up to $7 million per year by becoming a self-insurer.

The committee recommended there that:

> WorkCover should stop its practice of significantly increasing fees, such as its 'exit or discontinuance' fee designed to discourage companies from becoming self-insured. In particular, WorkCover should not proceed with the current fee increases outlined in [a particular regulation that had been] gazetted on 26 November...

That recommendation was disagreed to by the two Labor members of the committee at the time—the Hon. Carmel Zollo and the Hon. Ian Hunter. The Hon. Mr Hunter, given the position he is adopting now, might be interested in having a look at the recommendations he supported on the Statutory Authorities Review Committee at some stage (or maybe one of his staff members might) to contrast the position he adopted in that report with the position he is adopting as a minister in the Weatherill government now.

What that was demonstrating was that self-insurers, according to Mr Shaw, were using the same legislation—the workers compensation legislation—yet delivering significantly better performance both in terms of financial performance and in terms of return to work for injured workers under the same legislation. I think that was the sort of evidence that led committee members to believe that what we were seeing was significant mismanagement within WorkCover by the board, by management and by ministers of the WorkCover legislation. Clearly, self-insurers were managing, as I said, to perform significantly better than WorkCover were under the same legislation.

In relation to the bill before us, I think it is fair to say that the general feedback we have received as we have consulted with stakeholders from employer organisations has been supportive of the legislation, certainly encouraging the Liberal Party and other non-government members to support the legislation. I think the major driver of that is obviously the proposed reduction in the average levy rate to 2 per cent and the associated potential saving in aggregate to employers of about $180 million a year; that is the essential driver for many of the business organisations.

It is fair to say a number of those business organisations, when first consulted by the government, opposed some significant elements of the reform package—in particular, the reintroduction of common law—but the government has adapted its common law provisions, which we will discuss later in the committee stage. The general feedback from employer organisations has been that, whilst it does not obviously include everything they would have wished for, and many of them still oppose common law even at the 30 per cent threshold, they believe that the package should be supported on the basis that it gives them the best chance of reducing premiums and solving some of the problems they see with workers compensation.

Some of the more trenchant of the employer organisations or those with a stronger view opposed to the reintroduction of common law argue that, whilst the current threshold is 30 per cent, once the toe is in the water it will be relatively easy for a future government and a future parliament to reintroduce legislation to change the 30 per cent threshold. But, as I said, in the end, virtually all of the employer organisations have basically said, on balance, they would like to see the package supported. Some have raised particular issues in a couple of areas where they would be prepared to support amendment of the package, and I will address those in a moment. The Liberal Party is currently considering its position in relation to a limited number of potential amendments.

I have to say that, as with some other members, I have been amazed, as the shadow minister for industrial relations, having contacted SA Unions and number of the unions, seeking their viewpoint on the legislation, that until this week I had received no contact at all. Earlier this week, I received a copy of a letter the Police Association of South Australia had, I think, released publicly, and also sent to minister Rau at an earlier stage, indicating their strong opposition to the legislation and raising some individual concerns about aspects of the legislation across the board. I think the Hon. Mr Brokenshire has referred to that, and I will not go into it in detail.

Elizabeth Dabars from the Australian Nursing and Midwifery Federation did send me an acknowledgement letter which indicated that they continue to negotiate with the government, and if at any stage they wanted to come back with more detail in terms of any concerns, they would do so. Other than that acknowledgement letter and an indication that they were continuing to negotiate with the government, I have had no further contact from the nursing federation.

When one looks at the CFMEU, SA Unions, the AWU, the AEU and the PSA—a significant number of representatives of workers in South Australia—not one of them took the trouble to put a point of view to me. A number of other members on the crossbenches have indicated to me that they too had received little or no contact from unions or union representatives in relation to the WorkCover bill, which also surprised me. I have seen every change in WorkCover legislation since 1982 go through this parliament, and this would be the first time ever that the union movement has demonstrated little or no interest in putting a forward a point of view one way or another on workers compensation legislation.

I have seen changes introduced by Labor governments and Liberal governments. It is fair to say I think unions tend to get more het up with amendments moved by Liberal governments than Labor governments, Mr President. I think you and your colourful history can attest to views that you might have expressed in the mid-1990s about workers compensation legislation. You gave very powerful speeches, with your long hair flowing, on the steps of Parliament House and in Victoria Square, Mr President, railing against the sins of Liberal governments on workers compensation legislation.

I can assure you that in terms of the modest attempts at reforming WorkCover of the mid-1990s, they have been nothing compared to the Labor government attempts of 2008 and 2014. Putting that interesting observation to the side, I have got to say that this is the first time I have ever experienced the fact that union representatives have not even taken the trouble to express a point

of view, not only to the Liberal Party but to some of the members of the crossbenches who have been regular representatives of their views in the parliament, particularly during the 2008 debates that we can recall.

It is therefore very hard to put on the record what the union view is of these changes. Again, I hope that maybe a member of the Labor caucus might stand up and indicate the views of the unions that have been represented to them in relation to the legislation. Even if they think it is the greatest thing since sliced bread and they congratulate the Labor government on the reforms to workers compensation in South Australia, we would welcome hearing that via the Hon. Mr Kandelaars, the Hon. Mr Gazzola or the Hon. Mr Maher, or indeed anyone who might have the courage to stand up—

The Hon. K.J. Maher: Tung.

The Hon. R.I. LUCAS: The Hon. Mr Ngo might have the courage to stand up and at least indicate what the union views might be on the Labor government initiatives. We would be delighted to know what Mr Malinauskas's views are, or his union's, given that he is on the board.

The Hon. K.J. Maher: Ring him up. I'm sure he'd like to hear from you.

The Hon. R.I. LUCAS: Well, no, he is on the board, so he may well be conflicted in relation to this. If I was receiving $50,000-plus, or whatever it is, I would probably be conflicted too. I am sure his union has a view. We would like to know what the shoppies' view is. The Hon. Mr Ngo may well be able to indicate that the shoppies are 100 per cent behind this legislative reform. It would be useful for us to be informed of the views of prominent unions in South Australia that have generally always engaged in debate on key issues that impact on the rights of workers in this state.

On the one hand we have essentially the business employer groups strongly supporting, with some reservations about some things—unions, who knows? There is another group that has put a point of view to us. Clearly there have been significant concerns raised by representatives of the legal fraternity. The Australian Lawyers Alliance and the Law Society have raised some significant issues. There might be an opportunity during the committee stage of the debate for them to put some of the concerns that they have raised on behalf of the legal fraternity and also on behalf of injured workers, as they would put it.

The AMA has made quite a considered submission and it has significant concerns about a range of issues. I had a discussion with minister Rau today and it appears that the AMA submission that I have raises some issues, one of which has been picked up by the government, clearly subsequent to an earlier draft of the bill that the AMA may have been referring to. Nevertheless, the AMA still has some significant issues in its correspondence to members.

The Australian Rehabilitation Providers Association might also have been working off an older or an original version of the draft of the bill, but it has raised some significant issues as well. One of the issues, which, again, we will have the opportunity to debate during the committee stage, is the potential impact on the removal of secondaries in the government legislation and what impact that might have on the potential of employers to employ people who have a workers compensation history. The association has raised the concern, as have some others, as to whether or not this particular change may well mean that some injured workers might be less likely to be employed by employers.

Certainly in the minister's summary for this, I know that WorkCover employees and the minister's advisers will assist the minister with the provision of some information, but certainly at the closing of the second reading it would be useful to get from the government its response to the issue that the Australian Rehabilitation Providers Association has raised, about the potential impact of the removal of secondaries. What is the legal position? There was some discussion on this in the committee stage, about the right of an employer to ask an employee about their workers compensation history and what are the rights of injured workers in relation to not answering those questions. Clearly, if the questions are asked and you do not answer them, that probably answers the question anyway, from the employer's viewpoint.

I would be interested in the government's advice on the rights of both employers to ask and employees, or potential employees, to either respond or not respond, and what the government's advice is in terms of the potential impact on the capacity for injured workers to find work under the

new arrangement. As I said, there was some debate on that, which I noticed in the House of Assembly, but I would be interested in the government's considered position on that so that in my discussions with the Rehabilitation Providers Association I can at least say, 'Well, look, this is the government or WorkCover's view on this and that your concerns are not well founded and they believe that the injured worker's position will be adequately protected in some way.'

As some members might be aware, all non-government members received more than 20 pages of amendments to the government's original bill in the dying days before the debate in the House of Assembly. I think the bill was debated on the Tuesday and 13 pages of amendments arrived on the Friday, I am going on memory here, then four or five pages on the Saturday or Sunday, another two pages on the Monday and then there were another two pages of amendments that were received yesterday in relation to it. That can be a criticism of the government, it might also be a fact that at least they are improving it as we go. The legislation is evolving and if members raise issues then, potentially, the minister may well be prepared to have a look at improving the legislation.

Our position, as the member for Dunstan has outlined in another place, is that we are not seeking to delay the bill. We will not be a part of any deliberate attempt to delay or filibuster the legislation. We have indicated, through the member for Dunstan, our support for the broad reform package. We will therefore take some convincing in terms of supporting significant amendments to it. We are certainly supportive of the notion of ensuring the capacity to deliver, to the extent that it is possible, the 2 per cent average levy rate and hopefully better because 2 per cent still means it will be the most expensive workers compensation scheme in the country. Ultimately, we have to aim for 1.5 per cent or lower. We are advised that WorkCover management and the board believe that with the legislation they might be able to do significantly better than the 2 per cent. Again, time will tell.

Our general position will be that we will take a power of convincing, I guess, to adopt or support amendments which might impact on that 2 per cent levy rate or amendments that might impact on the removal of the unfunded liability, the $1.1 billion plus that is there on the most recent figures. There are some other areas which I will canvass which we do not believe will impact on either of those and we are certainly considering potential amendments in a couple of areas. We are also having discussions, as we indicated we would do, with minister Rau and his advisers in terms of the government's position on some of those amendments. We will ultimately make a decision when our party room next meets on the issues.

I am assuming that some of the crossbenchers may well have amendments. One or two of them have already indicated that they are contemplating amendments. I think the Hon. Mr Brokenshire indicated in his contribution that he was looking at, potentially, some amendments in relation to representatives of injured workers in South Australia and one particular provision which I will address in a moment. So, we will listen to those particular debates and arguments before we conclude a final position on each of those.

I now want to address some of the areas of potential amendment or particular areas that we are seeking further information on from the government. I did get an answer from Minister Rau today on one of the issues, but I would like to have it put on the public record: the position of the WorkCover Ombudsman is being removed, and I would like it placed on the public record what the termination arrangements will be for the WorkCover Ombudsman. My understanding is that there is no termination payout other than whatever accrued leave entitlements he might have. I seek clarification and confirmation from the government in relation to the termination arrangements, should the legislation pass, for the WorkCover Ombudsman.

Secondly, the government has made some claims in the second reading debate and also in private briefings (and I do not have the exact figure) that somewhere in the order of 94 per cent to 96 per cent of workers will be 'better off'—I think that was the phrase—if this legislation passes. I seek clarification of the exact number and how that number has been calculated, to put on the public record, and also clarification as to whether it is 'better off' or 'no worse off' in terms of the government's advice on that particular number.

I seek further information in terms of the number of individuals who might be impacted, on an annual basis, or would have a greater than 30 per cent WPI. I have had some informal advice that that is in and of the order of 35 to 40 per annum. Clearly, the 30 per cent WPI threshold is an

important one in the context of this legislation in terms of entitlement to benefits or issues of common law access. As I said, I have had some informal advice that the number is in the order of 35 to 40 a year but I seek clarification as to whether that is correct out of the total number of claims.

I also seek clarification—again, I am not sure where I obtained the figures but I think at some stage someone quoted to me that 72 per cent of workers were back at work within four weeks and I think it was 92 per cent or about 90 per cent were back at work within the 52-week period. That 90 per cent or 92 per cent figure is obviously getting pretty close to that 94 per cent or 96 per cent figure that the government quotes as being 'better off'. I seek clarification of those particular figures that someone has given me at some stage, and whether the government or WorkCover can put on the public record the precise numbers so that they can be part of the public record and part of this particular debate.

I seek clarification in terms of an issue that was briefly explored in the House of Assembly debate. Clause 18 of the bill is the employer's duty to provide work and issues were raised there I think by the member for Schubert. I am not sure who else might have raised the issue. Some employer groups have raised this issue with me again and that is that after the two-year period, when income maintenance concludes and, in essence, WorkCover wipes its hands of the financial responsibility for the injured worker, the question has been raised as to whether under clause 18 (the employer's duty to provide work) in what circumstances is there an ongoing responsibility on the employer to continue to provide work for an injured worker.

In some of the briefings that I have had already I have been given some information but I would like to see that information clarified and put on the public record; I guess as to the government's position on it. My understanding of the advice that I have received is that this is an existing requirement I think from the government's viewpoint that ultimately any dispute would be resolved by the employment tribunal.

Some of the employers, of course, are not entirely comforted by the fact that that will be resolved by the employment tribunal but I just seek clarification as to whether, if that is the current position, does the Workers Compensation Tribunal similarly resolve the issues currently and the employment tribunal resolution of the issue under the proposed scheme just mirror the current arrangements or has it been changed in any way? I would seek some clarification in response to the second reading of the government's interpretation of that, and I would certainly flag that we will further explore the implications of clause 18 during the committee stages of the legislation.

One of the big issues that the Liberal Party has been asked to address has been the issue of the employment tribunal. Anyone who followed the House of Assembly debate will know that there is a significant body of opinion within the Liberal Party, which reflects a significant body of opinion within a number of employer groups, that it makes no sense to establish a new employment tribunal at a time when the government is patting itself on the back for gutting and removing a quarter or more of the number of boards and committees in South Australia.

As members will be aware, the government is to introduce omnibus legislation to get rid of a significant number of boards and committees. The Premier has nailed his colours to the mast, saying that a lot of these are a waste of space and why don't we merge, amalgamate or abolish a number of these bodies when it is possible.

A number of employer groups have said, 'Well, we hear what the Premier says. Why, then, are we going to the trouble of establishing an employment tribunal when we have SACAT and we can just seamlessly slip the workers compensation issues into one of the streams, or a new stream, of SACAT?' That is certainly a strong view being expressed by a number of employer groups, and as the House of Assembly debate will indicate, a number of members of the Liberal Party have fairly represented those particular views.

The minister will put down on the public record their position, but I had a further discussion with minister Rau about the issue today and flagged the fact that we had not finalised a position but we were contemplating amendments, because clearly this is not something that would impact on the 2 per cent average levy rate or remove the unfunded liability, and that this was an issue that we were still considering.

Minister Rau's position—and I am sure the minister in this chamber will put on the public record his position—I think fairly reflected the views he expressed in the House of Assembly debate and that is, if I can understate the case, they are not attracted to that particular notion. He has provided me with some information from Justice Greg Parker, who is the president of SACAT; I think that is his formal title. I certainly intend during the break to catch up with Justice Parker, if he is willing, to explore his views.

I have only had a quick look at the information provided today, but I think a fair summary of that is that the government's view, and Justice Parker's view, is that it is all too difficult in the short term to be able to use the SACAT for the purposes that are currently being contemplated, that is, for workers compensation issues. It is fair to say that, and I think several years down the track, to use a phrase that I saw, Justice Parker and possibly even the government might not see opposition to an eventual move, but certainly Justice Parker's view anyway—let's leave it at that—is that in the immediate future he sees it as being administratively difficult.

I will certainly have that discussion, but I would have to indicate at this stage, for the reasons that I have, that the Liberal Party is considering its position in relation to that. I know some of the crossbenchers already have obviously had a similar lobby and have indicated support for moving to a position of using the SACAT. I guess what I am flagging is we will continue that discussion, but I am mindful of the advice that Justice Parker has provided.

It may well be that there is an alternative. I have not discussed this with parliamentary counsel or indeed the government or anyone yet, but it may well be that in some way there could be a trigger such as a sunset clause put in the legislation, if for example there was not to be a move to SACAT immediately, but some sort of trigger to be left in the legislation which would require a future government after an appropriate period of time (whether that is four or five years) to revisit the issue. That is some sort of sunset provision so that the employment tribunal would have to be reconfirmed by an extension of the legislation, or the government would at that particular time make a decision as to whether the SACAT was able to take over responsibility.

Something along those lines at least leaves the power with the parliament at some stage, albeit conceding that for a period of four or five years it would remain in the proposed employment tribunal. As I said, that is not something that I have discussed with anyone yet, but there are various options I guess between abolishing the employment tribunal and putting it in SACAT or just accepting the employment tribunal. I am flagging I guess at this stage a willingness to explore all of those options, and we will have those discussions with the appropriate people at the appropriate time.

The issue of the industry cap has been an issue that has been explored in the House of Assembly, and I have received some correspondence from minister Rau which I will place on the public record. I had asked some questions in recent days about the actual impact on employers and I have received a note which is headed 'WorkCover premiums—effect of removing industry rate cap'. This is from minister Rau's advisers, from WorkCover, I expect:

> If the Return To Work Bill 2014 passes in its current format, it is envisaged that there will be an average reduction to each industry rate of 27 per cent. This would result in almost all industries or 3,546 employers having base rates lower than the current 7.5 per cent industry rate cap.
>
> Based on current figures, with removal of the cap under the new scheme, 99 employers in 4 industries (0.20% of all employers) will have an industry rate greater than 7.5%.
>
> These four industries are described below:

They are:

- Industry description: cutlery and hand tools; number of employers: 2; post reform industry rate: 10.72%;
- Industry description: horse recreation and sport industry; number of employers: 75; post reform industry rate: 9.53%;
- Industry description: nonferrous casting or forging; number of employers: 7; post reform industry rate: 9.06%;

- Industry description: meat processing; number of employers: 15; post reform industry rate: 8.25%.

The note concludes:

To mitigate against a sudden increase in Premiums to these employers, the Government is considering phasing in a transitional period over 3 to 5 years to limit any increases to industry rates above 7.5%.

The minister has broadly indicated that in the House of Assembly and in the discussions I have had with him has again indicated that. I had flagged with him that the Liberal Party is considering a potential legislative amendment to require a transitional period of potentially five years for the removal of industry caps. The government's position is they would prefer not to see a legislative amendment and the minister is prepared to countenance either a statement in the house or a direction to the board to indicate as minister that he would direct the board to deliver a transitional period of the removal of the industry cap.

I am willing to indicate, on behalf of the Liberal Party, that we are prepared to contemplate achieving this mechanism without necessarily moving an amendment. My preferred option at this stage would be for the minister, on behalf of minister Rau, to read in this house the precise terms of a direction that he would indicate he would issue to the board in terms of a transitional period for the removal of the industry cap of five years. This note from the minister indicates a transitional period of three to five years.

The industry groups have indicated to me that they have requested a five-year transitional period. We are talking about a relatively small number of employers. It does not impact on the 2 per cent average levy rate goal, because essentially all it means is that for a period of five years other employers will, in essence, accept a slightly higher burden for this limited number of employers as they manage the transition to the removal of the industry cap.

So, I place on the record that request to the minister to see his response to that. Our request is that the precise words of a direction that he would issue to the board would be read so that we would know exactly the direction the minister would be issuing to the board in relation to this five-year transition period.

There have also been questions raised about amendments the government made to its own bill in relation to the 2 per cent target. In the original drafting of the bill was a very tight use of words (which I will explore in committee on this bill), which said that basically WorkCover had to achieve the 2 per cent average levy rate. The government amended its own legislation to indicate, in essence, that it will seek to achieve an average of 2 per cent.

There was an extended debate in the House of Assembly in relation to why the government did that. I seek for the public record in this debate, given that it has been further raised by employer groups with me, the minister outlining the reasons why they moved that amendment for the purposes of having it on the record during this debate. The government's proposal in the amendments now before us is that, 'if the corporation determines it will be unable to achieve the rate referred to in subsection (1) in relation to a particular financial year, the corporation must furnish a report to the minister that sets out the reasons for not being able to achieve that rate'.

There was some discussion by the member for Bragg on behalf of the Liberal Party about that particular report. I want to flag that this is an area where we will look at a potential amendment, unless we can arrive at some sort of understanding, agreement or undertaking from the minister in relation to this report. There is certainly an argument in that report from WorkCover—and the minister says that it may well be the global financial crisis or some particular reason—as to why it is just impossible for WorkCover to achieve this average levy rate of 2 per cent. We can all at least understand the theoretical possibility of that occurring.

To be fair to the minister, this was raised with him, I assume, on the run in the House of Assembly debate, but he would have had time to reflect on it now. The minister's initial response was, essentially, details of that report potentially would be made available when the annual report was produced. The annual report can arrive as late as October or November. I am assuming the minister will receive this particular report long before the end of the financial year. I am not sure how early WorkCover would make the decisions in relation to the average levy rate that would apply for

the subsequent financial year, but one would imagine it would be at least a month or so beforehand. Potentially, the minister may well have received this advice in May and its details might not be produced until the annual report.

On the surface of it, it does not seem to make too much sense at all, because at some stage the fact that you have not achieved the 2 per cent levy rate will be announced by WorkCover or the government, and there will be public pressure to indicate why that is the case. One would think that access to the advice from WorkCover will need, in some form or another, to be made available publicly to others than just the minister.

The amendment that we would potentially be looking at would in some way require the report to be tabled in parliament within a certain number of sitting days after the minister receives it. The other alternative is an amendment provided at the time that the levy rate is announced publicly by WorkCover for the subsequent financial year. We do not have a view about it other than we think that, if WorkCover's going to provide the minister with reasons why they cannot achieve the 2 per cent levy rate, that information should be provided to a wider group and certainly to the parliament as to the reasons the WorkCover board has given.

It may well be that if it is made publicly available, as is the way with statutory authorities, the formal advice will be tailored and the board and management will provide informal advice as to further details; but that is the way of the world. There is not much that can be done if that occurs, but some information should be provided. I think there was an extended debate about this in the other place, and I flag that it is an issue on which the opposition will contemplate an amendment. We would like to have a discussion with the minister about that particular issue.

There are two final areas in terms of potential amendments, and one I have already flagged with the government. The member for Unley has been in active discussion with Group Training Australia for a long period of time, so I understand, but I only became aware of these discussions in the last few days. The discussions relate to particular concerns that they have with WorkCover recoveries against host employers. I had a brief discussion with the minister and his advisers today. They have undertaken to provide me with further information about this issue, which they believe I should be aware of. I have indicated that we have not finalised a view as a party yet. There is some willingness from members of the Liberal Party to be sympathetic to the claims from Group Training Australia and the problems that they have outlined on behalf of host employers.

I understand from the advice that I was given today that the government believes that there is significant information that should be made available to us before we can form a view about it. I indicate that I look forward to that information being provided and, secondly, in terms of the minister's response in this place, we would also be interested in putting on the public record the issues, as the government and WorkCover see them, in relation to Group Training Australia and the host employers and the reasons the government and WorkCover believe the current arrangements are fair to group training schemes, host employers, and to individual apprentices and trainees who might be injured as part of any group training arrangement.

The final area in terms of seeking information and potential amendment is this. The Hon. Mr Brokenshire raised some issues on behalf of advocates for injured workers, in particular that tireless advocate Ms Rosemary McKenzie-Ferguson, who has undertaken much good work on behalf of injured workers in South Australia. As I understand it, the Hon. Mr Brokenshire has not produced any amendments yet, but he is contemplating potential amendments to at least one of the clauses in the Return to Work Bill. I think it possibly relates to clause 29—Related initiatives. At the moment, clause 29 provides:

> The Corporation may, as it thinks fit…
>
> (c) encourage and support the work of organisations that provide assistance to workers who have suffered work related injuries.

One of the amendments that has been flagged to me was that, rather than 'may', it might be strengthened to 'must' or 'shall' or words to that effect. As I said, I have not seen the Hon. Mr Brokenshire's amendments, but he has spoken generally of being sympathetic to the request. He has spoken privately to me to see whether or not we would be prepared to support

amendment. We will reserve our position in relation to any amendment, obviously, until we have had a chance to see them and to consult on them.

I have briefly raised this issue already with the minister, but I wanted to flag tonight that I am aware that WorkCover in previous incarnations, I think in particular under the management leadership of Mr Keith Brown some time ago and even for a brief period after that, had a series of stakeholder groups (I am not sure what their formal title might have been)—and this was not the minister because there is an advisory committee to the minister in the bill.

On a relatively regular basis, management met with stakeholders and outlined major issues, consulted and got feedback, which hopefully might have been of some use. It was also of use to the various stakeholders in terms of the direction that WorkCover was heading. It is fair to say that changed under Mr McCarthy, but even prior to that under Mr Thompson, and the stakeholder groups have been removed either completely or significantly. I suspect it is completely, but I stand to be corrected if I am wrong.

I accept the view that management of WorkCover, particularly the chief executive, would not want to be bound. Mr Brown might have been, but other chief executives may well want to adopt a different approach, and I respect that as an entitlement for a chief executive to adopt. I think the notion that a structured stakeholder forum which allowed access to various stakeholders, such as advocates for injured workers, union representatives, the AMA, and I am sure there are others, on a regular basis (I am thinking three or four times a year), meeting with not necessarily the chief executive of WorkCover but at least a senior manager of WorkCover.

I think that is what occurred sometimes in the past. I see no great problem with that. In fact, I see a potential significant benefit; that is, it allows some who may be concerned about the direction of the WorkCover reforms to continue to provide at least feedback to the management of WorkCover in terms of the scheme so that they can be made aware of the concerns that unions, medical practitioners or advocates on behalf of injured workers might have about the reforms and an opportunity for WorkCover management to, hopefully, provide information that might allay the concerns of some of those stakeholders.

I raise tonight a possible alternative which might not require legislative amendment, as the Hon. Mr Brokenshire is considering, and indicate on behalf of the Liberal Party that, whilst we will consider any legislative amendment the Hon. Mr Brokenshire raises, if WorkCover and/or the government were to come back and indicate a willingness to engage stakeholders in some way, not necessarily to the extent that it might have occurred under Mr Brown but in some structured way, it may well be that that is a reasonable alternative to support for a legislative amendment that the Hon. Mr Brokenshire might be moving.

From that viewpoint, the Liberal Party is prepared to consider anything the Hon. Mr Brokenshire suggests, but I have raised with minister Rau whether or not there is an alternative which might meet some of the concerns that have been expressed by advocates on behalf of injured workers, and one would assume unions and some others as well.

As I said, there is an advisory committee to the minister but as with these committees to ministers, that is at one particular level. In terms of the actual practicality of what is being done by claims managers, rehabilitation agents and WorkCover agents, all those sorts of day-to-day and practical issues are being implemented by a big organisation though not necessarily part of the day-to-day work of ministers. Certainly it can be raised at that level if gets elevated to be a major issue of concern. Some sort of structured stakeholder consultation may well be productive for the overall efficiency and effectiveness of WorkCover and resolve many of these issues before they get out of control and out of hand.

With that, I indicate they are the areas, limited in number, where we are considering potential amendment. We have outlined to minister Rau our willingness to further discuss his views on potential amendments in those areas and, indeed, his views that he might have on any alternative propositions in the areas that we have flagged.

The Hon. A.L. McLACHLAN (21:57): My colleague the Hon. Mr Lucas has set out in great detail the position of the Liberal Party in respect of this bill. No doubt to the relief of members, I do

not propose to speak at length on the same but rather provide the chamber with a few personal reflections through the prism of my own life experiences.

In the early formative years in my career in the law, I had the privilege of representing injured employees both under the old system and the new. Indeed, at that time, I worked alongside the Attorney-General (member for Enfield) in the other place standing shoulder to shoulder defending the rights of the worker. It has often been said, and has been alluded to inside and outside of this chamber, that the Liberal Party has little interest in the rights of the worker. That is not true.

We deeply respect the rights of the individual and from this seed grows our concern for all our citizens, including ensuring that those who are injured are properly cared for and compensated. We also believe that employment only comes from a vibrant economy, not the heavy and lethargic hand of bureaucracy. Certainly it is core to my own values that the injured must be cared for and compensation paid where appropriate.

It is a cruel irony for the injured that, with the introduction of this bill, the party which purports to represent them is potentially curtailing opportunities for their compensation. I do not intend to dwell on this matter, as it has been dealt with at length by the Hons Mr Lucas and Mr Brokenshire. This brings me to the bill which in my view is another attempt at balancing the cost to business while ensuring that injured employees are cared for and returned to work. You cannot blame us on this side of the chamber for having some doubt that this re-engineering of the scheme may travel down the same road of failure as those versions that came before it. However, I wish the endeavour well because it is important for the state's economy and to the welfare of its people to have a scheme of this nature that actually performs and one that we can all have a degree of confidence in.

I recall back in 2008, a time when there was an earlier attempt at reform, now considered an abject failure (or, to use the words of the Attorney-General, 'a false dawn'), that I read an article in *The Advertiser* from the then chair, Mr Bruce Carter. At that time Mr Carter was forcefully arguing for the reform and asserting that the changes would significantly improve the return-to-work rates and decrease the cost of the scheme to employers. In 2008, many in the business community held a different view and thought it unfair to reduce the rights of workers simply because it was their view that the scheme was being so poorly administered. It was a view with which I had much sympathy.

Well, here we are in 2014, a mere seven years after the previous failed attempt at reform, with a new scheme. The arguments prosecuted by the WorkCover board in 2008 have proved very misguided. With the existing scheme considered the poorest performing in the nation, I ask myself: how did we arrive at this point? The extant scheme has performed so poorly for so long that we have had to act. The costs to business are too high by comparison with other jurisdictions. The Local Government Association scheme, which is its immediate neighbour, outperforms it with a surplus. Such poor performance had to be responded to. It became a necessity.

But what does this teach us? What can we learn? In my view, it is not just a matter of the need for legislative reform. The extant scheme was poorly administered, poorly managed and poorly lead, with an inadequate focus and drive to assist workers back to work. The situation we find ourselves in is as a result of a pitiful failure of corporate governance and it is an embarrassment to this state. If we cannot run a scheme that looks after workers, how can the international investors have faith that we can lead the recovery of our state economy?

After my formative years in the law, my career journeyed into the world of finance and the boardroom, and it is the failure of corporate governance to which I wish to pay some attention, for I do not want to see us make the same mistakes as those we have made in the past. Put simply, going forward, the responsible minister must hold the board accountable for their performance and the board must likewise hold the CEO accountable. The CEO and his executive team must lead the organisation and hold themselves and all the employers and providers accountable for performance.

It is not that hard but it requires diligence, commitment and courage—courage being an attribute unfortunately not found residing in many boardrooms in the public sector these days. It is too easy to take the director fees, stay quiet and avert your gaze away from the realities of business. Going forward, every layer of leadership and management in the scheme must be qualified and proficient. The days have gone when we can afford to appoint (if I can use the term) 'favoured children' to the board. The board has to be diligent and drive performance of the new scheme.

I urge the minister responsible for the scheme to ensure that the board's performance is closely monitored. Those who have served on the board in the past should reflect on the contribution they have made. From the view I have, it is very little, given that we have had to relay the foundations of the scheme and reboot its operations.

I would like to think—and perhaps it is the dreamer in me—that there will come a time when we can talk not only about surpluses and reducing premiums but also increasing the entitlements of those the scheme has been designed to care for. It is pleasing to hear the reports of the good work of the new chief executive. I encourage the Attorney-General in his endeavours and I look forward to the committee stage.

Debate adjourned on motion of Hon. K.J. Maher.

CHILD DEVELOPMENT AND WELLBEING BILL

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (22:04): I move:

That this bill be now read a second time.

I seek leave to have the second reading speech and explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Since our election in 2002, the Government has made significant improvements to legislation for children and young people in South Australia. Initiatives implemented by this Government have seen more children and young people stay at school for longer.

The Child Development and Wellbeing Bill that I present to the Council today, seeks to further improve development and wellbeing outcomes for children and young people.

Significantly, the Bill provides for South Australia's first Commissioner for Children and Young People.

The Bill establishes the role of Commissioner for Children and Young People with powers of systemic enquiry.

It is important to note that model proposed in this Bill with the exclusion of full individual investigative functions is consistent with the recommendations of the South Australian review of child protection by Robyn Layton QC (the Layton Report).

The Layton Report reasoned that the Commissioner's powers, '… specifically does not include the function of deciding complaints and grievances'.

Indeed, the model proposed in this bill of systemic inquiry is consistent with all other Australian jurisdictions.

Reviews of functions over the past two years resulted in no Australian jurisdiction including full investigative powers for Commissioners for Children and Young People as of 1 July 2014.

This Bill also contains provisions to establish a Child Development Council and an Outcomes Framework for Children and Young People, initiatives that will further entrench the importance of children in the work of government, across all portfolios.

The Child Development and Wellbeing Bill builds on South Australia's proud history as a leader in early childhood, by supporting a stronger, child-friendly State that generates lasting opportunities for every child and young person.

Children and young people, when they get the best possible support particularly in the first three years of life, are better equipped to lead fulfilling, productive and satisfying lives. In turn, this improves outcomes and overall wellbeing for each child and young person and for society as a whole.

As a Government, we have long recognised the importance of seeking expert guidance to inform our work. Through our Thinkers in Residence program, and through talking to those people on the frontline, we have sought widespread input to ensure what we do is going to make a difference.

This legislation is no different. It has been strengthened as a result of seeking, and listening to, the views and ideas of the community and stakeholders on how to best legislate to support children, young people and their families.

The legislation acknowledges that, individually and collectively, we have a responsibility to help shape our future and to improve outcomes for children and young people to be the best they can be at every stage of their development.

Consultations commenced in 2012 and between August and October, 79 public forums and meetings were held and approximately 7,000 discussion papers were distributed. We received 156 written submissions from stakeholders and members of the community.

During public consultation:

- Goodstart Early Learning acknowledged the Government's commitment to children and young people and expressed support for the establishment of a commissioner as strengthening South Australia's commitment to children and young people and recognising their citizenship and other rights;
- the Health and Community Services Complaints Commissioner said the Bill clearly promotes a rights based approach with the recognition of children and young people as valued citizens, as has the Australian Child Rights Taskforce;
- UNICEF Australia said the Bill is a welcome development in improving the rights, development and wellbeing of children and young people in South Australia and commended the inclusion of a rights based framework within the legislation;
- the Child Health Clinical Network expressed support for the Bill and the Australian Medical Association commended the objective of the Bill to 'ensure that the development and wellbeing of children and young people is considered from a whole of government perspective'; and
- members of the South Australian Aboriginal Advisory Council also expressed their support for the Bill.

Key feedback from the consultation process included significant support for:

- an overarching legislative framework for children and young people;
- the appointment of an independent commissioner for children and young people;
- the establishment of a child development council;
- community involvement, with or without legislation, to inform the nature of local services.

This Government listened to the views of the community and the Bill proposes:

- the appointment of a commissioner;
- an outcomes framework (including a charter) for children and young people with performance indicators against which to measure outcomes for children and young people;
- the formation of a child development council;
- a commitment to an integrated planning and coordination approach that is multidisciplinary, cross-sector and regionally focussed; and
- to require state authorities to consider the impact and consequences of their policies on children and young people.

The consultation undertaken on exposure drafts of the legislation in 2013 helped to further develop and refine the Bill.

I would like to acknowledge the significant contribution made by stakeholders and members of the South Australian community in helping us to shape the legislation.

The Child Development and Wellbeing Bill acknowledges that children and young people have competencies and rights, as recommended by recent Thinker in Residence, Professor Carla Rinaldi.

Importantly, children and young people also should be involved in decision-making processes that affect their lives, to the greatest extent possible.

This legislation will also improve information sharing, community voice in decision making and the accountability of government to children, young people and their families and advocacy to improve the outcomes of children and young people in this state.

While existing legislation regulates and directs service provision for children and young people in specific settings and circumstances, such as in relation to education, care, health and child safety, currently there is no overarching legislative framework with an holistic, overall focus on the rights, development and wellbeing of children and young people.

The Commissioner for Children and Young People will provide an authoritative voice and hold decision makers to account at a systemic level and will assist South Australia, as part of the Commonwealth, to satisfy international obligations in respect of children and young people.

The Commissioner will also provide South Australia with a clear counterpart to the Children's Commissioners and Commissions in other Australian jurisdictions, including the National Children's Commissioner.

While the Commissioner will hold decision makers and service providers to account at a systemic level, the Commissioner should not be a lone advocate or champion for children and young people in South Australia. The Bill therefore establishes a legislative mandate applicable to all stakeholders in relation to the rights, interests, development and wellbeing of children and young people in this State.

The Government's Bill, in creating an overarching framework for all children and young people in South Australia establishes a child development council to develop and keep under review, in conjunction with the Minister, a statewide outcomes framework (including a charter) for children and young people.

The Child Development Council and the development of an outcomes framework was supported in the most recent consultation on the draft legislation by the Australian Child Rights Taskforce, the Royal Australasian College of Physicians, UNICEF Australia, the Law Society and others.

The Outcomes Framework will be developed in consultation with children, young people and families and in close collaboration with state and local government bodies and the relevant industry, professional and community organisations. The Outcomes Framework will guide our work for children and young people across the state.

The Child Development Council will advise Government on the effectiveness of the Outcomes Framework in relation to outcomes for children and young people including their safety, care, health and wellbeing; their participation in education, training, sporting, creative, cultural and other recreational activities; and maintaining their cultural identity.

The Bill will amend the *Children's Protection Act 1993* to remove the provisions in that Act that establish the Council for the Care of Children. We have consulted the Council for the Care of Children and that body is supportive of being replaced by a Commissioner with a broad mandate to advocate for the rights and interests of children and young people in South Australia.

The Bill requires the cooperation of state and local government bodies to ensure any impacts on children, young people and families are considered in decision making and policies that influence the social, economic and environmental conditions in our society and to ensure that children, young people and families are consulted.

Through the administration of the Act, the Minister has a role in helping to facilitate the coordination of services across South Australia in the best interests of children and young people.

Research from the Bernard Van Leer Foundation indicates that children and young people who are encouraged to express their views and are listened to are less vulnerable to abuse and better able to contribute towards their own protection.

This Labor Government has long understood the importance of the early years in particular, and the child as a whole. We have made this incredibly important area of government one of the foundations of our legacy.

The *Child Development and Wellbeing Bill 2014* will continue this proud history of reform and formally entrench and confirm the fundamental importance of children, young people and families for South Australia's present and long-term future.

Members may be aware that the Minister for Education and Child Development in another place, during the Committee stage of the debate on the Bill, indicated that the Government will consider moving Government amendments in this place.

I can indicate today that the Government will be moving amendments that

- strengthen the declaration of parliament's commitment of the rights of children and young people;
- make explicit the independence of the Commissioner;
- provide greater clarity about the Commissioner's systemic inquiry functions;
- codifies the annual reporting requirements in this Bill; and
- Emphasises the mandatory reporting requirements of the *Children's Protection Act 1993*,

I commend the Bill to members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines key terms used in the measure.

4—Meaning of rights, development and wellbeing

This clause sets out the meanings of the terms *rights*, *development* and *wellbeing*.

5—Interaction with other Acts

This clause is formal.

Part 2—Fundamental aspects of Act

6—Declaration

This clause makes a declaration in respect of children and young people.

7—Objects

This clause sets out the objects of the measure.

8—Principles

This clause sets out the principles to be applied in the administration of the measure.

9—Statutory duty in respect of children and young people

This clause imposes a statutory duty on each State authority, to be met in carrying out its functions or exercising its powers.

10—Outcomes Framework for Children and Young People

This clause requires the Council to prepare an Outcomes Framework for Children and Young People, and sets out procedural matters in respect of the making etc of the framework.

Part 3—Administration

11—Functions of Minister

This clause sets out the functions of the Minister under the measure.

12—Power of delegation

This clause is a delegation power in respect of the Minister's functions and powers under the measure.

Part 4—Commissioner for Children and Young People

13—Commissioner for Children and Young People

This clause provides that there will be a Commissioner for Children and Young People.

14—Terms and conditions of appointment

The Commissioner will be appointed on conditions determined by the Governor and for a term not exceeding 5 years, and may be reappointed.

The clause also sets out when the appointment of the Commissioner may be terminated.

15—Appointment of acting Commissioner

The Minister may appoint an acting Commissioner in the circumstances set out in the clause.

16—Function of Commissioner

This clause sets out the functions of the Commissioner under the measure.

17—Delegation

This clause is a delegation power in respect of the Commissioner's functions and powers under the measure.

18—Honesty and accountability

This clause makes a procedural provision in respect of the operation of the *Public Sector (Honesty and Accountability) Act 1995*.

19—Commissioner may require information

This clause enables the Commissioner to obtain information that is in the possession of a State authority (being information needed by the Commissioner in the performance of his or her functions under the measure) and sets out the consequences for a State authority that fails to comply.

20—Commissioner's reports

This clause provides that the Commissioner may, after inquiring into and considering a matter, prepare and present a report on the matter to the Minister, and makes procedural provision in respect of such reports.

21—Use of staff etc of Public Service

This clause provides that the Commissioner may, by agreement with the Minister responsible for an administrative unit of the Public Service, make use of the services of the staff, equipment or facilities of that administrative unit.

Part 5—Child Development Council

22—Establishment of Child Development Council

This clause establishes and describes the Council and its composition.

23—Presiding member and deputy presiding member

This clause requires the Minister to appoint a presiding member, and deputy presiding member, of the Council.

24—Terms and conditions of membership

This clause sets out the terms and conditions of members of Council, including that they will hold office for 3 year terms and may be reappointed.

25—Allowances and expenses

This clause provides that members of the Council are entitled to fees, allowances and expenses approved by the Governor.

26—Validity of acts

This clause provides that acts or proceedings of the Council are not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

27—Power of delegation

This clause is a delegation power in respect of the Council's functions and powers under the measure.

28—Committees

This clause allows the Council to establish committees under the measure.

29—Council's procedures

This clause sets out the procedures of the Council, including a requirement that it meet at least 6 times per calendar year.

30—Commissioner or representative may attend meetings of Council

This clause provides that the Commissioner, or his or her representative, may attend (but not vote in) meetings of the Council.

31—Conflict of interest under *Public Sector (Honesty and Accountability) Act 1995*

This clause makes provision in relation to Council members' duties under the *Public Sector (Honesty and Accountability) Act 1995* by providing that they will not be taken to have an interest in a matter if they only have an interest that is shared in common with other persons involved in the development and wellbeing of children and young people.

32—Functions of Council

This clause provides that the primary function of the Council is to prepare and maintain the *Outcomes Framework for Children and Young People*.

This clause also sets out further functions (ie, in addition to preparation of the Outcomes Framework) of the Council under the measure.

33—Council may require information

This clause enables the Council to require State authorities to provide it with information required for the performance of its functions under the measure.

34—Use of Staff etc of Public Service

This clause enables the Council to use public service staff and facilities, in accordance with an agreement with the relevant Minister.

Part 6—Miscellaneous

35—Confidentiality

This clause is a standard clause preventing confidential information obtained in course of official duties from being disclosed other than in the circumstances set out in the clause.

36—Service

This clause sets out how documents etc under the measure can be served on a person or body.

37—Review of Act

This clause requires the Minister to conduct a review of the operation of the measure within 5 years of its commencement.

38—Regulations

This clause is a standard regulation making power.

Schedule 1—Related amendment

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *Children's Protection Act 1993*

2—Repeal of Part 7B

This clause repeals Part 7B of the *Children's Protection Act 1993*.

Part 3—Amendment of *Freedom of Information Act 1991*

3—Amendment of Schedule 2—Exempt agencies

This clause amends Schedule 2 of the *Freedom of Information Act 1991* to include the Commissioner as an exempt agency for the purposes of that Act.

Debate adjourned on motion of Hon. T.J. Stephens.

LOCAL GOVERNMENT (GOVERNANCE) AMENDMENT BILL

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (22:04): I move:

That this bill be now read second time.

I seek leave to have the second reading speech and explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

This is a short but important Bill which aims to make two amendments to the current requirements for elected members of local government, taking into account the impending local government elections that will be held in November this year.

Specifically, this Bill amends sections 60 and 80A of the *Local Government Act 1999*, to enhance the significance of the elected members' declaration on taking office and to introduce mandatory training for council members.

The aim of these amendments is that elected members will develop an enhanced understanding of their roles and responsibilities in representing their local communities. Their declaration upon taking office will be significant, and they will be subject to a mandatory – though not too onerous – requirement that they undertake training and development.

These amendments were recommended by the Ombudsman in the 2011 Final Report of the investigation of the City of Charles Sturt and have been through an extensive consultation process.

To be clear, this Bill is proceeding at the urging of the Local Government Association, which views these changes as being critical to improving the understanding elected members will have about their roles and responsibilities.

It is noted that the Shadow Minister has agreed to assist in expediting consideration of this Bill, given the intention to have new arrangements in place for the start of the new local government term following the November Council elections.

It is the Government's intention to consult on and consider a range of other local government legislative reforms, with a view to seeking introduction of a comprehensive local government reform bill in the first part of 2015.

Should this Bill pass into law, it is intended to amend the *Local Government (General) Regulations 2013* to prescribe the content of the declaration and the mandatory training framework.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Local Government Act 1999*

4—Amendment of section 60—Declaration to be made by members of councils

This clause amends section 60 to enable the regulations to prescribe the content (in addition to the manner and form) of the undertaking that council members must make.

5—Amendment of section 80A—Training and development

This clause amends section 80A to enable requirements to be prescribed by the regulations relating to a training and development policy that must be prepared by each council.

Debate adjourned on motion of Hon. T.J. Stephens.

At 22:05 the council adjourned until Thursday 16 October 2014 at 14:15.