LEGISLATIVE COUNCIL

Wednesday, 29 October 2014

The PRESIDENT (Hon. R.P. Wortley) took the chair at 11:01 and read prayers.

Parliamentary Procedure

SITTINGS AND BUSINESS

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) (11:02): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, question time, notices of motion and orders of the day, private business to be taken into consideration at 2.15pm.

Motion carried.

Bills

RETURN TO WORK BILL

Committee Stage

In committee.

(Continued from 28 October 2014.)

Clause 1.

The Hon. R.I. LUCAS: There is an issue that does canvass a number of clauses and I want to ask the government to put its position on the record. I have had email correspondence from the minister's office confirming the government's position but this is for the sake of the record. One of the issues in this debate is about SACAT and the employment tribunal. As I have indicated before, the Liberal Party's preferred position was to use SACAT right from the word go in July 2015. For all the reasons I outlined yesterday, we have been prepared to move a compromise position, which is July 2018. I know from discussions with some of my colleagues that they would prefer our original position but in the interests of getting this bill through we have adopted the compromise position. The government now has another option about that which we will discuss in the committee stage.

During this whole debate one of the issues I canvassed with the minister was that, if there was to be a delay of three years, could he and the government indicate that when making critical appointments to the employment tribunal their approach would be to at least consult with both employer representatives and employee representatives, which would give some confidence to employer organisations and the officers who work within the structure of the employment tribunal. I ask the minister whether he would place on the public record the government's response to the issues that I have raised with the government.

The Hon. I.K. HUNTER: I would like, at this stage, to provide some responses to those additional questions that were raised in the second reading contributions and at clause 1 yesterday. The Hon. Mr Darley noted his concern that significant provisions in relation to the bill are dependent upon the content of regulations which are yet to be provided. I can advise that, last week, draft regulations for comment have been provided to all unions and employer associations, as well as various interested parties including lawyers and associations representing professions. I can make the draft regulations for comment available to members for their further information, noting that there may be changes arising from the current consultation and any amendments made to the bill during its passage through parliament.

The Hon. Mr Darley also noted the concern raised by the Australian Lawyers Alliance in relation to the hours worked factor for the economic loss lump sum. The government shares the concern about parents, often mothers, who have returned to work part-time on a temporary basis being disadvantaged by the formula for the payment for economic loss. The government filed an

amendment to this provision on 23 October 2014 which provides that, if a worker is working part-time when injured and there is evidence that they had a legally-enforceable right to return to full-time work, then they will be taken to be working full-time for the basis of the economic loss lump sum calculation.

In relation to the Hon. Mr Darley's comments about whether it is plausible for SACAT to have the dispute resolution jurisdiction by 1 July 2015, I rely on my earlier comments and the contribution of the Hon. Mr Lucas yesterday following his discussions with Mr Justice Parker. I understand the request from honourable members the Hon. Ms Franks and the Hon. Mr Lucas about the provision of the most recent actuarial report on the CFS cancer compensation. We will be putting that actuarial advice on the public record.

Currently CFS volunteers who attend on average 175 fire incidents over any five-year period have the reverse onus of proof in relation to certain cancers. The cost is estimated to be $1.8 million per annum using the original actuary report by Taylor Fry, I am advised, or about $5 million using the most recent actuary report by Finity Consulting.

The government committed to reviewing the legislation within four weeks if re-elected. The cost for total CFS volunteer coverage estimated in the most recent actuary report, which was between $28 million and $42 million per year, is consistent with the results provided by the previous actuary, which was between $25 million and $36 million per year. This includes coverage for all past and present operational and non-operational CFS volunteers with no threshold, is my advice.

The amendments proposed here provide presumptive coverage for operational CFS volunteers who are registered as active members on or after 1 July 2013 who retained that presumption for 10 years after a CFS volunteer ceases operational activities.

The CHAIR: Minister, obviously some people are having trouble hearing what you are saying. If you can just try to speak up a little bit louder, they would appreciate it.

The Hon. I.K. HUNTER: I will speak more directionally into the microphone, Mr Chair. It removes the incident thresholds, meaning that CFS volunteers will no longer be required to attend 175 incidents over a five-year period to qualify. This is estimated to have an initial liability of $7.8 million per year, rising to $13.4 million per year by year 10, as the effect of including a rolling 10 years' worth of retirees takes hold.

The 10-year retirement threshold limits the cost. The CFS Volunteers Association supports this option, I am advised, as all current operational volunteers are covered regardless of the number of incidents attended. This provides greater coverage and more equity with the paid MFS firefighters. It is important to note that past members can still make a compensation claim but are not entitled to the presumption.

The Hon. Ms Franks asked questions about the detachment of injured workers from their pre-injury employer. Section 58B of the Workers Rehabilitation and Compensation Act 1986 outlines an employer's duty to provide suitable employment. It has various exemptions from providing suitable employment for employers, including those employing less than 10 employees. This exemption has not been included in the Return to Work Bill.

The provisions of clause 15 allow a worker to request the corporation to investigate noncompliance of their employer, with a requirement of the act as regards to their employment. This is a new provision. Clause 18 also provides a process for workers to apply to the South Australian Employment Tribunal for an order that the pre-injury employer provides suitable employment. I provide this additional information to highlight that any data from the existing scheme in terms of an employer's duty to provide work will not be comparable to what is proposed in this bill. It is a different process with a stronger, enforceable right for workers to seek a return to work with their employer.

It is well known that the current provisions of the Workers Rehabilitation and Compensation Act 1986 are not adequate in supporting workers returning to their pre-injury employer. The responsibility for assessing and determining the goal's for an injured worker's retraining and return to work is managed by the claims agents. The process is different for each claim depending on the circumstances of the injured worker and employer. Many different options may be explored, including

retraining at a different employer with the goal of returning to the pre-injury employer. This means that what may be considered as a detachment from the pre-injury employer is not clear.

The two claims agents, while operating within the WorkCover framework, have slightly different processes aligned to their claims management models. WorkCover revised the framework for the enforcement and regulation of section 58B in February 2014. This was to provide a greater focus on ensuring decisions about whether it is reasonably practicable for an employer to provide suitable employment are timely and evidence-based.

The revised framework includes provisions for an employer or injured worker to seek a WorkCover review of the claims agent's decision. Decisions to change the return-to-work goal to a different employer is recorded in the claims management system, where the employer has an obligation to provide suitable employment. This may result in multiple instances of a change of goal for an individual worker.

Given this, it is difficult to provide responses to the Hon. Ms Franks; however, I can advise that in relation to the first question about the numbers of injured workers detached from their pre-injury employer in the period of 2011-14, I am advised that, using a proxy indicator of activity, in the 2011-12 financial year there were 940 changes in return-to-work goal to a different employer; in 2012-13 financial year, there were 1,035 changes in return-to-work goal to a different employer; and in 2013-14 financial year, there were 945 changes of return-to-work goal to a different employer. It should be noted that these figures do not include any workers for self-insured employers.

In relation to the Hon. Ms Franks' second question: there is no application process for employers to terminate the employment of their workers; rather, the way the section currently operates is that, if one of the exemptions applies to the employer, they do not have a duty to provide suitable employment or pay wages. However, where they are not exempt, they are required to provide notice of their intention to terminate. These notices are sent to claims agents and are not recorded in the claims management system.

In relation to the Hon. Ms Franks' question about the number of applications approved by WorkCover, again I note there is no application process; however, I can advise that WorkCover will review decisions relating to a change of return-to-work goal to a different employer. Given the number of changes this review and investigation process has had over the last three financial years, it is not very useful to provide further details. The Hon. Ms Franks also asked about the number of applications withdrawn and the number rescinded. I can advise that any such information is not recorded in the claims management system and therefore cannot be accurately provided.

The Hon. Mr Lucas asked a number of questions in relation to the position of the WorkCover Ombudsman. I draw his attention to *Hansard* from Thursday 16 October, on page 1268, where I put on the record responses to most of his questions. In terms of the additional questions asked by the Hon. Mr Lucas, I can advise that Mr Wayne Lines, who currently holds the office of WorkCover Ombudsman, does not have the substantive position on expiry of his current acting appointment. I am advised that he has not been offered any position or been guaranteed that one will be found for him in the department.

Mr Lines will be involved in assisting the department with implementing the transfer of complaint-handling functions from the WorkCover Ombudsman to the state Ombudsman. One option is that the staff of the WorkCover Ombudsman transfer to the Ombudsman to undertake this function, but this is not guaranteed. The staff would then be employees of the Ombudsman, not employed as a statutory officer.

The Hon. Mr Lucas noted recent increases in claims agent fees and has also asked what is the estimate for claims management fees for 2014-15? WorkCover currently contracts Employers Mutual and Gallagher Bassett to deliver claims management services. I can confirm the Hon. Mr Lucas's observation that claims management fees have increased in 2013-14. I am advised the increase reflected the significant change in WorkCover's approach to managing the scheme with once-off performance fees available to the claims agents to invest in, achieving significant scheme improvements.

This increase of about $20 million in fees, as noted by the Hon. Mr Lucas, resulted in unprecedented improvements in the scheme's finances and performance. The investment in additional once-off fees achieved more than 10 times its return on investment in 2013-14, with claims liability savings of $298 million; an improvement in the scheme funding ratio of 7.3 per cent to 71 per cent; unparalleled return-to-work outcomes, with approximately a 17 per cent improvement at each of the key milestones of two, 13 and 26 weeks; an 8 per cent improvement at 52 weeks; and a reduction in the breakeven premium rate of 15 per cent to 2.87 per cent.

In 2014-15, WorkCover expects to pay the claims agents a portion of the performance fees related to the unprecedented improvements in outstanding claims liability savings of return-to-work performance. Additionally, the claims management fees for 2014-15 include building the infrastructure for the new return-to-work scheme, whilst continuing to deliver the current scheme—a temporary doubling of activity.

Costs are expected to increase during the transition period due to the changes in service model, updating systems for the new scheme, ensuring staff and service providers are appropriately trained and have the right support to deliver the outcomes required by the new scheme. Due to these two major factors, WorkCover estimates that claims agents fees for this uncharacteristic year will be the highest ever.

WorkCover is awaiting finalisation of the bill to complete project plans for its implementation and final estimates. It should be noted that these setup and performance fees are factored into the 2 per cent average premium rate proposed for the return-to-work bill. Claims agent fees under the new scheme will provide a base fee which relates to the cost of the scheme. The profitability of the claims agents will be dependent on the return-to-work outcomes they achieve. It is expected that after the transition period of two years, claims agent fees will reduce as the cost of the scheme reduces.

I have asked my advisers to get me answers to the Hon. Mr Lucas's two questions that he asked moments ago as soon as possible. We have one. I am advised that the minister has confirmed that a structured approach, arm's length from the minister, will be adopted in ensuring that unions and employers are consulted on appointments related to the work of the South Australian Employment Tribunal. The minister will establish a structure of unions, employers and government representatives forming a panel who will make recommendations to the minister on such appointments. I believe that that will address the questions raised by the Hon. Mr Lucas in that regard.

The Hon. R.I. LUCAS: Thank you for that, minister. I was momentarily distracted through part of the minister's response on claims management issues so I will have a look at that during the lunch break, and when we return to the later clauses in the committee stages I am sure I will find an appropriate clause if there is a follow-up question on claims management issues. I thank the minister for the response in relation to the government's approach to appointments in relation to the work of the employment tribunal.

I want to raise a further issue as a result of the answers the minister has provided on behalf of the government to questions raised by the Hon. Tammy Franks and myself on the actuarial advice on the new CFS cancer compensation scheme, and I am happy for it to be taken on notice to allow the government to take advice. Again, I was momentarily distracted in the middle of the minister's response so I am not sure whether it was covered in that period, but I do not think it was.

The minister outlined a number of the changes and I think he said that the government after the election had done an estimate of the original promised scheme which was the broadest possible option, and I think he said that confirmed a figure of somewhere between $28 million and $42 million. This new scheme is obviously much less than that. The minister outlined some broad differences. I am wondering whether the minister could take on notice an answer sometime later today or tomorrow as we proceed through the committee stages of the debate: what was the one most significant change that the government has introduced which has led to the significant reduction from the $28 million to $42 million down to the estimated cost?

There are clearly a range of issues which the minister has canvassed but I am wondering whether, on the basis of the actuarial advice—and I am assuming there are one or two issues which

would have led to the most significant difference in the original actuarial advice and the most recent actuarial advice.

But can I just confirm again which actuary provided the most recent actuarial advice that the government is using for its new cancer compensation scheme amendments, which we will be debating in this committee stage? I do not want to delay the debate on clause 1; I am happy for the minister to take that on notice and get considered advice and, at an appropriate or even at inappropriate stage later in the committee, put it on the record.

The Hon. I.K. HUNTER: I will take at least the first part of the question on notice. The paragraph I read out earlier, for the honourable member's benefit, was that the most recent actuary report was by Finity Consulting. The $28 million to $42 million per year is consistent with the results by the previous actuary, so that is the most recent advice; the previous actuarial advice was between $25 million and $36 million per year.

The Hon. R.I. Lucas: But the 28 to 42 was done by Taylor and Fry wasn't it—not Finity?

The Hon. I.K. HUNTER: No, the most recent actuary report, between $28 million and $42 million would be Finity and is consistent with the results provided by the previous actuary, between $25 million and $36 million. In relation to the first part of the question—

The Hon. T.A. Franks: With what thresholds is the issue.

The Hon. I.K. HUNTER: If the honourable member wants to make a contribution, she might stand and give us the benefit of that.

The Hon. T.A. Franks: I was attempting to, but the Chair pays no attention to me when I stand, so I just—

The Hon. I.K. HUNTER: Well, that is probably because I am standing at the moment. In relation to—

The Hon. T.A. Franks: I just wanted to know what the thresholds were.

The Hon. I.K. HUNTER: —the most significant change the government introduced to reduce the cost, I will come back to the honourable member with that. Mr Chair, I think the Hon. Ms Franks has a question.

The CHAIR: The Hon. Ms Franks.

The Hon. T.A. FRANKS: I just wanted to know what thresholds were applied in those particular figures given.

The Hon. I.K. HUNTER: I thank the honourable member and will come back to her as soon as I can.

The Hon. R.L. BROKENSHIRE: Based on what the Hon. Rob Lucas had to say, and given a commitment that I have to work through at midday, I wanted to speak to the situation regarding when the tribunal comes under the SACAT Board. In doing so I wanted to refer to the relevance of clause 1 with respect to the government's attitude and also that of Business SA. I want to put on the public record my annoyance that effectively, both through the government and Business SA, I was told that neither of them were interested in looking at any amendments, that they had worked too hard on getting this bill together to the point where it is now and that, effectively, they did not want crossbenchers interfering with what they had worked with outside the parliament to actually get to the point where they are now. I want that on the public record.

It infuriates me that I have been told that by both the government and Business SA. Where was Business SA over the last 12 years when this government took a WorkCover system that had been fixed after a mess by the previous Labor government, worked on very hard by the then Liberal government—that is the history and truth—from 1993 to 2002 to get a proper system back in place to then see it absolutely destroyed on two or three occasions over that 12-year period? I did not hear much at all from Business SA, and as a result of that we saw more mess occurring and fewer and fewer people being employed. When they were injured we saw them being treated in a disgusting

way, in my opinion, on many occasions because of the legislative changes, and we saw a government blow something out to $1.4 billion.

As a member of the crossbenches, and as an elected democratic representative of the people of this state, we do have a right to put forward amendments, and the community expect us to put forward those amendments. The reason we are now here supporting a bill that we may not necessarily think is as good as it could be or should be, or as fair as it could be, is because of the mess in which this government put WorkCover in this state. I say to the government: work with the crossbenchers and do not infuriate us by saying, 'No, no, we've done all the hard work, we don't want to upset the unions and therefore we're not interested in looking at any of your amendments.'

We hear the message that we need to fix this mess, and the parliament in a democratic way is doing its best to do that, but whether it is the government or Business SA, do not tell the crossbenchers that we will not get due consideration or a hearing from them if we have to put up amendments. The next point I would make is that we have been consistently with the Hon. Tammy Franks right through her attempts to get proper, fair and equitable compensation for CFS volunteers, as the government were very happy to do for the MFS paid firefighters but not the volunteers.

The Hon. T.A. Franks: Not the retained ones at first, but eventually.

The Hon. R.L. BROKENSHIRE: And not even the retained, initially, but that was just to make the union happy. The point is that now we have seen some compromise there, and we will therefore sit comfortably with that, given that my understanding from this morning is that the CFS Volunteers Association have indicated that they are now prepared to accept what is being put up. I will have to read the rest of my email on that to be 100 per cent sure, but I will do that when I get a chance.

The final point that I want to put on the public record with clause 1 is that, whilst we were told by the government that they were not interested in any amendments, I note that even now, in the last half an hour, we are still getting amendments from the government. So, it is alright for the government to bring amendments in to fix a bill, but it is not alright for the crossbenchers to want to represent the democracy of this state.

Clause passed.

Clause 2.

The Hon. I.K. HUNTER: I move:

Amendment No 1 [SusEnvCons–3]—

Page 11, line 5—Delete 'This Act' and substitute: 'Subject to this section, this Act'

This is a technical amendment. I understand it is consequential to our amendment No. 2 that outlines the commencement of provisions that relate to firefighters. I would like to acknowledge at this stage that the Greens have consistently over recent months pursued changes to the arrangements applicable to CFS volunteers.

The government amendments reflect an agreement arrived at with the CFS Volunteers Association, which was announced two weeks ago. The Greens amendments filed last night seem to substantially repeat the government's amendments, and for that I say thank you. They are of course unnecessary, but we welcome the support of the Greens for the government's amendment. It is noted and is appreciated.

The Hon. T.A. FRANKS: As noted, the Greens have this same series of amendments. It goes to a longstanding campaign that began under minister Snelling in response to a Greens federal bill that was passed that gave recognition to the presumptive cancer laws under presumptive assumptions to be made where firefighting was linked to a particular set of cancers. At the federal level, that was initially 13 but it was, after analysis, whittled down to 12, and that is the schedule that we now have in South Australia and that other states are looking at adopting as, indeed, has happened in Tasmania.

The Greens have fought really hard and stood side-by-side with the CFS volunteers on this issue. We recognise that under WorkCover firefighting has been recognised as a work activity since

the inception of WorkCover under this regime. We queried why the CFS volunteers were shut out of the original discussions and announcement made by government, given we as Greens took this issue to the government under minister Snelling and had hoped to work collaboratively with the government. We were shocked when the government then announced that only MFS firefighters would be covered by the presumptive laws. Indeed, at that stage, it was not even retained MFS firefighters: it was only the full-time firefighters.

Certainly, the UFU had the ear of government, but the CFS volunteers struggled to get a hearing with government. Had they not continued to fight, and had not the crossbenchers and minister Brock persisted with this issue, I do not think we would be seeing this amendment here in this Return to Work Bill happening today.

It was a week ago that you made the announcement that you were finally going to listen to the evidence. The government had finally stopped with their arguments. The original argument was that they said the science was not settled. Well, the Monash study showed that the science was settled on this issue and there should not be any further wait for presumptive laws. The work of these volunteer firefighters was indeed the work that could be shown to have causal links to these particular cancers.

Structural fires are often fought by the CFS firefighters in this state, which is different to some jurisdictions in Australia and the world. I would say that around the world volunteer firefighters are covered under this legislation in all of the jurisdictions in which it has taken a lead; however, those volunteers are actually paid volunteers. Whilst they are called volunteer firefighters in the US and Canada, they are often actually paid, so the distinction was not even on the fact that there was money going into their pockets for the act of saving and protecting life and property.

The work of the CFS in this state is invaluable and incalculable, and the amount of money we are talking about with these presumptive laws is a drop in the bucket of what we would lose if we lost the goodwill of the CFS. The Greens will be persisting with this amendment today because the government has railed against the workplace rights of the CFS volunteers right from the start, even refusing to meet with them and work with them.

Had the government sat down with the CFS volunteers before the March state election, they would have understood that the work of the CFS volunteers is relevant and, indeed, the government now recognises this. It is no different from the paid firefighters of this state with regard to this presumptive cancer compensation issue. The government should not take lightly giving credit where credit is due. The Greens have stood with the CFS volunteers, and I understand that Sonia St Alban has sent members an email today saying that the CFS volunteers support the Greens' amendment to recognise that we supported them.

The government is welcome to join this party, but it should not go unnoticed that every non-Labor elected member in this place and in the other place has previously voted for this legislation and that the only people who have not were those who were elected Labor—the government. The Weatherill government time and time again has opposed equality for CFS volunteers, so we welcome you to join with us, and we look forward to your support of the Greens' amendment.

The Hon. J.A. DARLEY: I rise to support this suite of amendments, and I want to congratulate and commend the Hon. Tammy Franks for the considerable amount of work that she did in bringing this matter forward. I am more than convinced that without that work the government would not be putting forward these amendments today.

The Hon. R.I. LUCAS: On behalf of Liberal members, I acknowledge the work the Greens, and the Hon. Tammy Franks in particular, have done on this issue. The Liberal parliamentary party has nailed its colours to the mast, as the honourable member will know. There are many to pay tribute to but, just thinking quickly, certainly Liberal leader, Steven Marshall, and shadow minister, Duncan McFetridge, were two amongst a number who worked actively on this issue with the Hon. Tammy Franks, CFS volunteers and others.

I think the Hon. Tammy Franks will acknowledge that sometimes the assistance of one of the major parties in terms of supporting initiatives and amendments from the community, such as CFS volunteers, and then reflecting it through the crossbenchers, such as the Greens, does assist

in putting pressure on governments ultimately to do backflips, change their mind, or adopt new positions, whichever phrase you want to use to describe the government's current position.

So, I want to acknowledge the work of the member for Dunstan and the member for Morphett, as well as others I have not named within the Liberal parliamentary party room. For the reasons that have been outlined publicly, the Liberal Party supports the compromise position that has been adopted and has now been accepted by the CFS volunteers, and we will be supporting the amendments.

The Hon. R.L. BROKENSHIRE: I advise the house that Family First will be supporting the amendments. I commend the Hon. Tammy Franks for her efforts over a long period of time on this matter, and I put on the public record, so that history is not rewritten, that the Hon. Tammy Franks raised this issue. It was brought to our attention at about the same time, and Family First would have introduced a bill similar to the one presented by the Hon. Tammy Franks, but when she put forward the bill, we supported it. We supported it in a select committee as well, and that select committee strongly recommended this probably nearly a year ago. So, it has been clear that the Hon. Tammy Franks—

The Hon. T.A. Franks interjecting:

The Hon. R.L. BROKENSHIRE: Well, that's right, it was not the majority of the select committee into emergency services, police and community safety: there was a dissenting report from Labor, but the rest were absolutely locked together on this. The fact is that this matter has put a lot of grief around the CFS at a time when they already have other challenges, such as the massive hike in the ESL and also the fact that this government is about to, in one way or another, attempt to dismantle a long-standing independent structure, namely the CFS, the SES and the MFS. We need to be very careful in considering this so that we do not have another mess for the CFS and the SES.

However, to come back to the point, I also do not want to see the member for Frome (the Hon. Geoff Brock) claim the credit for this. He was put in a situation where he had to put forward a deal. Because of the pressure that had been applied through what I have just highlighted in this council and because the CFS was actually knocking on the door of the member for Frome, he thought he had to get a score on the board.

I acknowledge that he did support a review, but there was some time and a fair bit of silence between him signing off on an arrangement with the Premier and coming out and saying that things had progressed. I am saying this because I am tired of the government rewriting history in this place. We see it time and time again. Whilst this is still a compromise—it is not as good as some of us would have liked—it is the best we can do at this point in time. With those words, I am happy to support this amendment.

The Hon. K.L. VINCENT: Very briefly, Dignity for Disability will continue to support the Hon. Ms Franks on this important issue. We are certainly pleased to see a crossbench member get credit for the hard work that they have done.

The Hon. T.A. FRANKS: I just want to note that the Liberal opposition took this to the state election as an election policy, and I acknowledge the work on that. Indeed, the government acknowledged that a review needed to happen before the election, although I think minister Brock's involvement is to be commended in driving that issue forward over these past months.

There are two things that can happen now. The Liberal opposition has indicated that they will vote for the government amendment, in which case the government amendment will get up and the Greens' amendment will lapse, given they are the same. We could also look at recommitting this clause. However, what I will do at this stage is withdraw my amendment and thank the government—however insincere I think those words earlier were—for finally seeing sense and actually supporting those who support and protect us.

Amendment carried.

The Hon. I.K. HUNTER: I move:

Amendment No 2 [SusEnvCons–3]—

Page 11, lines 6 and 7—Delete subclause (2) and substitute:

(2) Part 7A of Schedule 9 will be taken to have come into operation on 1 July 2013 immediately after the Workers Rehabilitation and Compensation (Firefighters) Amendment Act 2013 is taken to have come into operation.

(3) Clause 27 of Schedule 9 will come into operation on 1 January 2015.

This amendment provides for the retrospective commencement of consequential amendments to the Workers Rehabilitation and Compensation Act 1986 that relate to the reverse onus proof provisions for Country Fire Service firefighters. I thank honourable members for their indication of support for this suite of amendments. I can only note that policy and success has many parents; I commend that.

Amendment carried; clause as amended passed.

Clause 3.

The CHAIR: The next amendment is to clause 3 to be moved by the Hon. Ms Franks. The Hon. Mr Darley has the same amendment. The Hon. Ms Franks.

The Hon. T.A. FRANKS: I move:

Amendment No 1 [Franks–1]—

Page 11, line 19—After 'financially' insert 'by the provision of fair compensation'

The Sickness Bill became law in 1883 and the Accident Bill in 1884, under the Chancellor of the German Empire, and introduced programs to assist workers in the event of accidental injury, illness or old age. This initial system was financed by workers and employers and shows the long tradition we have of recognising the role of workers compensation in a civil society. It is a social insurance scheme and it should be a no-fault scheme.

The government, by not having the words 'fair compensation' in the objective clause of this bill, gives an indication that it is perhaps not willing to provide fair compensation to injured workers. The Greens are moving this amendment, which echoes the Law Society's submission which suggested that the fair compensation for employment-related disability should be included as it is integral to the entirety of the objectives of any WorkCover or to be called 'return to work' scheme. Any workers compensation should have that as a fundamental principle. If we believe in fair compensation, let's put it in the legislation.

The Hon. J.A. DARLEY: At the outset, honourable members will note that there is a great deal of overlap between the amendments proposed by the Hon. Tammy Franks and the amendments proposed by me; as such, I indicate that I will be supporting all of the amendments proposed by the honourable member and, once again, I commend her for her strong stance on this bill. I think the writing is on the wall and many, if not all, of our attempts to inject some fairness back into the equation are going to be in vain, but it is still a worthy exercise.

The purpose of the amendment is to enshrine in the objects of the act the provisions of fair compensation for workers who suffer injury at work. This is an integral element of the objectives of the scheme and should be included in the bill. Unfortunately, this bill appears to be more about actuarials and number crunching than injured workers who are going to be abandoned in droves. If unamended, it will result in shifting responsibility for the care of those who are injured at work from one system to another, namely, the welfare system.

The Hon. I.K. HUNTER: I thank the Hon. Mr Darley for his point of clarification; it simplifies processes for us somewhat. I will speak now to the Hon. Ms Franks' amendment. This amendment applies to the objects of the act and introduces compensation into the Return to Work Bill. This proposed amendment is counter to the primary aim of the new scheme, which is to support workers to recover and return to work.

The return-to-work scheme has been designed to support the recognised health benefits of work, increase objective and evidence-based decision-making, maximise return to work through early intervention, and reduce benefit dependency. The use of the term 'compensation' promotes an entitlement culture that is one of the problems with the current scheme. The term 'fair' may sound good, but it is something that is very subjective in a scheme that requires the interests of workers

and employers to be in balance. The question then becomes: fair to whom? The objectives in the bill are meaningful and direct as they are, and the government opposes this amendment

The Hon. R.I. LUCAS: As I outlined in the second reading, the position the Liberal Party and Liberal Party members will be adopting has been outlined by the member for Dunstan, Liberal leader, Steven Marshall, publicly and during the debate in the House of Assembly: he committed himself and the party to fundamental reform of the workers compensation scheme. He indicated that he had given a commitment to the government to work with the government to introduce significant amendments to the scheme.

As I said in the second reading, and in the debate at clause 1, whilst we have heard many attempts by this government to supposedly reform WorkCover over the last 12 years—all of which have failed to now—we are hopeful that this one might be more successful than the previous endeavours. For the reasons the member for Dunstan has outlined, we are supporting in general terms the reform attempts by the government in relation to this bill. For those reasons, we will not be supporting this amendment and a number of the other amendments which potentially cut across the attempts to reform.

The Hon. T.A. FRANKS: Could the minister clarify what he means by 'this is the end of the age of entitlement', and does he believe that it is an entitlement for a worker not to be injured or killed at work?

The Hon. I.K. HUNTER: The honourable member should be very careful what she claims I said. I said no such thing.

The Hon. T.A. FRANKS: Does the minister believe that a worker is entitled not to be injured or killed at work?

The Hon. I.K. HUNTER: Clearly, that is the key aim of the bill.

The Hon. T.A. FRANKS: Does the bill do that?

The Hon. I.K. HUNTER: The objectives of the bill, as I said, are to support people who are injured at work, but of course if you look at the way the penalty structures or the effective premium structures are in place, they reward those businesses who actually put effort into occupational health and safety, and prevent workplace injury and, indeed, death in the first place.

The Hon. T.A. FRANKS: I fear the minister thinks I am trying to be a nuisance, but what I am actually putting to the minister is: does not having a fair compensation objective actually ensure that some parties ensure that there is a safe workplace?

The Hon. I.K. HUNTER: It appears, from history, that that is not the case.

Amendment negatived; clause passed.

Clause 4.

The Hon. R.I. LUCAS: I move:

Amendment No 1 [Lucas–1]—

Page 16, after line 30—Insert: '*jurisdiction transfer date* means 1 July 2018;'

Given that the Hon. Mr Brokenshire may well have to leave soon, I will not speak at length on this, so that he can put down his position on this particular amendment. As I outlined in the second reading, my understanding is that the one potentially remaining difference of opinion between the government and Liberal members, at least in relation to this bill, does relate to this issue of the start-up date for the transfer to SACAT.

Very quickly, the government's position, as enunciated by the minister, has been, 'Look, it probably does make some sense in terms of transferring to SACAT, but it's just impossible to do it in the short term. In the medium term, it may well be an option.' I think that is a fair statement of the position put down in the House of Assembly and to a number of other interested stakeholders, certainly from the employer organisation side.

Our position had been to support the transfer from 15 July from the start but, for the reasons I outlined, having listened to Justice Parker and to various other groups, we have adopted a compromise position and that is that we lock in a transfer consistent with the statements the minister did make as a possible option in the House of Assembly, but also consistent with the discussions I have had with Justice Parker, and indeed others, in terms of when it would be possible.

Can I hasten to say that Justice Parker would not adopt a position that placed him in conflict between the government and the opposition but, in terms of the question of the practicality of when it could be achieved, if that policy decision was taken by parliament or government, the answer to that question was in and around about three years' time. July 2018 is approximately three years and three months away in terms of the transfer.

For those reasons, we are moving this amendment, and we would firstly hope the government might adopt a position where it is prepared to support it, but it has canvassed another amendment this morning—I think the Hon. Mr Brokenshire has referred to that—which would seem to indicate that they are opposing this amendment and that their position will be to have a review at some future stage which may make a decision to transfer it. We strongly oppose that particular potential amendment from the government. We would urge crossbenchers to support this position that we lock in what is a sensible decision to transfer it to SACAT, albeit delayed by 3¾ years until July 2018.

The Hon. I.K. HUNTER: I hate to be the one to dash the Hon. Mr Lucas' hopes in this matter, but the government will be opposing this amendment. The Hon. Mr Lucas has proposed a set of amendments that would cause the jurisdiction for review of matters under the Return to Work Act to automatically transfer from the South Australian Employment Tribunal to the South Australian Civil and Administrative Tribunal on 1 July 2018. I understand, as he has explained to the chamber, this is a compromise on his party's initial position.

The government is open to considering such a transfer at a future date, at which point we would anticipate the South Australian Civil and Administrative Tribunal would be up and running and in the position to expand its work with a dedicated stream to the return-to-work scheme. However, the government would prefer for this not to be an automatic transfer as provided in the suite of amendments proposed by the Hon. Mr Lucas. We would rather consider the decision as undertaken after reflection on the position of the South Australian Civil and Administrative Tribunal to take on this jurisdiction and considering any learnings from the dispute resolution process under the new return-to-work scheme.

The government has filed an amendment to clause 203, which requires a review of the return-to-work scheme three years after its commencement. This amendment will expand the scope of the review to include an assessment of the merits of moving the jurisdiction for review of matters under the Return to Work Act from the Employment Tribunal to a stream of the South Australian Civil and Administrative Tribunal. The government proposes that this is a preferable way of managing this issue and the government is therefore opposing this amendment and all others that are related to the automatic transfer of jurisdiction to the South Australian Civil and Administrative Tribunal.

The Hon. R.L. BROKENSHIRE: I rise to say that, notwithstanding what I said this morning and in my second reading contribution, generally the Family First Party will be supporting this legislation through. However, I believe that the opposition's amendment is a fair amendment, it is a sensible amendment and it ensures that in July 2018 the responsibilities of the Employment Tribunal go to SACAT.

Having worked with Justice Parker when he was a senior legal adviser in the justice department and based on what the Hon. Rob Lucas said today, I clearly respect and understand what Justice Parker is saying about it not being possible to look at this thing right now. However, just for the history, I have never actually felt comfortable with all of the processes of appointment when it comes to the Industrial Relations Tribunal in this state. I know for a fact that the government, when in opposition, promised one person that, if they were to make my life difficult as a minister at that point in time, they would duly rewarded with a position in the Industrial Relations Commission. That is something that never sat comfortably with me but, whilst it was corridor chat, it proved to be factual.

I would actually support a more independent process in how we look after both workers and employers in the matters around remuneration and therefore I will be absolutely supporting the Hon. Rob Lucas' amendment.

The Hon. J.A. DARLEY: I will also be supporting the opposition's amendment.

The Hon. T.A. FRANKS: The Greens will be strongly opposing the opposition's amendment. We do not see a reason for the Employment Tribunal to be moved to SACAT. We also had some concerns: I hold some hesitations about regarding the Guardianship Board's inclusion in that without due process, so we will look and ensure that that does work out. We think that there is specialised expertise here and there is an environment that demands that the Employment Tribunal stand alone.

The committee divided on the amendment:

Ayes 10
Noes..... 9
Majority..... 1

AYES

Brokenshire, R.L.	Darley, J.A.	Dawkins, J.S.L.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I. (teller)
McLachlan, A.L.	Ridgway, D.W.	Stephens, T.J.
Wade, S.G.		

NOES

Finnigan, B.V.	Franks, T.A.	Gago, G.E.
Hunter, I.K. (teller)	Kandelaars, G.A.	Maher, K.J.
Ngo, T.T.	Parnell, M.C.	Vincent, K.L.

PAIRS

Hood, D.G.E.	Gazzola, J.M.

Amendment thus carried.

The Hon. I.K. HUNTER: I indicate that, in relation to the previous amendment passed, moved by the Hon. Mr Lucas, the Hon. Mr Lucas had the numbers for support of that, and the government will treat that as a test clause and will not seek a division on any further amendment.

The Hon. T.A. FRANKS: I move:

Amendment No 2 [Franks–1]—

Page 18, lines 17 and 18—Delete the definitions of psychiatric injury and pure mental harm and substitute:

psychiatric injury means mental harm (including consequential mental harm);

This amendment deletes the definitions of psychiatric injury and pure mental harm and substitutes 'psychiatric injury means mental harm (including consequential mental harm)'. The Greens move this amendment because the government has removed 'consequential mental harm' from its proposed bill. If you are, for example, a construction worker and you witness the death of your colleague through an industrial accident, you may be in shock and suffer, of course, post traumatic stress, so it is only fair that you should have access to compensation for mental harm. This is the case under the current act, and the Greens do not believe it is necessary to have this excluded from the bill before us.

The Hon. J.A. DARLEY: Again, this amendment is identical to my second amendment. I think the Hon. Tammy Franks would agree that it serves as a test clause for a number of related amendments that deal with the issue of psychiatric injury. It seeks to delete the current definitions of psychiatric injury and pure mental harm and replace them with one definition that includes

consequential mental harm. In so doing, consequential mental harm will be compensable, in line with other psychiatric injuries, and with the wording of the current legislation. This is an extremely important amendment. Without it we can continue to expect to see an exacerbation of the discriminatory approach that injured workers suffering from psychiatric injuries continue to face.

The Hon. I.K. HUNTER: The Hon. Ms Franks' amendment applies to the definition of 'psychiatric injury' and has the effect of allowing consequential mental harm claims to be compensable. This amendment offers a significant risk to the scheme and is likely to materially increase the costs to the new scheme. Consequential mental harm emerges over time and, if work related, receives the relevant income and medical support during the life of the claim. This is the appropriate approach on advice for supporting the treatment and recovery of consequential mental harm.

This amendment seeks to make consequential mental harm a work injury in its own right, restarting further time banded periods of income and medical support. This is not in the best interests of the scheme. The scheme is focused on recovery and return to work for workers. If I understand the Hon. Ms Franks example correctly, she talked about in fact not consequential health harms but about a primary mental health issue.

A consequential mental health issue is more like a worker with a back injury through work and then becomes depressed as a result of that down the track. That is the definition of 'consequential mental harm' and not the example the honourable member related of someone observing an injury at work and then developing depression or other mental health issue as a result of that. My advice is that that would be considered a primary mental health issue. The government will therefore oppose the amendment.

The Hon. R.I. LUCAS: For the reasons I outlined earlier, given the position adopted by the member for Dunstan on behalf of Liberal members, we will not be supporting this amendment.

Amendment negatived.

The Hon. R.I. LUCAS: I move:

Amendment No 2 [Lucas–1]—

Page 19, after line 4—Insert:

SACAT means the South Australian Civil and Administrative Tribunal established under the South Australian Civil and Administrative Tribunal Act 2013;

This amendment is consequential on the earlier vote.

The Hon. I.K. HUNTER: The government accepts that it is consequential.

Amendment carried.

The Hon. R.I. LUCAS: I move:

Amendment No 3 [Lucas–1]—

Page 19, after line 5—Insert:

SAET means the South Australian Employment Tribunal established under the South Australian Employment Tribunal Act 2014;

This amendment is consequential.

Amendment carried.

The Hon. R.I. LUCAS: I move:

Amendment No 4 [Lucas–1]—

Page 20, lines 5 and 6—Delete the definition of 'Tribunal' and substitute:

Tribunal means—

(a) until the jurisdiction transfer date—SAET; and

(b) thereafter—SACAT

It is consequential.

Amendment carried; clause as amended passed.

Clauses 5 and 6 passed.

Clause 7.

The Hon. T.A. FRANKS: I move:

Amendment No 3 [Franks–1]—

Page 25, lines 12 to 34—Delete subclauses (1), (2) and (3) and substitute:

(1) This Act applies to an injury if it arises out of employment.

(2) Subject to this section, an injury arises out of employment if—

(a) in the case of an injury that is not a secondary injury or a disease—the injury arises out of or in the course of employment; or

(b) in the case of an injury that is a secondary injury or a disease—

(i) the injury arises out of employment; or

(ii) the injury arises in the course of employment and the employment contributed to the injury.

(3) An injury consisting of a psychiatric injury arises out of employment if (and only if)—

(a) the employment was a substantial cause of the injury; and

(b) the injury did not arise wholly or predominantly from any action or decision designated under subsection (4).

I am assuming that this is also consequential on my previous amendment, so I indicate that I have already spoken to these issues and that it is consequential. Obviously, the Greens will be voting in support, and expect the Liberals and the government to vote us down.

The Hon. J.A. DARLEY: Again, this amendment is consistent with my third amendment and, as such, I will be supporting it.

The Hon. I.K. HUNTER: I am not absolutely sure that this is consequential. In fact, it seeks to change the employment test. This amendment concerns the test for compensability of injuries, taking it back to the current threshold provided for the Workers Rehabilitation and Compensation Act 1986. The requirement for employment to be a significant contributing cause has been abandoned in this amendment.

This amendment will materially increase the proposed cost of the scheme and maintain the current culture that requires only a trifling connection between the employment and the injury to establish compensability. This amendment reduces the economic benefits for South Australia, as well as promoting an entitlement-based compensation culture; therefore, the government opposes this amendment.

The CHAIR: The Hon. Mr Darley, your amendment is not exactly the same, so we will move them together, if you can move your amendments 3 and 4.

The Hon. J.A. DARLEY: I move:

Amendment No 3 [Darley–1]—

Page 25, lines 14 to 22—Delete paragraphs (a) and (b) and substitute:

(a) in the case of an injury other than a secondary injury, a disease or a psychiatric injury—the injury arises out of or in the course of employment; or

(b) in the case of a secondary injury (other than a secondary injury that is also a psychiatric injury) or a disease—

(i) the injury arises out of employment; or

(ii) the injury arises in the course of employment and the employment contributed to the injury; or

(c) in the case of a psychiatric injury—

(i) the employment was a substantial cause of the injury; and

(ii) the injury did not arise wholly or predominantly from any action or decision designated under subsection (4).

Amendment No 4 [Darley–1]—

Page 25, lines 23 to 34—Delete subclause (3)

Clause 7 of the bill provides that an injury must arise from employment in order for the act to apply. It establishes the criteria for assessing compensability of an injury. In addition to establishing that the injury arose out of or in the course of employment, injured workers would also be required to establish that the employment was a significant contributing cause of the injury.

The Law Society has expressed concern that the introduction of this new compensability test for physical injuries could result in substantial additional disputation and the potential savings do not justify the additional cost to be incurred through disputation and the likely absence of measures directed to return the injured worker back to work during that period.

In determining whether an injury arises from employment, the bill also draws a distinction between physical injuries and psychiatric injuries, with the latter subjected to a more onerous test. Specifically, clause 7(2) provides that an injury arises from employment if:

(a) in the case of an injury other than a psychiatric injury—the injury arises out of or in the course of employment and the employment was a significant contributing cause of the injury; and

(b) in the case of a psychiatric injury—

(i) the psychiatric injury arises out of or in the course of employment and the employment was the significant contributing cause of the injury; and

(ii) the injury did not arise wholly or predominantly from any action or decision designated under subsection (4).

In its submission, the AMA states that, under common law, there is a position that anything less than a significant contributing cause is considered trivial and of no consequence. It is concerned that the insertion of the term 'the' into clause 7 provides opportunity for legal argument, creating an unnecessary barrier to the objects of the bill. As such, the AMA has strongly recommended that 'the' be removed and replaced by the term 'a' or 'the most' as alternatives.

This recommendation also has the support of the Law Society and the Australian Lawyers Alliance (ALA). The Law Society states that this change is also likely to be the subject of further disputation about the meaning of the new term, particularly as it appears that the intention of that employment must have contributed more than any other causal factor to the psychiatric injury. Society refers to a number of cases where it has been acknowledged by courts and tribunals that the cause of psychiatric injury arising from the workplace is often multifactorial.

Given the concerns that have been highlighted by the Law Society, the ALA and the AMA, the amendment moved by the Hon. Tammy Franks seeks to delete the new qualifying provisions and replace them with those principles that apply under sections 30 and 30A of the current act. This includes removing the more onerous test for psychiatric injuries, while still maintaining the current disqualifying factors for psychiatric disabilities that are now listed in subsection 4. This is a sensible approach and should be supported.

The Hon. I.K. HUNTER: The government opposes both amendments standing in the name of the Hon. Mr Darley. His first amendment, or amendment No 3, we oppose for similar reasons outlined in our position to the Hon. Ms Franks' amendment. Amendment No 4 [Darley-1] removes a requirement that employment must a significant contributing cause of the aggravation, acceleration, exacerbation, deterioration or recurrence of a prior injury (non-psychiatric) and the significant contributing cause of the injury in terms of psychiatric. So, for similar reasons we will oppose this amendment.

The Hon. R.I. LUCAS: For the reasons that I outlined earlier, we will not be supporting the amendments either.

The Hon. Ms Franks' amendment to subclause 1 negatived.

The Hon. Mr Darley's amendments negatived.

The CHAIR: We now go to [Franks-1] Amendment No 4. Is that consequential?

The Hon. T.A. FRANKS: It is indeed consequential. I think the numbering issues have now been sorted out.

The CHAIR: The next amendment to clause 7 is Amendment No 5 [Franks-1]. Is this consequential?

The Hon. T.A. FRANKS: No, Mr Chair, it is not. I move:

Amendment No 5 [Franks–1]—

Page 27, after line 22—Insert:

(12) In this section—

secondary injury means an injury that is, or results from, the aggravation, acceleration, exacerbation, deterioration or recurrence of a prior injury.

In this section the Greens are concerned about the government's changes to secondary injuries. We believe this will lead to further discrimination against injured workers and will result in increased reluctance by employers to take on injured workers with secondary injuries. The doctors already say that secondary injuries are difficult to measure. Trying to separate the aggravation symptoms arising from aggravation and from the original injury will lead to more disputation and artificial distinctions under the government's scheme.

The Hon. I.K. HUNTER: It is arguable whether this is, in fact, consequential. It relates to amendments 3 and 4 proposed by the Hon. Tammy Franks that concern a test for compensability, but strictly it is probably not consequential. This amendment reintroduces the definition of secondary injury as it is currently provided for in the Workers Rehabilitation and Compensation Act 1986. For similar reasons outlined in relation to previous amendments, the government will be opposing this amendment.

The Hon. R.I. LUCAS: Whilst the Liberal Party's position on the amendments is clear, I did want to clarify an issue. This was an issue raised by the Australian Rehabilitation Providers Association and some of the information the government has provided via WorkCover. I am not entirely clear whether it is on the public record or not to be honest.

I seek clarification as to what advice the government has had in relation to the situation that is being proposed here regarding the treatment of secondaries and the treatment of them in similar jurisdictions elsewhere in the nation, because one of the issues that rehab providers raised was the issue of the potential impact of employers in terms of employing people with work-related injuries.

As I recollect, the government's position was obviously not to agree with that particular argument. It used the argument that other jurisdictions (if not all of them) had exactly this provision, or a similar one, and there had been no indication that the situation in South Australia was any different from other jurisdictions, or words to that effect. I ask the government to place on the record again, if it has not already, its response to that series of questions.

The Hon. I.K. HUNTER: I will attempt an answer. The South Australian workers compensation scheme currently excludes the costs associated with secondary injury when calculating experience rating premiums for medium and large employers. All other workers compensation jurisdictions, I am advised, treat the cost of primary and secondary injuries the same and include them when calculating the experience rating premiums for employers. Their treatment of claim costs has not adversely affected employment behaviour, is my advice.

The Equal Opportunity Act 1984 in South Australia prohibits discrimination on the basis of disability in eight areas, one of which is at work. The Equal Opportunity Commission's annual report shows that disability discrimination related to employment accounted for about 12 per cent of all discrimination complaints in 2012-13. However, the proportion of complaints regarding disability discrimination relating to employment has declined since it peaked in 2006-07. This downward trend

continues, even during the two-year period when South Australia removed its Experience Rating System from 1 July 2010.

During that same time South Australia continued to have a worse return-to-work rate compared to other major workers compensation jurisdictions, and the rate worsened over that time. We have no evidence to suggest that the inclusion of costs associated with secondary injuries will have any effect on employers when considering prospective employees. It should be noted that secondary injuries are not premium neutral for self insurers. They manage the liability associated with secondary injuries of their employees well, focusing their attention on safe and durable return to work.

Amendment negatived; clause passed.

Clauses 8 to 17 passed.

Clause 18.

The Hon. I.K. HUNTER: I move:

Amendment No 1 [SusEnvCons–2]—

Page 35, after line 9—Insert:

(6a) If on an application under subsection (3) the Tribunal declines to make an order in favour of the worker under subsection (5), the Corporation is liable, subject to subsection (7) and to limits prescribed by the regulations—

(a) for the employer's reasonable costs of the proceedings before the Tribunal (unless those costs are covered by an award under subsection (8)(a)); and

(b) for the costs payable to the worker under subsection (6).

The amendment changes the arrangements for the awarding of costs in applications before the tribunal where a worker is seeking an order for their pre-injury employer to provide suitable employment. The bill currently provides for costs of representation to be awarded against an employer in all matters. This amendment will provide for the corporation to be liable for the costs of representation in matters where the tribunal declines to make an order in favour of the worker. This limits an employer's expenses in matters that are resolved in their favour.

The Hon. R.I. LUCAS: In relation to clause 18, this is an issue which has prompted a lot of correspondence, I am sure, to all members who have been considering the changes in this particular bill, that is, the employer's duty to provide work. This particular amendment, as the minister has just outlined, is a partial response to some of the issues that have been raised.

I must admit I have only just received in the last 24 hours some correspondence from a lawyer with considerable previous experience in the jurisdiction with one of the industry associations who is now in private practice. He has raised a number of questions, and I want to place them on the record and seek the minister's response to the issues that he raises. The view that this lawyer has put to us is that he supports the amendments that are moved but says that they are marginally better than the problems with the existing clause 18 but not by much. He argues:

The employer would still be liable to pay the workers' costs out of their own pocket as a starting point. If the employer was successful in their argument, then they would receive costs from WorkCover (as would the worker). However, if the employer lost, they would have to pay both parties' costs.

The principles in employment laws are long-standing that each party would bear their own costs unless they acted frivolously or vexatiously. This includes unfair dismissal, adverse action and all other matters under the Fair Work Act 2009, even prosecutions for breaches. This clause creates a remedy in respect of employment and therefore should be treated the same.

However, if this is not to be the case it is manifestly unfair as the employee faces no costs risks except where frivolous or vexatious. Both parties should face the same consequences for their conduct or longstanding principles of fairness before the law would be undermined.

As such, either the insurer should pay both parties' costs (as is currently the case under Workers Comp dispute) or neither party should pay the costs. It is acknowledged that the costs of such a dispute will still likely have levy implications for the employer but at least they don't have the very real threat of tens of thousands of dollars of legal fees to pay.

Bear in mind that existing s58B issues invariably arise in the case of redundancies (ie. at a time when they can least afford it) or termination for misconduct (ie. at a time when industrial issues are at stake). As such, disputes under this provision will be de facto unfair dismissals and the existing balance in the Fair Work Act should not be undermined, if nothing else because the tribunal will be inundated with cases.

I put that view a lawyer has raised with us and asked us to put to the minister. I acknowledge that this has only just been raised, although I suspect somewhere amongst the minister's advisers that these issues will have been long argued.

However, the more immediate question is whether the minister has any general comment in relation to that advice. As to whether or not the government accepts this claim—that, as such, currently either the insurer should pay both parties' costs as this person indicates is currently the case under workers compensation disputes—that it is an accurate reflection of the current position, if it is an accurate reflection why is it that the government, even with this amendment, is seeking to change that position?

I also seek from the minister whether, even with the government's amendment, the position is different from other jurisdictions in relation to these issues. The final point this person is raising is that, as a result of his analysis of the issues, in the end the tribunal may well see a significant increase in the number of cases being argued as a result of the government's new position in relation to costs. Does the government have a response to say, 'Well, no, that won't be the case'? If that is its position, what are the reasons for that position?

The Hon. I.K. HUNTER: I understand that the original proposal in the bill was that employers effectively would be responsible for all costs. This amendment effectively changes that. The Hon. Mr Lucas has information that says it might only be a marginal change. That is a matter of opinion, I suppose, at this stage. Effectively, though, I am advised that this is a new provision that is really an application by a worker to access their return-to-work rights and that it is not directly easily related to current legislation.

My advice is that the government does not expect this to give rise to any onerous or significant new rise in cases to be argued. I am also advised that there is a provision under clause 15 where a worker can request the authority to investigate that an employer has the ability to provide return to work. The expectation is that that will be the first port of call, I suppose, in this regard, and then the current provision we are arguing at the moment would be the last port of call. The responsibility of the corporation would be actually to short-circuit that and get a worker back into employment.

The Hon. R.I. LUCAS: Does the minister have any information in relation to the new position after this particular amendment from the government in relation to costs as to how that compares with other jurisdictions in terms of their approach to the costs issue?

The Hon. I.K. HUNTER: I am advised that I will need to take that on notice and bring back a response as soon as I can.

Amendment carried; clause as amended passed.

Clauses 19 and 20 passed.

Clause 21.

The Hon. T.A. FRANKS: I move:

Amendment No 6 [Franks–1]—

Page 36, line 37—Delete '30%' and substitute '15%'

The Greens strongly oppose the 30 per cent threshold, as indicated in our second reading speech. It is a highly restrictive definition of injury and one that has, as its impetus, the budget bottom line rather than a realistic assessment of a serious injury. Indeed, we think it is a gross abuse of the English language. Most seriously-injured workers will be excluded under what the government will now define as a serious injury under this bill and, when it becomes law, under this act.

This threshold has been taken from an interstate jurisdiction and, most notably, I cite the New South Wales Workers Compensation Act. In New South Wales, workers who have sustained

an injury that resulted in the amputation of a limb are having their cases dismissed as not serious enough to deserve ongoing payment of medical bills. There have been a number of amputees who have been refused ongoing medical cover because they failed to reach the required 30 per cent WPI threshold.

My colleague the Hon. David Shoebridge MLC of the Greens in the New South Wales parliament has worked with a number of amputees, and I would like to share one injured worker's case from that jurisdiction. Kris Carroll was forced to have his leg amputated after a workplace injury in 2005 and has had his claim to payments for medical expenses ceased from 2013. The reason given for this was that his injury was not serious enough to warrant ongoing protection. For Mr Carroll, who was required to regularly replace his prosthesis, this is likely to cost him around $40,000 in medical expenses each year.

Under New South Wales' controversial changes to the Workers Compensation Act that were made in 2012, injured workers are now only entitled to receive payments for medical expenses related to their injury, such as doctors' bills, the cost of surgery, prosthetics and medication, for a maximum of 12 months after they last received weekly payments or, if they did not receive weekly payments, then 12 months from the date of the injury. The only exception is when a worker has a 'serious injury' as defined. This is an injury that is assessed at 30 per cent WPI. Astoundingly, amputations such as Mr Carroll's are not assessed at this level; indeed, that was assessed at 28 per cent WPI.

A 15 per cent WPI threshold will allow more workers to access ongoing financial support in the form of weekly income maintenance, compensation for medical expenses and rehabilitation, and return-to-work activities. A 15 per cent WPI can and will result in some workers having no capacity for work, and indeed those workers will need support. Under the government's proposal, they will not be supported at all. We have received legal advice to note that while the 15 per cent threshold is not perfect, it is indeed a dramatic improvement from the government's approach.

We acknowledge that the government is here looking at the bottom line (the budget) and expect them to oppose this. Certainly, when we raised this figure with them in our briefing on this bill, we asked why 30 per cent was chosen. It seems clear that it was chosen because it balances the budget; it does not necessarily bring the best results for injured workers.

The Hon. I.K. HUNTER: One of the most significant changes for the return-to-work scheme is that it recognises that workers who are seriously injured require different support and services to those workers who are not seriously injured. The return-to-work scheme makes special provision for people with serious injury with income support paid until retirement age and lifetime care and support. People with serious injury are also able to pursue a claim for common law damages where the employer's negligence has caused or contributed to the injury.

This clause establishes that a worker whose work injury results in a whole person impairment of 30 per cent or more will be characterised as a seriously-injured worker for the purposes determining their support under the scheme. The Hon. Ms Franks has proposed quite a number of amendments that seek to reduce the threshold for a worker being characterised as seriously injured from 30 per cent degree of whole person impairment to 15 per cent. The government will be opposing this amendment and all others that seek to achieve this change to the threshold for serious injury.

Moving the threshold for serious injury from 30 per cent whole person impairment to 15 per cent would have a material effect on the culture and sustainability of the new return-to-work scheme. Having a 15 per cent whole person impairment threshold for serious injury would increase the estimated number of workers characterised as having a serious injury by about 800 per cent, and significantly erode much of the savings that the original reform package aimed to achieve. It is broadly recognised that being at work and returning to work are essential parts of an effective recovery. The return-to-work process, as well as being essential for the health and wellbeing of workers, long-term absences from work in general have a negative impact on health and wellbeing.

One of the key differences for workers who are non seriously-injured compared to those who are seriously injured is the return-to-work obligations. The bill specifically states that a recovery return-to-work plan must not impose any obligation on a seriously-injured worker to return to work. Without those return-to-work obligations in place, we are likely to see workers who could, with the

right support, return to work on a sustainable basis instead of ending up in a cycle of benefit dependency. This is at a significant cost to their own health and wellbeing and at a significant financial cost to the scheme, the community and their families.

The return-to-work scheme sets a threshold for differentiating between seriously-injured and non seriously-injured workers, with recognition of the fact that it is important for most injured workers to receive active case management focused on the health benefits of work. While there is certainly debate about whether 30 per cent is an appropriate threshold, this scheme is about moving away from the one size fits all approach and it is necessary to make a differentiation.

We must not forget that workers who are not seriously injured are not left without support. For example, a worker who is 30 years of age and is assessed as having a 20 per cent whole person impairment could receive, I am advised:

- up to two years of income support, which if paid at the state average wage would be about $150,000;
- up to three years of medical expenses at an average cost of about $21,000;
- up to three years of return-to-work services paid at an average cost of about $11,000;
- a non-economic loss lump sum of about $45,000-$46,000; and
- an economic loss lump sum of about $145,000.

In total, this hypothetical worker would receive about $373,000-$374,000 in compensation and services from the insurer. If the worker has not returned to work at the end of the three-year period, the return-to-work facilitation fund can then be used towards providing additional job-seeking services and retraining for the worker. With regard to the financial impact of amending the serious injury threshold, I am advised that such a change would make the proposed return-to-work reforms unviable.

WorkCover advises that it estimates there would be about 315 people injured at work each year who would meet a 15 per cent threshold of being seriously injured, which is 280 more claims than if the threshold were to remain at 30 per cent whole person impairment. In this one change the new return-to-work scheme could move from a balanced scheme, with appropriate support for those people who are more unlikely to be able to return to work easily, back to the equivalent of a pension scheme for many people. The government will oppose this amendment and subsequent ones.

The CHAIR: Any further comment, the Hon. Mr Lucas?

The Hon. R.I. LUCAS: I suspect that as these reforms are indicated, many of us will see this as one of the more challenging aspects of the WorkCover reforms in terms of what happens in practice—and, certainly, the issues that have been raised with the Hon. Tammy Franks have been raised with a number of us—but for the reasons I outlined earlier, the Liberal parliamentary party's position has been to support this feature of the bill, as challenging as it might be.

There are two issues I want to raise: one is that this particular clause and the amendment that the Hon. Tammy Franks is moving just reinforces for me my incredulity at the fact that, on an issue like this, given the lobby that has been put to the Hon. Tammy Franks, I have not received one letter from SA Unions or any of the more prominent unions in relation to this particular issue—not one lobby.

As I said, the only employee association that has made any public statement has been the police association, which issued a press statement and a public statement. So, on an issue as challenging as this particular one, and for someone like me, as I said in the second reading, who has lived through probably every one of the workers compensation debates from the early eighties onwards, it is extraordinary that an issue as fundamental as this to the workers compensation scheme can be reformed and changed without anyone raising concerns on behalf of employee associations.

The minister has outlined some of the alternative provisions in the bill which will be available for injured workers below a 30 per cent WPI, but I just wanted to clarify on the record, because this was one of the issues I did raise with WorkCover representatives when I met with them recently and

I received some advice from WorkCover on the issue. I place on the record that advice that I have received from WorkCover in relation to this issue.

4.1 We noted that the proposed scheme has a relatively low threshold for access to seriously injured support benefits of lifetime care and income support to pension age.

4.2 94% of workers are back at work prior to 2 year income support ceasing—expected to improve with RTW Bill and the new active service model.

4.3 Workers who reach 2 years with no job and a permanent impairment do receive a significant lump sum: eg

4.3.1 A 25 year old full time worker with a 29% permanent impairment (not eligible for serious injury) will receive a total lump sum of $486,880;

4.3.2 A 30 year old with a 29% permanent impairment (not eligible for serious injury) will receive a total lump sum of $469,380;

4.3.3 A 55 year old with a 29% permanent impairment (not eligible for serious injury) will receive a total lump sum of $346,880;

The minister in giving his example, which I think was of an injured worker with 27 per cent WPI—was that correct, 27 per cent?

The Hon. I.K. HUNTER: 20 per cent.

The Hon. R.I. LUCAS: The ones I have put on the record, provided by WorkCover, were for 29 per cent permanent impairment. The minister gave a breakdown and a total cost. I just wanted to clarify: the numbers I have been given here by WorkCover say a 'total lump sum of $486,000', for example. Is that an apples and apples comparison where the minister broke down income maintenance, medical expenses and whatever?

My interpretation was that this was just the lump sum for economic loss calculation, but I wanted to seek clarification, given that the minister gave a disaggregated figure with a total at the end and the numbers I have been given by WorkCover do use the phrase 'total lump sum of $486,880'. Just a clarification of the difference in terms of the calculation I have been given and the one the minister has put on the public record.

The Hon. I.K. HUNTER: I will try to confirm that for the honourable member. My suspicion is that in the cases of the examples provided by the Hon. Mr Lucas, as in the cases I provided, is that his total lump sum provided to him by WorkCover is probably an amalgamation of non-economic loss lump sum and economic loss lump sum. I will get confirmation before the end of the day on that. The parts I described involve two lump sums, and those are the non-economic loss lump sum and economic loss lump sum.

Amendment negatived.

The PRESIDENT: The Hon. Ms Franks, you have a number of consequential amendments.

The Hon. T.A. FRANKS: Yes, amendment No. 7 is a consequential amendment, as are at least the next five or six, so I will not move them.

The Hon. J.A. DARLEY: I move:

Amendment No 7 [Darley–1]—

Page 37, lines 31 to 41 and page 38, lines 1 to 3—Delete subclause (8)

Clause 21(8) of the bill deals with seriously-injured workers and provides that, in assessing whether the 30 per cent threshold has been met, impairment resulting from the physical injury is to be assessed separately from impairment resulting from psychiatric injury. In assessing the impairment resulting from physical injury or psychiatric injury, no regard is to be had to impairment that results from consequential mental harm, and in assessing the degree of whole-of-person impairment resulting from physical injury, no regard is to be had to impairment that results from the psychiatric injury or consequential mental harm, and the 30 per cent threshold is not met unless the degree of whole-person impairment resulting from physical injury is at least 30 per cent, or the degree of whole-person impairment resulting from psychiatric injury is at least 30 per cent.

The net effect of this clause is that the physical injuries are treated as separate to psychiatric injuries for the purposes of establishing whether an injured worker has a WPI of 30 per cent or more, and as such dramatically impacts the payments that workers will receive. It is unfair and will result in harsh and unjust consequences for injured workers. It will mean that most of those workers who are transitioned on to the new scheme will not meet the new 30 per cent impairment threshold. It will also mean that those workers will not be entitled to common law damages claims.

As I mentioned during my earlier contribution, one of the key criticisms of this bill is that the WPI is a blunt tool for an assessment of workers incapacity for work and treatment needs. It fails to address issues around major injuries, including complex multi-traumas and multi-skeletal injuries and it fails to address the medical reality of serious conditions generally. The restriction on combining physical and psychological injuries not only exacerbates this harsh approach but also serves to continue discrimination about psychological injuries.

The ALA has provided us with the example of the bank worker or health worker who was wounded in an armed hold-up or attacked by a mentally ill patient and suffers from both physical and psychological injuries as a result. Although the worker is able to recover from the physical injuries, they are not able to recover from the psychological injuries. These workers who are unable to work as a consequence of combined injuries will not reach the threshold and, as such, would not receive entitlements commensurate with the injuries they have sustained.

The fact that the bill goes on to limit the number of assessments for injuries arising out of the same trauma to one just adds insult to injury. What we should be considering are entitlements based on the effects on individual workers. I cannot and will not support these measures, and I urge other honourable members to do the same.

The Hon. I.K. HUNTER: This amendment applies to the threshold to gain access to the serious injury support workers and removes the criteria to be applied when determining whether the 30 per cent whole person impairment threshold is met. Specifically, it removes the separation of assessments for physical and psychiatric injuries and allows, as we debated earlier, consequential mental harm to be included in both physical and psychiatric assessments. This amendment, I suggest, will have significant cost impact on the scheme. Additionally, it is contrary to practices, I am advised, that are pursued in other Australian workers compensation jurisdictions. For those reasons, the government will oppose the amendment.

The Hon. T.A. FRANKS: The Greens will be supporting the Hon. John Darley's amendment. We believe that we should be adding injuries to injuries, not insult to injuries.

The Hon. R.I. LUCAS: For the reasons we have outlined earlier, we will not be supporting the amendment either.

Amendment negatived; clause passed.

Clause 22.

The Hon. J.A. DARLEY: I move:

Amendment No 8 [Darley–1]—

Page 38, line 32—After 'consult with' insert:

the Australian Medical Association (South Australia) Incorporated, and with other'

This amendment is consistent with feedback received from the Australian Medical Association. Clause 22 of the bill sets out the scheme for assessing the degree of impairment that applies to an injured worker and provides that an assessment must be made in accordance with the impairment assessment guidelines and made by a medical practitioner who holds a current accreditation. Subclause (5) goes on to provide that the minister must, before publishing or amending any such impairment assessment guidelines, consult with professional associations representing the class or classes of medical practitioners who hold accreditation.

The AMA is the peak stakeholder body representing medical professionals. As such, it seems appropriate to make it clear in the bill that the minister is to consult with that body before

publishing or amending any guidelines. I am sure the government will tell us it has every intent of doing this already, but this amendment simply serves to remove any doubt.

The Hon. I.K. HUNTER: This amendment creates a specific requirement for the minister to consult with the Australian Medical Association (South Australia), in addition to other professional associations, on permanent impairment assessment guidelines. It is important to point out that the AMA does not represent all health practitioners.

As already required in the Return to Work Bill, consultation on the permanent impairment guidelines will occur with the relevant professional associations. This will include the AMA where the issue being discussed is relevant to the AMA's membership base, just as other associations will be contacted when the contact is relevant to their membership base. I repeat: the AMA does not represent all health practitioners. Whilst this amendment is not material to the operation of the scheme, it is considered important that consultation be targeted at the relevant bodies for the relevant matter. The government, therefore, opposes this amendment.

The Hon. R.I. LUCAS: The Liberal Party's position is not a strong one in relation to this particular amendment. We understand the government's position in relation to the AMA not representing all medical professionals. Having been a shadow minister for health, albeit for a relatively short period of time, that is indeed correct. There are a range of other organisations which do represent medical professionals across the board and so on balance, as I said, whilst we do not hold particularly strong views one way or another, we would hope that practice will show that the AMA is consulted when they should be and that we do not have examples where the AMA will come to us afterwards saying, 'We should have been consulted on this particular issue and we were not.'

It just seems to make sense that where the AMA needs to be consulted they should be, but on balance we do accept the argument that there are other groups that do represent medical professionals. If you list one then the argument from the others, having been a shadow minister for health, will be, 'Well, if they are listed, then why aren't we?' On balance, for the reasons outlined, we will support the government's position.

Amendment negatived.

The Hon. J.A. DARLEY: I move:

Amendment No 9 [Darley–1]—

Page 39, lines 16 to 23—Delete paragraphs (d), (e) and (f)

It is strictly a consequential amendment, but I will move this as a stand-alone amendment based on the reasons outlined in my amendment No 7 to clause 21.

The Hon. I.K. HUNTER: This amendment does the same work effectively as amendment No 7, but in relation in this case to all permanent impairment assessments, that is, it removes a requirement for separation of assessments for physical and psychiatric injuries. It allows consequential mental harm to be included in assessments for both physical and psychiatric injuries and consistent with amendment No 7 this would have a significant cost impact on the scheme and be contrary to practices in other jurisdictions across the nation and therefore the government opposes this amendment.

Amendment negatived.

The Hon. T.A. FRANKS: I move:

Amendment No 16 [Franks–1]—

Page 39, lines 34 to 44 and page 40, lines 1 to 5—Delete subclauses (10) to (15)

This clause sets out the method for assessing permanent impairment. Such an assessment must be made in accordance with the impairment assessment guidelines. These guidelines are yet to be published and so we are being asked to support a section of the bill where there is a lack of detail. Just at this point, I do want to query whether the government's amendments do address my amendments on this issue. They are not jumping up and down, so no.

Further, to illustrate this, consider a worker who suffers a disc bulge which amounts to a 5 per cent whole person impairment. This worker can apply for a lump sum payment under both the existing and the new systems; however, under the new bill if that worker suffers a subsequent disc bulge amounting to another 5 per cent whole person impairment which is connected to the original trauma or develops as a consequence of the original trauma, this second disc bulge, I am informed, is not compensable.

Similarly, with a worker who injures their knee is assessed at 5 per cent WPI, then limps around for a couple of years until they develop a back injury which amounts to 7 per cent WPI, my information is that that person will not be entitled to compensation for the 7 per cent permanent impairment to their back.

The new bill also provides that an assessment of permanent impairment will be determined at a time determined or approved by the Return to Work Corporation of South Australia. One can imagine a situation where the corporation adopts a policy position of delaying assessments, the current system of assessments being made once injuries have stabilised works, and this change does nothing to add to that system. I would note that the CFMEU does not support this section of the government's bill and would like to see it deleted from the bill.

The Hon. J.A. DARLEY: Again I rise to support this amendment, which is identical to my amendment No. 16. Clause 22(10) provides that there is to be one assessment made in respect of the degree of a worker's permanent impairment from injuries arising out of the same trauma.

As I mentioned earlier, this provision fails to recognise the medical realities of serious injuries. You cannot, as the government has tried to do, adopt a one-size-fits-all approach to this issue. The harshness of this approach will be felt by most of those workers who are assessed as having injuries that fall shy of 30 per cent. This is because the difference in entitlements that apply to a worker with a WPI of 28 or 29 per cent is so starkly different from those that apply to a worker with a WPI of 30 per cent.

Try as it may to justify its position, the government has failed to convince me that two years of weekly payments, a further year of medical expenses and even a couple of lump sum payments are going to make up for the losses that injured workers will sustain in real terms. This should not be about limiting multiple permanent impairment assessments: it should be about fairness, something that is very lacking throughout this bill.

The Hon. I.K. HUNTER: This amendment removes the provision stipulating that only one permanent impairment assessment can be undertaken. The limit to one permanent impairment assessment is critical to the operation of the new scheme. This amendment will add significant cost, I am advised, to the new scheme and is contrary to good practice. A permanent impairment assessment should only be done once the work injury is stabilised and all factors can be taken into account. Allowing more than one permanent impairment assessment may also encourage doctor shopping and increase disputation in the scheme. For all of these reasons the government opposes the amendment.

The Hon. R.I. LUCAS: For the reasons we outlined earlier, we will not be supporting the amendment either.

Amendment negatived; clause passed.

Progress reported; committee to sit again.

STATUTES AMENDMENT (SUPERANNUATION) 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) (12:57): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill seeks to make amendments to the following Acts for the purpose of making amendments to the superannuation arrangements provided under those statutes: the Police Superannuation Act 1990, the Parliamentary Superannuation Act 1974, the Superannuation Act 1988 and the Southern State Superannuation Act 2009.

One of the main proposals dealt with in the Bill is the extension of the regulation making power under section 52 of the Police Superannuation Act 1990. This proposed power will enable regulations to be made that recognise salary in a prescribed manner for the purpose of determining contributions or benefits in relation to contributors to the Police Superannuation Scheme. An equivalent power already exists under Section 59 of the Superannuation Act 1988. This will enable regulations to be made that would recognise specific allowances for superannuation purposes from the date the member commenced or commences to receive the allowance.

The reason that this issue has arisen with respect to allowances payable to police officers is that the 'South Australia Police Enterprise Agreement 2011' (the 'Agreement'), dated 18 May 2011, provides that from 1 July 2011, 'Officers of Police' are entitled to be paid a 'Flexibility Allowance' of 5% of their annual salary. The Agreement also provides that 'for superannuation purposes, the Allowance will only operate and be applied with a prospective effect'. While this allowance will already be recognised under the Police Superannuation Act 1990 for contribution and benefit purposes, it will be necessary, in order to give effect to the provisions in the Agreement which state that the Allowance will only have 'prospective effect', to recognise the Allowance on a time weighted basis by regulation. This will prevent members of the Police Superannuation Scheme who are in receipt of this allowance from receiving a retrospective windfall gain in benefits, especially to those who may only receive that allowance for a short period of time in comparison to the period of service, to the detriment of the overall funding of the scheme.

There are two main proposals in the Bill which concern the Southern State Superannuation Act 2009. The first proposal concerns a minor technical problem with the membership provisions of Triple S. Section 19 of the Southern State Superannuation Act 2009 provides that a person is a member of the Scheme where the Crown, or an agency or instrumentality of the Crown is liable to pay a superannuation guarantee charge under Commonwealth legislation. Section 27 of the Superannuation Guarantee (Administration) Act 1992, being the Commonwealth legislation referred to in the Triple S membership provisions, effectively provides that employers are not required to make superannuation guarantee (SG) contributions in respect of those of its employees earning less than $450 per month. While not required, an employer may nevertheless choose to make contributions in respect of its employees in that category. In terms of Triple S membership, it has recently become apparent that State Government agencies are making superannuation contributions in respect of a number of employees earning less than $450 per month. This issue particularly affects those in receipt of disability support pensions who are employed by the Department of Communities and Social Inclusion, and being paid a percentage of the minimum wage payable. The problem is that under the strict interpretation of the legislation, these persons are not members of Triple S under section 19 of the Southern State Superannuation Act 2009, as there is no obligation on employers to make the SG contribution under Commonwealth law. This is despite the fact that they are otherwise treated as 'members' of Triple S. Therefore, to overcome this issue, the Bill seeks to amend section 19 of the Act to ensure that employees are also taken to be members of Triple S in such circumstances where the agency is not liable to make an SG contribution in respect of the member under the Commonwealth law, but nevertheless elects to make such a contribution. The Bill also seeks to insert transitional provisions to ensure that anyone affected by this anomaly prior to the commencement of the amendment will be taken to be a member of Triple S. This does not represent a change in policy but rather, seeks to formalise current practice amongst agencies.

The second proposal in the Bill relating to the Southern State Superannuation Act 2009 concerns the confidentiality provisions in section 28 of the Act. The need for the exchange of data held by the Super SA Board in the administration of Triple S, and by the Southern Select Superannuation Corporation in the administration of Super SA Select, is paramount, particularly since insurance coverage is provided to Super SA Select members through Triple S pursuant to the terms and conditions of the Southern State Superannuation Act 2009. The proposed amendment will facilitate the exchange of data between the two schemes, in that it will allow member information to be disclosed to the Southern Select Superannuation Corporation for purposes related to the administration of Triple S (eg insurance purposes), or Super SA Select. A corresponding amendment has already been made to the confidentiality provisions in the Public Corporation (Southern Select Super Corporation) Regulations 2012, being the regulations governing Southern Select Super Corporation.

The final main proposal in the Bill seeks to make amendments to the Superannuation Act 1988, the Police Superannuation Act 1990 and the Parliamentary Superannuation Act 1974 to permit the superannuation board of the relevant scheme to release a portion of a member's superannuation for the purpose of funding a 'Division 293 tax' debt incurred by that member. Division 293 tax is in general terms imposed on concessional contributions of high income earners whose income and relevant concessionally taxed contributions (referred to as low tax contributions) exceeds $300 000. The assessed Division 293 tax is 15% of low-tax contributions that exceed the $300 000 threshold. Commonwealth superannuation regulations permit the trustee to release superannuation upon being issued with a 'release authority' to pay for a Division 293 debt. However, the legislation governing the Pension and Lump Sum Scheme, Police Superannuation Scheme and Parliamentary Superannuation Scheme does not currently permit the relevant Board to release superannuation money for this purpose. The proposed amendments thereby seek to insert a mechanism for affected members to request the relevant Board to release funds direct to the Commissioner of Taxation for the purposes of paying a Division 293 tax debt. The payment of this tax is also applicable to members of Triple S under the Southern State Superannuation Act 2009, where their income and relevant concessionally taxed

contributions exceeds $300 000. This issue has been addressed separately in respect of Triple S members by regulations made under that Act.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

As there is no provision fixing a date for commencement, the measure will come into operation on the day on which it is assented to by the Governor in accordance with section 7 of the Acts Interpretation Act 1915.

Part 2—Amendment of Parliamentary Superannuation Act 1974

3—Insertion of section 23AAE

Proposed section 23AAE authorises the Parliamentary Superannuation Board to make payments to the Commissioner of Taxation, or to members, as required by the Taxation Administration Act 1953 of the Commonwealth for the purpose of facilitating payment of the Commonwealth Division 293 tax in relation to members of PSS3. The section provides that the Board must debit the amount of any such payment against the member's Government contribution account (or another account if the balance of the Government contribution account is not sufficient).

Part 3—Amendment of Police Superannuation Act 1990

4—Insertion of section 35B

Proposed section 35B will facilitate the payment of Division 293 tax for contributors to the Police Superannuation Scheme who are entitled to a pension. The section will authorise the Police Superannuation Board to commute a portion of a contributor's pension into a lump sum of the same amount as the Division 293 tax that the contributor is liable to pay.

If the Board receives a Division 293 release authority under the Taxation Administration Act 1953 of the Commonwealth, the Board must commute a portion of the pension of the contributor to whom the authority relates so as to provide a lump sum of the same amount as the tax. The lump sum must then be paid by the Board to the Commissioner of Taxation.

5—Amendment of section 52—Regulations

This clause recasts subsection (3) of section 52 of the Act so that the regulations may prescribe the salary of a contributor, or an amount taken to be salary, for the purposes of determining the contributor's contributions or benefits under the Act. Section 59 of the Superannuation Act 1988 includes a similar regulation making power.

Part 4—Amendment of Southern State Superannuation Act 2009

6—Amendment of section 3—Interpretation

This amendment to section 3 of the Southern State Superannuation Act 2009 makes it clear that a participating employer for the purposes of the Act is an employer with whom the South Australian Superannuation Board has entered into an arrangement under section 6 of the Act.

7—Amendment of section 19—Membership of scheme

Section 19 of the Act provides that a person is a member of the Triple S scheme if the Crown, or an agency or instrumentality of the Crown, is liable to pay a superannuation guarantee surcharge under Commonwealth legislation in relation to the person. As amended by this clause, the section will also provide that a person is a member of the scheme if the Crown, or an agency or instrumentality, is not required to pay a superannuation guarantee surcharge but pays an amount to the Treasurer in relation to the person as if it were required to do so under section 21 of the Act.

8—Amendment of section 28—Confidentiality

Section 28, which deals with confidentiality, is amended by this clause so that members of the Board and persons employed in the administration of the Act can divulge information of a personal or private nature, or information as to the entitlements or benefits of a person, to a person responsible for the administration of a prescribed scheme. The purpose of divulging the information must be related to the administration of the Act or the administration of the prescribed scheme. A prescribed scheme is a superannuation fund or scheme prescribed for the purposes of section 21.

9—Amendment of Schedule 1—Transitional provisions

This clause inserts a new transitional provision. Proposed clause 16B has the effect of deeming a person to have been a member of the Triple S scheme before the commencement of the amendment to section 19 made by clause 7 if the Crown, or an agency or instrumentality of the Crown, paid an amount to the Treasurer in relation to the person as if required to do so under section 21 of the Act (or under section 26 of the Southern State Superannuation Act 1994) even though there was no liability to pay a superannuation guarantee surcharge in relation to the person under Commonwealth legislation.

Part 5—Amendment of Superannuation Act 1988

10—Amendment of section 4—Interpretation

This clause inserts a number of new definitions necessary in relation to proposed provisions providing for the payment of Division 293 tax. A Division 293 release authority is a release authority relating to Division 293 tax issued by the Commonwealth Commissioner of Taxation. Division 293 tax has the same meaning as in the Commonwealth Income Tax Assessment Act 1997.

11—Insertion of section 32E

This proposed new section applies to new scheme contributors under the Superannuation Act 1988. If the South Australian Superannuation Board receives a Division 293 release authority in relation to a contributor who is entitled to a benefit, the Board is required to pay to the Commissioner of Taxation, from the contributor's benefit, an amount equal to the Division 293 tax payable by the contributor.

The proposed section also makes provision for an amount of a contributor's benefit to be set aside for Division 293 tax purposes even though a release authority has not yet been issued. Under the relevant provisions, a contributor who has, or will shortly have, an entitlement to a benefit may request the Board to withhold from the benefit (or potential benefit) an amount equal to the contributor's estimate of the amount of Division 293 tax he or she is or will be liable to pay. On receiving a Division 293 release authority in respect of the contributor, the Board must pay the contributor's tax to the Commissioner of Taxation from the amount that has been withheld at the contributor's request. Any balance of the withheld amount is to be paid to the contributor.

12—Insertion of section 40AB

Proposed section 40AB will facilitate the payment of Division 293 tax for old scheme contributors who are entitled to a pension. The section will authorise the South Australian Superannuation Board to commute a portion of a contributor's pension into a lump sum of the same amount as the Division 293 tax that the contributor is liable to pay.

If the Board receives a Division 293 release authority under the Taxation Administration Act 1953 of the Commonwealth, the Board must commute a portion of the pension of the contributor to whom the authority relates so as to provide a lump sum of the same amount as the tax. The lump sum must then be paid by the Board to the Commissioner of Taxation.

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

Sitting suspended from 12:58 to 14:17.

Condolence

SUCH, HON. R.B.

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) (14:17): By leave, I move:

That the Legislative Council expresses its deep regret at the passing of the Hon. Robert Bruce Such, MP, member for Fisher in the House of Assembly, former speaker of the House of Assembly and former minister of the Crown, and places on record its appreciation of his distinguished public service and that, as a mark of respect to his memory, the sitting of the council be suspended until the ringing of the bells.

With the leave of the council I rise today to pay my respects to Dr Bob Such. It is with great sadness that we learnt on 11 October of his passing. Bob Such was the member for the seat of Fisher in the South Australian House of Assembly from 1989 until his recent passing, and one of our longest-serving MPs. Bob was joint father of the house with Michael Atkinson.

Bob grew up in Hawthorndene in the Adelaide Hills and attended Coromandel Valley Primary School and Goodwood Boys Technical High School. Education was also important to Bob, both his own personal education and his commitment to the education profession. He gained a Bachelor of Arts (Hons) in economics and politics and a PhD in environmental politics from Flinders University. He also gained a Diploma of Teaching from what is now the University of South Australia, and a Diploma of Education from the University of Adelaide.

Before entering politics, Bob was a teacher, lecturer and researcher in the fields of politics, economics and the environment at what is now the University of South Australia. Rather than simply observe politics from afar or teach it or write about it, Bob did politics—and he did so wonderfully because in life he was an exemplar of what people wanted from a local member of parliament: principled, scrupulously fair, hardworking and intensely loyal to his electorate. His lengthy and very firm grasp of the seat of Fisher is testament to the depth of his commitment to doing good local politics. There are now voters in the seat of Fisher who would have met Bob as preschoolers when he visited them as their local member.

As a parliamentarian, Bob Such had an extraordinary career, first as a backbencher, then a shadow minister, then minister for employment, training and further education and for youth affairs, and after that an Independent MP and Speaker. He entered parliament after defeating Labor MP Philip Tyler at the 1989 election and gained several ministerial portfolios under the Brown Liberal government. Falling out with the new Olsen Liberal hierarchy and removed from the ministry, he became an Independent in 2000 and remained staunchly so for the remainder of his political life, to the point of not putting any preferences on his how-to-vote cards.

Bob was elected to the position of Deputy Speaker and Chairman of Committees in February 2002. Following the resignation of Peter Lewis as Speaker in April 2005, Bob became Speaker of the House of Assembly, a role he held until April 2006. Bob was a member of many parliamentary committees, including the Environment, Resources and Development Committee, the Social Development Committee and the Economic and Finance Committee.

Bob's term as Speaker was marked by a gentle but firm authority. He was determined to use the role to enhance the credibility of parliament and did so without fear or favour. He wanted to make parliament more family-friendly and more welcoming to young people. One of his many initiatives, for instance, was the youth parliament.

Bob Such leaves an interesting reputation as a tireless proposer of many other novel ideas for parliament. He was a strong believer in electronic democracy and of using broadcast and digital media to more fully inform people of the actual workings of parliament. He even proposed limiting the terms of legislative councillors from eight to four years and the Legislative Council losing its power to veto legislation.

In the years since 2000, Bob tabled over 50 bills on a wide variety of subjects. Whilst only a few of these actually passed successfully through both houses, there is no doubting the depth of his reformist intentions. As any minister here would know, Bob was also one of the most prolific letter writers in parliament, usually in the ferocious pursuit of the interests of his constituents.

A check of our correspondence file shows that he sent me large numbers of letters in relation to every portfolio that I have ever held. In fact, I think he sent me the most letters from any member of parliament of any political persuasion and over the most extraordinary range of issues; everything from blue swimmer crab harvesting licences to cemetery regulations to raw milk—the list is quite staggering. This reflects not just his passion to defend the rights of the people of his electorate of Fisher but also his very broad range of interests in public affairs.

Dr Bob Such was a remarkable individual, an extremely likeable and energetic man who was always interested in and focused on people around him. I always enjoyed his company immensely. His affable good humour always made him a pleasure to work with on committees and in the forums of parliamentary life. Since his passing, there has been a wide and sincere expression of sorrow for this warm and principled man, especially amongst the people of his southern suburbs seat, who have indeed lost a very dear friend.

Bob was a gentleman in the truest possible sense, a gentle person with a sincerity that people could immediately sense as genuine and heartfelt. In addition, the word 'integrity' has recurred frequently in the many tributes to Bob, for there is no doubt that he was held in an esteemed way to which we all aspire. Quite rightly, he was loved for those qualities.

It is not yet certain how South Australia will honour Dr Bob Such. There is no doubt that we will find a fitting manner to do so, but at this time it is important that we reflect today that Bob honoured us in this chamber and another place as a fellow politician whose character transcended the political divides. Our thoughts are with Bob's wife, Lyn, and his family at this time. Vale, Bob Such.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I rise to second the motion, and endorse the comments made by the Leader of the Government and add a few of my own. Firstly, I would like to offer my deepest condolences to Mrs Lyn Such and the entire Such family during this most difficult of times. Twenty-five years is a long time to do anything, let alone devote oneself to serving others, and to devote oneself to a career as a public servant and continually advocate for the betterment of the community which you respect. That is exactly what the late member for Fisher (Hon. Dr Bob Such) did.

It is with the greatest sincerity that I say Dr Such leaves behind a legacy—a legacy of being a true Independent with a tireless work ethic. Although his roots stem from the Liberal Party, Dr Such made the decision to run as an Independent because he thought he could better represent his constituents in Fisher. In fact, in his press release announcing his defection from the Liberal Party, Dr Such said:

> My decision today is motivated by a concern for South Australia, and in particular, the people who have elected me.

I do not think anyone could question the sincerity of that statement made by Mr Such. Although leaving the Liberal Party may not have been a decision I endorsed, it is one which I have respected. The decision was made out of selflessness and a constant aspiration to better service his constituents—the very difficult nature of this decision is a testament to Dr Such's character and lasting legacy.

This condolence motion should be regarded as a celebration of Dr Such's life and his achievements, of which there are many. In parliament, Dr Such was an industrious member with an enormous work ethic, and this did not go unnoticed by his colleagues or his constituents. As the minister suggested, he wrote a voluminous number of letters. Even as members of the opposition who have not had the chance to be ministers, we were still inundated with letters during the time that I have been in this parliament.

Dr Such's hard work was the foundation of a decorated and even enviable parliamentary career. He was a cabinet minister in the Brown government, he was Speaker of the parliament, and he was privileged to win elections on seven occasions and represented the people of Fisher for more than a quarter of a century. Dr Such's legacy is typified by his willingness to tackle every issue which came his way. He was passionate about many things from education standards to legislation against puppy farms, voluntary euthanasia, and a more generous welfare sector.

On a more personal note, I did have the pleasure to sit with Dr Such for a number of years in the ERD Committee, and during that time I gained a great appreciation and respect for him and the number of topics in which he had such a wide interest. One topic in particular was his view about natural burial grounds, and it is at the time of recognising his passing that that comes back to me, as somebody who sat on that committee with him for a number of years.

Without question, Dr Such is one of the most passionate members of parliament that I have come across in my 12 years in this place. Dr Such will be sorely missed, and I think it is safe to say that South Australian parliament has lost one of its true champions.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:27): I would also like to rise today to express my sadness for the recent passing of Dr Bob Such. Bob's passing will leave a vacuum, I think, in South Australian politics, and he will be sorely missed by many of us. Of course, he represented the people of his electorate of Fisher since 1989; it is an area where he was born, and the place he always called home. His love for and commitment to his community was always clearly evident to me, and of course it was rewarded over many elections by the people of Fisher.

Dr Such gave 25 years of service as the member for Fisher, including periods as minister for employment, training and further education and minister for youth affairs. During his period as Speaker of the House of Assembly he gained the reputation as a thorough, meticulous and very fair Speaker.

Mr President, today I would like to concentrate on Bob Such's values, because it is his values, honesty and integrity that we will miss the most. I think Bob was a true progressive; he contemplated every issue seriously and from an individual point of view, but he never let political arguments detract from what he felt would be in the best interests of the people—particularly in the best interests of his people.

I can refer to his considered support for issues such as reforms of the sex industry, voluntary euthanasia, and also various issues around gay rights. He fundamentally believed in equal opportunities for citizens, and he was never afraid to speak his mind on these issues. At the same time, he took his role as a representative of the people of Fisher very seriously. He firmly believed that his role was to represent as best he could the interests, values and beliefs of the electors of Fisher, and not, as he used to say, 'for the Bob Such crusade,' or anyone else's crusade, for that matter.

During second reading speeches on the Same Sex Marriage Bill in the House of Assembly in July 2013, he stated that, while he personally supported same-sex marriage:

> I would remind members that we are not in here to impose our view one way or the other on any issue: we are in here to represent our electorate.

He spent a great deal of time canvassing and speaking to the members of his electorate on various bills and motions. In doing so, he provided information, he would converse with his electors, correspond with them and encourage them to be open about debate. As anyone who knew Bob will know, he was also never shy to reveal his own thoughts and beliefs on issues after a little period of time. Again, I can quote Bob on the subject of same-sex marriage, because it was an issue we both thought very important. He said:

> The issue then comes down to whether people should be treated equally in regard to a commitment they want to make to someone...I do not see any justification for discriminating against people on the basis of marriage...I do not believe marriage belongs to a particular religion, secular group or whatever. It is an indication of a commitment that should be available to those in the community who want it.

He was a man of very strong beliefs and great integrity and, as my leader and the Leader of the Opposition have also remarked, he was very likeable.

He was always very free with advice, particularly to me as a new member, and that never let up. In fact, he probably thought that I especially needed his advice, and perhaps he was right, but his guidance was always appreciated and in fact I learnt quite a bit from Bob about politics and how this place functions and how it can function better. As other members have noted, I could not count the number of letters and notes that he used to send, on a whole variety of topics, and he would always follow up, saying, 'Did you get my note? Did you get my letter? What did you think?' On occasions, I had to pretend that in fact I did give it very deep consideration, from time to time. He always saw through that ruse, I must say.

I can recount a particularly interesting episode: I was driving home one evening from this place, I think, and Bob must have seen me driving by. I think he was visiting one of his sons. He dropped his son unceremoniously in the driveway apparently and did not even say goodbye to him; he jumped in his car and followed me home. He then banged on the door and demanded to come in for a cup of tea and a chat, and about three hours later he left. We had a very interesting conversation that day about all manner of things and, again, I learned quite a deal about a number of things I had heretofore no interest in.

But that was Bob, and I just wanted to illustrate briefly the kind of man that Bob was: friendly, spontaneous, always willing to have a laugh, and not in an unkind way. I think we will all miss him in this place. The electorate of Fisher will certainly miss him, and so, I think, will many people across the whole state who have run across Bob in some way during his lifetime. I also offer my sincerest condolences to his wife Lyn, his sons and grandchildren for their great loss.

The Hon. M.C. PARNELL (14:32): I rise to pay my respects to the late Bob Such and to add my support to the motion. In my 8½ years in this place, I think this is the first time I have spoken on a condolence motion, and that is because it is the first time that a person we are honouring in this way is someone who I have actually known well and, in Bob's case, someone who I worked closely with over the last eight years.

As has been said by other members, Bob Such was a passionate and dedicated representative who campaigned, often against the odds, on a wide range of issues. I reckon that if frequent flyer points were allocated for the number of items of business that Bob had on the parliamentary agenda at any one time, he would have travelled the world many times over. For those who listen to proceedings in the other place, you would have noticed that if Bob did not have a new item of business to add to the Notice Paper each day, then that usually attracted observations of disbelief from the Speaker and other members of the House of Assembly. We have all grown accustomed to a parliamentary agenda that is full of Bob's passions and matters of importance to his electorate.

There was often a lot of overlap between Bob's issues and those that the Greens embrace. Of course, Bob was not technically a Green, but he came very close on one occasion that I recall, which was when the Environment, Resources and Development Committee was on a field trip to the West Coast. We found ourselves in a very small boat in very big seas. Even though I had dosed up on seasickness drugs, it was a rough trip and I felt pretty crook, but I do not think Bob had taken any medication, and he suffered the most. Bob was extremely green that day and probably wished that he was somewhere else. When we eventually got to Baird Bay for a spot of swimming with the sea lions, I recall that Bob was very focused on the horizon, and whilst the Hon. David Ridgway and, I think, you Mr President, stripped off for a swim, Bob and I stayed on the boat—

Members interjecting:

The Hon. M.C. PARNELL: We stayed on the boat not talking much but sharing a common endeavour to hang on to our lunch, and it was a bonding shared experience that I remember. I want to reflect on some of Bob's work and particularly those campaigns on which we worked together. The first will be no surprise: it is the matter of voluntary euthanasia. Bob Such was a tireless advocate for the rights of terminally ill people suffering intolerably from incurable conditions to be able to exercise some end-of-life choice, including the right to die with dignity.

Bob had a voluntary euthanasia bill before parliament for much of his time here as a constant reminder to the parliament that this issue is not going away any time soon. Those of us who have worked on this issue know that one day the campaign will succeed, and I am just very disappointed that Bob will not get to see that day. When it does come, I have no doubt that he will be remembered as a pioneer of law reform.

One other issue that I will mention is that Bob was also very passionate about the environment, especially trees and native vegetation in our urban areas. No doubt his passion resonated with his voters in Fisher, which is still green and leafy in many parts, and where residents value the environment and they valued a local member who was dedicated to its protection.

With those brief words I wholeheartedly support this motion, offer my condolences to Lyn and other members of Bob's family and note that we have now lost a man of great integrity to the South Australian parliament, and he will be much missed.

The Hon. J.M.A. LENSINK (14:36): Of course I am going to get emotional; I am sorry. I have known Bob Such for the 20-odd years I have been active in politics. I first got to know him as the shadow minister for education, employment and youth affairs when I was an active Young Liberal, and I was one of many young people with whom he engaged in his policy discussions.

Bob had a great passion for that role, which he was to take into government following the landslide election of the Liberal Party in 1993. As someone who served on the state executive of the Liberal Party during the mid-nineties, Bob would, from time to time, represent premier Brown at meetings. Our most memorable meeting followed reforms to firearm ownership laws in the wake of the Port Arthur massacre when the Liberal Party received a large number of new membership applications in a very short space of time, all in the seat then held by the deputy premier and minister for police, the Hon. Stephen Baker. I think I will leave my remarks on the proceedings of that meeting at that.

Bob's relationship with the Liberal Party was to be a casualty of the difficulties the party had in the 1990s, but I am pleased to say that I always maintained my friendship with him—in many ways because he was such a thoroughly decent human being that it overcame whatever party loyalties

might try to dictate. When I entered parliament in 2003, he was one of the most welcoming of my new colleagues. We subsequently served together on the Environment, Resources and Development Committee where he was a valuable and experienced member. During this time, he initiated inquiries into many things, including natural burial grounds, as he had been approached by a couple who wanted to provide this service but the existing rules would not allow them.

Bob was diagnosed with prostate cancer in 2005, and he won that battle. He became an advocate of men's health checks and was very supportive of others who fought that disease. Bob and I were to come across each other regularly through our mutual interest in the environment, and particularly in relation to trees. There is an organisation called Treenet which holds an annual symposium in Adelaide every September, a full day session of presentations on all sorts of topics in which both of us participated, and I think the Hon. Mark Parnell and the Hon. Rob Brokenshire have as well, followed by practical sessions at the Waite Arboretum.

Bob was a member of the management committee of Treenet from February 2007. Treenet founder, David Lawry, OAM, has told me that Bob attended every management meeting in person or by phone almost without fail. David and his wife Julie visited Bob and Lyn about six weeks prior to his passing, and I think it is true to his character that David says Bob was more concerned about David's health, him being a cancer survivor who has recently undergone surgery, than himself.

Treenet has helped to educate many of us in this place about the benefits of trees as part of our biodiversity in reducing the heat island effect of cities in summer, stormwater harvesting and improving the mental health of local residents, to name a few. I know that Bob's thinking was also shaped by Professor Chris Daniels, who has presented in many public fora in his area of expertise, urban ecology, about the importance of our backyards to the ongoing health of our local native species.

In this context Bob and I worked together to try to educate the government about its significant tree laws (and I also acknowledge the Hon. Mr Parnell), which still protect some of the wrong trees while exposing some of the most beneficial to being more easily removed. Bob organised meetings with the minister's office and much correspondence, and in that I acknowledge his staff, Barbara and Linda, who in meetings where we would be discussing these things he would refer to them and ensure that they would type up some letters for his signature.

Bob's genuine interest in his community has been mentioned many times, as people remember him since his passing on 11 October. He saw himself as a servant and would frequently survey his constituents on issues so that he would genuinely represent his electorate. As his wife Lyn has publicly described him, Bob was a great ideas man. While Bob was known for his campaigns on voluntary euthanasia and speed cameras, his motions on the *Notice Paper* included a whole range of issues including parole, litter, nano materials, food standards, ADSL broadband and anti-social behaviour.

It is worth noting that Bob tabled a private member's bill in 2012 to put in place a better regime to regulate puppy farms, which is the precursor to the bill that has now been tabled in this place. Bob was a prolific writer of letters to his colleagues in parliament and he was still writing letters to the paper after his diagnosis earlier this year. He regularly appeared on radio, especially in recent years on FIVEaa, and Leon Byner gave a touching tribute to Bob on 13 October, two days after Bob passed.

I spoke to Bob on the opening day of parliament in May. He thanked me for a gift of some native plants which I knew he and Lyn would enjoy, given their love of nature. He also advised me not to delay getting early health checks, something which I will certainly take on board. That was the last time most of us were to see him, and it is so sad that this illness took him so soon. We will miss him, and our thoughts are with his family.

The Hon. R.L. BROKENSHIRE (14:42): I rise to support this condolence motion. I begin by talking about my association with Bob, which happened soon after he was elected in 1989 because, as the member for Fisher, he was very active in the south, and as a member of the Liberal Party most of my activities were also in the south. I had the privilege of joining Bob in 1993, not only as a member of the Liberal Party but also because we had adjoining seats, and we had common interests.

Prior to that, when Bob was elected in 1989, he had Alan Williams as his campaign manager and adviser to assist him through that. From 1993, for a long period of time after that, I actually had Alan Williams with me, and I had the benefit of the support from Bob Such and also Alan Williams right through the campaigning period of 1992-93. Together we worked adjoining boundaries with quite a lot of crossover for a 13-year period, a period I very much enjoyed.

We worked together cooperatively so that we could do the best we could for both Bob's electorate of Fisher and my electorate of Mawson, because we obviously had shared schools like the Reynella East Primary School, the Reynella High School and the Woodcroft Primary School. We had Neighbourhood Watch and also retirement villages that crossed over between the electorates. Never did Bob and I have a cross word about what we were doing. We tried to work together on the boundary issues and worked out that, if he was at one function I could be at another function, including a lot of the Christmas functions.

When he became the minister for youth and further education, he loved those portfolios, because he wanted to see everybody aspire to their maximum opportunities when it came to self development, particularly with his focus on young people, but also in being able to capitalise on the best possible outcomes with, in particular, higher education. He was always a very strong supporter of technical high schools, having gone to Goody Tech and then gone on to get his PhD in probably the most difficult way that you could. He was a sponge when it came to his capacity to absorb and learn. You only have to have a look at his qualifications to see that that was the case.

I particularly remember one day. Bob was always young of mind, and he loved to get in a car and work with youth. He strongly supported a program where you got youth at risk and brought them in with senior people, including I believe police there in the southern suburbs, to a park area near the TAFE where they learnt to build, develop and upgrade cars, and then they could actually take those cars for a sprint. I will never forget the smile on Bob's face when he got in that car and gave it everything he possibly could. He looked about 17, not probably the 47 or so that he was then.

Bob taught me a few other things very early. He said that, whether you are a minister or a backbencher, you need to be able to actually somehow manage your electorate and ministerial duties with your own personal family duties and take some time out. Bob was able to ensure even as a minister that some days he was not available, as hard as he worked, because he wanted to recharge his batteries, and spend some time with Lyn and his garden. He was a prolific gardener. He had a very big garden. He loved his fruit orchards, and he regularly spoke to me about that.

There was no doubt that Bob Such was a master of the electorate when it came to, firstly, caring most genuinely and compassionately for his electorate, but also being able to spread himself across the electorate. He taught me a lot about how you worked out what functions you could go to and what functions you could not go to. He always had the ones he could not go to covered, but he for some reason had this incredible knack of being able to be at the functions that really mattered where he was seen, where he was observed and where he was able to put in the best amount of time that he had.

With speed cameras, we all know that speed detection was something that Bob could never quite get his head around when it came to the laws of the state, the location of those cameras and sometimes the debates around whether or not he, or anyone else for that matter, should have been charged with that expiation notice. I particularly copped a lot of that when I became police minister because that was then an opportunity for those 3½ years for Bob to be there whenever he could, showing me an example of where the police were in the wrong place, it was unfair, it was unjust, he would have to take it up and what was I going to do about it? It was an operational matter, so it was very difficult for me to do anything about it, but Bob continued to pursue his beliefs in this right through, as we know, to spending quite a lot of his own money on one particular court case to prove the point.

We were driving out to community cabinet at the Tea Tree Gully council, I think in 2000. I will never forget this most unfortunate and sad time for me in my relationship with Bob, as I heard an announcement on the radio that Bob was going to leave the Liberal Party. I had a personal opinion about that. I felt we still needed him and he would have been able to serve well with the Liberal Party ongoing, but that was a decision that he made. Whilst, to be totally honest, there was a bit of tension

there for a while, it was only for a short while because we did have a strong relationship and we continued to work together. We were still friends right through all of that.

He was a true Independent, and he never, ever compromised himself. He reluctantly took on the Speaker's position—I think that needs to be placed on the public record. He did not proactively go out for that even though he would have been able to get that or probably a ministerial position. He believed that he had to remain truly independent and, indeed, he did. As a result of that, I think at the last election he received 38 per cent of the primary vote because of his connection with the electorate and the belief of the electorate in Bob Such.

When he was Speaker, members would not be surprised that on one occasion I was actually kicked out of the parliament. I was suspended for the day, and guess who chose to suspend me? It was my friend, the Hon. Bob Such, the Speaker of the house, so I got home early that day. I smiled the next day at Bob and said, 'Thanks, mate. I got an early minute and Mandy did not mind that at all.'

I was displaying a piece of paper and I think Bob was at the end of his tether that day. I can assure the house that it was not me stirring Bob up: it was many others, but I just happened to pick up the piece of paper at the wrong time and Bob Such said, 'I name the member for Mawson.' I will never forget that, but he was right and it was proper for him to suspend me for the day.

Bob had a real interest in agriculture and he often used to talk about his relatives in the Mallee and his experiences up there. Bob would also ask, 'How is farming going?' and we would have some indepth chats about that. Once I moved to the Legislative Council I saw Bob regularly because he used to come in for some reason, probably to get his lunch, after he had done his shopping trip. I do not know how Lyn ever kept up with his shopping.

When they were coming into the car park at parliament most members would often have seen Bob walking across North Terrace with a bag, which was often a Harris Scarfe bag, because Bob had been out there doing his regular shopping. I guess he combined that love of shopping with the fact that there was probably some political advantage in him being seen in a busy area like Rundle Mall.

We know that he always liked a chat and as he approached you for that chat he always had a smile on his face. Sadly, the last time I was able to speak to Bob personally was here in May when we had a joint sitting for the new term of government. I had the privilege and pleasure of shaking his hand. We said a few things, but there was that connection that my thoughts were certainly with him, and he was very proud to be here that day, as tough as it must have been for him.

I want to finish by saying that Bob was a very good political and professional friend to me and I thank you, Bob, for the mentoring that you gave me especially in those early years. Barbara, his personal assistant, was with him for the whole 25 years, as I recollect, and did a sterling and very tough and difficult job during those last few months when Bob was very unwell. Barbara also worked with my, sadly now also deceased, personal assistant Fiona Byrne for that 13-year period.

They worked very closely together, and Bob and I were so proud of the efforts of both Barbara and Fiona. Lyn was always the Rock of Gibraltar, the strength and supporter of Bob. It was very tragic that Bob was taken way too early and it would have been nice down the track to have seen Lyn and Bob enjoy some time together outside of politics. My thoughts are with you, Lyn. You have been a fantastic supporter of Bob; and to Bob's boys and family, also my condolences and sympathy.

The Hon. J.M. GAZZOLA (14:52): I rise to support the motion. It is with sadness and fond recognition that we remember Dr Such, the member for Fisher. I knew him to be a man of true integrity and veracity. I always found in my dealings with Dr Such a respectful, considerate and, at certain times, inspirational person. He had a trait to listen, analyse and debate any issue in a professional and considerate way.

His presence will certainly be missed in parliament and it will not be the same without his character, his strength and his conviction. His devotion to public service was indeed admirable, and his contribution will be remembered for many years. We offer our thoughts and condolences to Bob's wife, Lyn, his staff and friends at this sad time.

The Hon. K.L. VINCENT (14:53): I unfortunately did not have the pleasure of knowing Bob for as long as some other members have, but in the relatively short time that I did know him I grew to respect and admire him very greatly. My first memory of Bob—it probably was not the first time that I met him, but it is the first time that I can recall at the moment—was when he came up to me in the Blue Room while my staff and I were having lunch and said hello and asked me if it was correct that I had just been appointed to the Social Development Committee.

This was not long after my appointment to the parliament. I said yes and he smiled and said, 'I will see you there then' and proceeded to give me a high five. As I was just adjusting to the rather formal proceedings of parliament this struck me as a very unusual, but not unwelcome, gesture. In the time that we served together on that committee my respect for Bob only grew. He was always very thorough, but fair, in his questioning of whichever witness we had before us on the day, and he never let his personal opinion get in the way.

Even though many of our political passions were quite aligned, I never saw him let his personal opinion get in the way of giving fair questioning to witnesses before the committee and getting the comprehensive information that he felt he needed to find the right solution for the community of South Australia. That was something that I very much respected about Bob. In fact, the Hon. Robert Brokenshire has proved me wrong because I was about to say that I never heard Bob say a cross word, but I am sure it was very justified on the occasion that the Hon. Mr Brokenshire has illustrated.

Recently, Bob and I went on a trip together to Coober Pedy with the Social Development Committee, looking at the issues around alcohol consumption there because the committee was at the time doing a report on the sale and consumption of alcohol. His wife Lyn had instructed him to drive up there because she did not like the thought of him boarding small planes, so he had his car up there. He very kindly offered to help me get from place to place if it was too far for me to travel in my wheelchair. He always waited for me. Even if the others went off to do their thing, he always waited for me to load and unload my wheelchair from the car and he did anything he could to assist, which I very much appreciated.

On one occasion, while we were driving around, he asked me if I would mind if he put some music on. Of course, I said yes. Had I known that it was the greatest hits of Liza Minnelli, I might not have been so quick to consent. Certain parts of it were fabulous, but after about the second or third play of the whole album, you do get a bit tired.

When I found out that Bob was ill yet again, despite his efforts and advocacy in the area of health, it was with great sadness that I heard that news. I immediately sent a card and some flowers to his office because I felt that that was the most I could do. When I saw Bob for the last time here in this place for the opening of parliament, I remember seeing him walking down the chamber to his seat. He was being guided by someone because he was unwell. I waved at him and blew a quick kiss to him across the chamber. When somebody had pointed out that that is what I had done, he found his way around to me and blew a kiss back, which was lovely.

After the proceedings were over he came up to me to say thank you for the card. He really should not have had to come up to me, but he made the effort to let me know how grateful he was that I had sent some thoughts his way at that difficult time. He gave me a big hug and just kept holding on to me and saying, 'Thank you. Thank you so much.' I just kept saying, 'I'm sorry'. What else can you do when it is so hard to see someone you admire so much, someone who is usually so strong, going through that? You wish there were other words you could find but, sadly, even someone who loves language as much as myself struggles at a time like that.

I am sorry. I am sorry that this parliament will be a much less colourful and comprehensive place without Bob. As other members have pointed out, he was always very thorough in his research and not shy about putting his views across. I am sorry that the electorate of Fisher has lost a very dedicated and passionate member, and I am sorry that his family has lost such a truly lovely and honourable man.

The Hon. S.G. WADE (14:59): I rise today to support the condolence motion on the passing of the Hon. Dr Bob Such. Bob was a giant of the Parliament of South Australia. He was a scholar, a gentleman and a champion of the little people. Bob was a man who lived a life defined by his clear

principles and he never wavered from them. He never wavered from standing for what he believed in, for defending the underdog and ensuring that everyone in South Australia had access to the same quality of life and privileges as society's most affluent.

Dr Such was passionate about our state's health system and, in particular, men's health. Long before it was an accepted part of the health lexicon, Bob was pursuing an individual men's health policy in the lead-up to the 1992 election. He was ahead of his time in recognising the importance of a focus on men's health and often talked about men being their own worst enemy when it came to looking after themselves and seeking treatment.

Even before being diagnosed with prostate cancer in 2005, Dr Such was urging men to have their health properly checked at regular intervals. Following his diagnosis Bob stated that it was ironic that he should have prostate cancer as he had provided material to all of the male MPs on prostate awareness for years. But, true to form, rather than wallow in self pity, Bob saw his cancer as an opportunity to further encourage his colleagues and the public to get regular check-ups.

He wanted men to understand that delaying check-ups could in some cases be deadly. He lamented that, 'When I was first diagnosed there were some blokes who didn't even know they had a prostate,' and that 'a macho man is a dead man'. When questioned about his speaking out on such a personal subject Bob said, 'If it helps save one person then it's worth doing.'

Bob was a huge advocate for the da Vinci surgical robot. South Australia's only da Vinci machine is located at St Andrew's Hospital serving both private and public patients. Bob was operated on using the da Vinci robot in 2005 and moved a motion in this parliament to commend the government for its support of the da Vinci surgical robot and to request an upgrade. Bob knew the power of the robot. He had experienced it firsthand and he wanted to ensure that many more people would have the opportunity to be healed at the hands of talented surgeons using cutting-edge technology.

Bob was tireless. He understood fundamentally that to be a member of parliament means to serve your constituency. For Bob, Fisher came first. When asked once why he continued to toil in parliament when he could earn more money for less in the private sector, Bob responded by saying, 'Each day I'm excited to wake up and tackle the issues. You've got to live this job.'

I convey my condolences to Dr Such's family at this time. I know that his family and especially his wife Lyn have lived the parliamentary ride with Bob and I thank them for their support and service to both Bob and the Fisher community. He will be sorely missed but his contribution to South Australia and his awareness of men's health will live on. Vale, Bob Such.

The Hon. J.S. LEE (15:02): I rise to express my deepest condolences to Mrs Lyn Such and the family of the Hon. Dr Bob Such, the late member for Fisher. I would like to pay my great respects to this honourable politician with a big smile and a big heart. I served with Dr Bob Such on the Social Development Committee when I was first elected in 2010. He was very kind to me, being a new member, and I remember him being very supportive when I brought the new migrants inquiry to the Social Development Committee. He was always advocating for the less fortunate in the community.

I found Bob to be a true gentleman with a great intellect and deep connection with his constituents. I was also on the Coober Pedy trip with the Hon. Kelly Vincent, and I certainly witnessed the affection and caring side of Bob towards the Hon. Kelly Vincent. I certainly enjoyed working with Bob and admired his great capacity and passion to engage and debate important issues and policies for the betterment of South Australia.

I lost my beloved mother in June this year through cancer so I know the enormous pain and suffering one has to endure when coping with life-threatening illness, and then to lose a strong pillar in the family. My thoughts and prayers are with his family at this very sad time. I also want to remember Bob's long and outstanding parliamentary and community service—it shall be remembered and honoured.

The Hon. T.T. NGO (15:04): I also rise to support this motion and make my contribution to this motion as a way to celebrate the life of a great man. First of all, I would like to pass on my condolences and prayers to Bob's family, especially his wife and his two sons. I have not been around

this place long enough to know Bob personally; however, by all accounts and from the contributions made by honourable members, he was very well-liked and respected.

I am told by his constituents that he was a man of integrity and a man of his word. That was why his electorate stood by him all those years. Not many people who run for parliament as an Independent are able to withstand and defeat both major political parties, Liberal and Labor, time after time. Obviously, Bob was very well-liked and popular among his community, as is evident from his being elected and returned seven times.

The Hon. Mr Brokenshire outlined earlier that Bob had a way of working out which functions to attend. As a new member of this place, I would love to have had the opportunity to know Bob and have a chat to him about this issue, as we all know the number of invitations we get each week. Finally, once again, I would like to pass on my condolences to Bob's family. This house also recognises his contribution to parliament and his contribution to the people of South Australia.

The Hon. T.A. FRANKS (15:07): I rise also to support this condolence motion. Like many of you, my first experience of Bob Such, or minister Such as he was then back in 1995, was when we exchanged correspondence, although I initiated it by writing him a letter and I was very pleased with the response that I got. At the time, I was the newly-elected state president of the National Union of Students of South Australia. Like other student representatives around the country, I was quite concerned that Liberal governments were implementing voluntary student unionism (VSU).

I thought I would write to minister Such and ask him to guarantee that he would not implement VSU. To my great delight, I received a letter quite quickly that indeed guaranteed that, under his ministry, he would not implement VSU in South Australia. We put that letter up on the wall of the state office of NUS for 1995. I am not sure how much longer it stayed there after I left, but certainly, for pretty much the duration of that year, we had that letter from a Liberal minister guaranteeing that he would not attack the ability of students to have representation and to organise.

Indeed, he was quite firmly committed to that well into his years both as minister and further on, and he dubbed that a petty settling of old scores, and I refer to the 1999 *Hansard*—that I quoted, in a document on behalf of Senator Natasha Stott Despoja, then Senator of the Australian Democrats to the federal parliament, as an example of how the Liberals could approach this issue from a libertarian and representative perspective. He said:

> If the students at university do not like what is being done with their money, they should do something about it: they should get off their backsides and change the rules. I am afraid that what is happening is that people are fighting the battles of the 1970s. The universe does not begin or end at Monash.

He went on to say that, unlike his federal colleagues, Dr Such welcomed freedom of speech rather than the silence of dissent. He continued that student organisations:

> …should be a thorn in the side, at times, on issues. They should be challenging or questioning whether it is a Labor, Liberal or whatever government. The tragedy is that the universities have been silenced. Apart from a few academics, not many people are prepared to say anything because they are afraid of having their funding cut.

That was my first experience of Dr Bob Such, and it was certainly a very positive one. It was to be borne out in my respect for Dr Such. I think it is fitting that we are moving this motion today, private members' business day because in the time that I have been in this place, Thursdays in the other place were once known as Bob Such Day on private members' business day.

Indeed, as my colleague the Hon. Mark Parnell referred to, if Dr Such did not have a new item of business on a Thursday morning, people did wonder what he had been up to and what was going on. Dr Such put many issues on the agenda of this parliament, whether that was puppy mills or puppy factories, companion animal reform, voluntary euthanasia, e-democracy, lowering the youth voting age to 16 from the current age of 18, tobacco plain packaging, same-sex parenting, and respect for sexuality and human rights.

I remember quite well his speech when he moved a civil unions bill on behalf of his constituents, which would have covered same-sex couples but also opposite-sex couples. He said it should be the right of everyone to have a civil union, regardless of their sexuality, and they should not necessarily have to have a marriage. That was, again, a very Bob Such perspective: having a

different view of the world and not being afraid to put it out there, not only to this parliament but of course to his community.

I think his community, while they did not always agree with every single thing that he did or said, knew that he had the courage of his convictions and he was not scared of saying things that perhaps challenged the status quo. Dr Such was indeed a real liberal, and the last time I saw him prior to the time that we were all in this place for the opening of parliament was when he fronted the press pack outside the Leader of the Opposition's door, just after the state election. He walked out to an absolute throng, and I remember standing at the end of the corridor and watching him speak to that press pack for over 15 minutes.

He said some things that I had never heard him talk about; he noted that at times in this place people had wished him dead when he had previously been ill. He talked about some of the less noble aspects of political life, but I think Bob's legacy will be the of the more noble aspect of political life: the contest of ideas that this place allows for, in a way that is truly reflective of a democracy. I think we should not be afraid to see many more days in this place be Bob Such Day. With those few words, I commend the motion.

The Hon. B.V. FINNIGAN (15:13): I rise to support the condolence motion for the late Hon. Dr Bob Such, who was undoubtedly a great servant of South Australia, and a particularly great parliamentarian in his use of the parliament to represent his constituents and to advocate for particular issues and causes. I guess I had encountered Bob in passing, but my first experience of him was probably in the 2006 election. As you would recall, Mr President, since that election elected you, that was an extremely good election for the Labor party.

The Labor Party preselected Amanda Rishworth, now the federal member for Kingston, to run for Fisher for Labor. I was involved in the campaign and, despite having a very enthusiastic and energetic candidate, and doing all the things that you do in campaigns, including street corner meetings, doorknocking and all the rest of it, and despite being an extremely good election for Labor, we still at the time were unable to make much of a dent in Bob's primary vote, such was his command of support in the electorate.

He was one of those members, particularly Independent members, where you realised that he was the consummate retail politician. That is, he was entirely in touch with the people on the ground of his electorate, and that is what counts. Even though he certainly he did not paper the electorate with colourful, glossy flyers or any of that sort of regular campaigning that I guess the major parties do, nonetheless people knew him and they respected him for what he did for them and for the state, and they returned him handily on so many occasions.

Like all honourable members, I received regular correspondence from Bob with that very distinctive letterhead with the leaves on it, the bit of foliage, and it is certainly true that there was almost no issue for which Bob did not have a bill or a motion to advance. He was certainly the master of using parliament to advocate for issues, as well as representing his constituents with such diligence. I am reminded of the quote by Edmund Burke, which is perhaps over quoted, that:

> Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

I do not think anyone would accuse Bob of being a based populist and always looking for the political angle, always pursuing an issue or a cause or representing people for political advantage. He was very passionate about what he believed and what he felt was right for South Australia and for his constituents, and they are the things that motivated and inspired him. I think the parliament and the state have lost a great parliamentarian and servant. I extend my condolences to his family. May he have eternal rest.

The Hon. J.S.L. DAWKINS (15:16): I rise to support this motion that is dedicated to the Hon. Dr Bob Such. I first knew Bob Such before he was a member of parliament. In fact, in the 1989 state election campaign, I did a significant amount of advanced party work for the Liberal Party, and we had a number of marginal seats we had to win. We in fact won five, which was not quite enough, but one of those was Fisher. I suppose as a flat country man from the north of Adelaide I learnt a bit more about those hilly suburbs just to the south. Certainly, I remember the energy that he took into that campaign; it stuck with me for a long time.

Also, like the Hon. Michelle Lensink, I do remember sharing some of those times on state executive when he came along as a proxy delegate for the premier. I also had quite a lot to do with Bob for another reason before I came to this parliament when I worked for Alexander Downer in his seat of Mayo, because actually for some significant period there was quite a crossover between the federal seat of Mayo and the state seat of Fisher. For one election period in particular, there were a couple of quite significant suburbs that were in the two electorates, so we had a bit in common there.

Obviously, when I came to this parliament, we were both in the Liberal Party joint party room together. Early in those days I remember a Liberal Party seminar at Port Pirie, and I remember the Hon. Mr Brokenshire being there. I think it was just before he was elevated to be a minister, actually. On the way home from Port Pirie, I needed a ride and so I rode home to Adelaide with the Hon. Dr Such, in a relatively small car. I cannot remember what it was, but he certainly gave me a lot of advice. He extoled his country connections, and I think many people here would probably have heard about his country cousins in various places, but with every town we went through on the way back from Port Pirie, he had a connection to it in some form or another.

The other connection I had with him for a brief period of time was when he served as the Speaker of the House of Assembly and was on the Joint Parliamentary Service Committee. He was only there for a short time, and I suppose to say that he was energetic and tested some of the traditions of the JPSC would be an understatement. I do extend my sympathy to all of the Such family and support the motion.

The Hon. J.A. DARLEY (15:20): It is with great sadness that I rise to add my condolences on the passing of the member for Fisher, Dr Bob Such. It was with great shock that I learned of Bob's passing. Bob was a highly respected gentleman both in this place and in the community. Having held the seat of Fisher for 25 years, it is clear that his electorate held him in highest regard and the greatest confidence that he would represent them in parliament.

Bob was an extremely hard-working local member. He kept his electorate updated with his regular *Such and Such* newsletters and often brought matters which constituents had raised with him into the parliament. He embodied the essence of what a good local member should be. Like most, I was saddened to hear of Bob's brain tumour diagnosis shortly after the election. With his tenacity and fighting spirit, I was convinced that Bob would beat the disease and return to parliament before we knew it.

Bob was never a whinger and so I was not aware of the toll that the treatment was having on him until he came into the parliament a couple of months ago following a treatment session at the hospital. Although physically Bob had changed quite dramatically, mentally and spiritually Bob was the same. He spoke with great admiration of the medical practitioners who had helped him with his treatment. He said we had the best care in the world and commented on how lucky we all are that specialist doctors and nurses chose to remain in Adelaide when really the world was their oyster.

It struck me then how remarkable Bob was. Here he was in pain and suffering but instead of feeling sorry for himself he only had good things to say about other people. He then went on to talk about the state and about his idea to have a place in the museum which highlights the number of firsts that South Australia has achieved. Even though physically tired, Bob's eyes lit up when he spoke about his state, and the passion he had for South Australia was obvious. When we encouraged him to focus on getting better, it was clear that he considered matters of the state to be far more important than himself. Selflessness like this is a quality very rarely found in many people.

In looking back at Bob's parliamentary career, it is clear that he was passionate about parliament itself. He believed that parliament and government should be open and transparent and proposed a number of measures to increase accountability, improve parliamentary efficiency and enhance community engagement. This included proposing sittings of parliament in the regions, public broadcasting of proceedings, streamlining parliamentary proceedings, allowing 16 and 17 year olds the right to vote and improving freedom of information legislation.

In recent years he was also successful in introducing spent convictions legislation which allowed certain convictions to be expunged from a person's record after a prescribed length of time. Of course, Bob was also a well-known advocate for the right to die, and he campaigned heavily on allowing voluntary euthanasia. Bob was a sincerely nice guy who gave so much of himself to serve

the public and his community. He will be sorely missed by everyone who knew him including myself and my staff. I offer my condolences to his wife Lyn and his family at this difficult time.

The Hon. R.I. LUCAS (15:24): I rise to support the motion. I would have first met Bob some time around the mid-eighties when, as shadow minister for education for the Liberal Party during the period 1985-1989, Bob, together with a number of others with an education background in the party, would have been providing advice on education policy as we led into the 1989 campaign. Right through until recent years, for a number of years I worked with Bob on a pollie panel with a Labor representative, who changed over the years, on the Leon Byner show on FIVEaa, where regularly for half an hour every second Friday we would come together to answer questions and talk about matters of state interest. Obviously, towards the end, it was not a huge rating success for the FIVEaa people because I think it was cancelled last year some time when the Byner show finished at 12 rather than at 1 o'clock.

I have known Bob through all of that period, and during his period of parliamentary service I knew him obviously through his work as a local MP, as a shadow minister, as a minister and as a committee representative and I saw his work as Speaker. I do not think there is any doubt that the role that best suited Bob and the one he enjoyed the most and performed the best in was the job as local MP, local representative for his constituents in Fisher.

His maiden speech said that he had door knocked 7,000 homes and, as the Hon. Mr Dawkins indicated, he ran an energetic campaign. I do not know whether he always door knocked 7,000 homes each election period after that, but he nevertheless maintained ongoing contact with his constituency. The vox pops that we saw on a number of television stations since his passing, and even during the speculation about the current by-election, indicates that many people the journalists speak to in the streets and the shopping centres knew Bob personally or knew of him and his work, which is testimony to his connection with his electorate.

He had many passions, about which other members have spoken. He came in as part of the class of '89: luminaries such as Brokenshire, Kotz, Brindal, Matthew and Such were the five new members who were elected at that time, all of whom eventually served in some capacity or other as ministers. I was speaking with Mark Brindal this morning, and he asked through me to convey his condolences to Lyn and the family in the motion we were to speak to this afternoon.

He reminded me that he has a number of mementos of Bob's and told a number of stories, many of which cannot be shared on a public occasion. However, he indicated that he baked and decorated the cake for Bob's wedding. He still has somewhere at home a plaque that says, 'To Mark Brindal, master chef to the rich and famous'. He was not sure whether Bob was referring to himself as the rich or the famous, or both, but he says that he still has that plaque for the cake he baked and decorated.

I had a lot to do with Bob in the education portfolio, both as shadow minister and as minister. As the Hon. Mr Brokenshire has indicated, he had a great passion for the old tech schools because of his Goody tech background. Unsurprisingly, even though it was strongly opposed by the Labor government, the AEU and many others, we had as a strong policy plank during that period a newer version of the old technical high schools through the period of the 1990s that we were looking to reintroduce.

Of course, now at the national level they have been taken up and called trade colleges or trade schools. But Bob was a great advocate, particularly from the basis of his view that not everyone was suited to what he saw as the mainstreaming going on with secondary schooling, that it did not suit everybody and that there were particular people that he was trying to represent who he believed would be much better suited to a technical trade background earlier in secondary schooling, together with as much other general education as you could get into them, but that connection he believed would be best for a significant number of, particularly as he would argue, young men at that time.

He was also a very strong supporter of initiatives that we took on and took to the election during that period in terms of additional help for children with special learning needs and learning difficulties, and students with disabilities within our government school system. We had a number of policy initiatives in relation to increased speech pathology support and increased learning centres for those who had particular problems.

Of course, his brother John, I think, was a principal of Ashford Special School. Bob would make sure that I would go along and have a look at the work that was being done there, and listen to John and his colleagues in terms of what the Liberal Party should do in terms of genuine reform in this particular area of education. Bob was a very active participant not just in those limited number of areas of the education debate but in many other areas of the education debate as well.

As the Hon. Mr Brokenshire has referred to, it would have been a much more difficult time I guess for Rob Brokenshire, because he was a lower house colleague and sat with Bob much more often than we in the Legislative Council. There is a certain distance between the Legislative Council and the House of Assembly in all political parties, so it would have been much tougher, but I must admit it was a very disappointing time when Bob left the Liberal Party during that second term of the Liberal government.

There were a number of issues, not the least being of course that there was, as has been publicly reported, a very significant preselection challenge from a very prominent former federal Liberal MP with very strong environmental credentials. Nevertheless, it was disappointing in the end when Bob made that decision to leave the party. All through the years since then, as I said, whilst it would have been much harder for the Hon. Mr Brokenshire, who had to work with lower house members on a daily basis, nevertheless, the rest of us in the Legislative Council and others continued to maintain a cordial working relationship with Bob through the passage of the years.

Bob had some say a wicked sense of humour; others would say an unusual sense of humour. I just give one example. When I was treasurer in this chamber between 1997 and 2002, I would have to go to the House of Assembly to deliver the budget speech. The lectern would be positioned on the floor of the House of Assembly so that as treasurer I could deliver the budget speech.

On the very first occasion, which would have been in 1998, as I walked in there with the budget speech tucked under my arm and was about to address the House of Assembly on the important issues of finance in the state, there was a piece of notepaper with the unmistakable handwriting of Bob Such on it saying, 'Today, we will singing hymn number [whatever it is].' I cannot remember now. I have still got it somewhere, but it sort of threw me a bit when I saw this. I recognised immediately the handwriting even though it was not signed. It was Bob Such with a touch of humour on what was otherwise meant to be a very serious occasion.

I know I speak on behalf of many former members of the parliament from the Liberal Party, such as Mark Brindal and others, who obviously do not have the opportunity to publicly stand up and share in the condolence motion today. As I said, I have only had the opportunity to speak to Mark Brindal, and he asked for his condolences to be put on the public record as well. I know I would be speaking on behalf of many former members in supporting the condolence motion today and passing on our condolences to Lyn, the family, friends and acquaintances of Bob Such.

The PRESIDENT (15:34): I would just like to say a few words. I, like many in this chamber, knew Bob through the various committees that we served on. I did quite a bit travelling with Bob, and I remember the trip that the Hon. Mr Parnell spoke about up there at Baird Bay. We got there after a two-hour trip, I think, on the high seas. It was quite a big swell and there were very high cliffs, and at the bottom of the swell you could not see the cliffs. Bob was sitting there with a little hat on in the corner of the boat. It must have been the only time I have seen Bob not able to say a word in all the time I knew him. When we got to Baird Bay there were a number of people swimming around and he actually did contemplate for a minute getting in the water, but the sight of the Hon. Mr Ridgway swimming around like a dugong amongst the seals put an end to that thought very quickly.

One thing about Bob is that not only was he a great politician, but he was also a great leader because Bob actually tackled and took on and supported many very progressive social issues even though he served in a reasonably conservative seat. Bob's view was that he would explain his position, educate his electorate and take them along with him. He increased his vote in nearly every election he had, so Bob was not frightened of showing leadership in those issues.

The last trip I took with Bob was over to Newcastle for the Social Development Committee. Late at night we went out for a walk and, as we were looking at binge drinking, we went around to the various establishments that were selling alcohol. I watched Bob talk to various people, whether they were young or old, and he was just a natural. People warmed to Bob very well and he would

extract information out of them which he used himself for his own thought processes. So it was a great privilege to actually see Bob in action. I would like to give my condolences to his family and to Lyn in particular. This parliament will be worse off without Bob.

Motion carried by members standing in their places in silence.

[Sitting suspended from 15:36 to 15:55]

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

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

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (15:55): I bring up the 11th report of the committee.

Report received.

The Hon. G.A. KANDELAARS: I bring up the 12th report of the committee.

Report received and read.

Question Time

WATER PRICING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:01): I seek leave to make a brief explanation before the Minister for Sustainability, Environment and Conservation a question about the 'Brockument'.

Leave granted.

The Hon. D.W. RIDGWAY: Following the signing of the document between the member for Frome, Mr Geoff Brock, and the Premier in March this year (which we refer to on this side of the chamber as the 'Brockument') I noticed there were a number of points here. I will quote from it:

I refer to our discussions about the need for stable and effective government in South Australia following the State election on 15 March 2014.

I am pleased that we have agreed in principle on a set of arrangements designed to achieve that end. I confirm that under those arrangements—

and a number of them are listed, but in particular I am interested in No. 5, which states:

The Labor Party will commit a re-elected State Government to a number of projects and issues of particular concern to the communities in the electorate of Frome, and will commit to the investigation of a number of other projects also of concern to the communities in the electorate of Frome.

It goes on to say, at the end of the second page:

The Labor Party is prepared to investigate a number of other issues and projects that communities in the electorate of Frome have identified as significant to them. These issues and projects include—

and there is a list of about 10, but in particular No. 5 states:

Relief for Clare Valley wine growers in respect of their water requirements; in particular by investigating the possibility of periods of inter-peak water use and night-time use of water.

My question to the minister responsible for water is: since the signing of that document, what work has been undertaken by the government or SA Water to investigate the possibility of interpeak water use and night-time use of water?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:04): I thank the honourable member for his most important question, and I would like to commend him for his regular interrogation of the government on matters of great importance to people in rural and regional South Australia.

The Hon. D.W. Ridgway: And the people of Frome.

The Hon. I.K. HUNTER: The people of Frome have an excellent member in their own right to represent them.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. HUNTER: I'm pretty sure they will make up their own mind on these matters. In relation to the question asked by the honourable member, whether you live in Clare or Adelaide or McLaren Vale or, indeed, the Riverland, everyone pays the same price per kilolitre for the water that SA Water supplies, regardless of the cost of supplying that water.

SA Water has been working very closely with the Clare Region Winegrape Growers Association to explore opportunities to supply water via third party access arrangements during peak periods at a lesser price than the statewide price. On 3 July 2014, SA Water met with representatives of the association and presented an indicative commercial structural proposal for the association's consideration.

This proposal involves SA Water's infrastructure being used to transport water secured by the Clare Valley irrigators themselves under their River Murray licences during the peak summer period at a lesser price than the statewide price. This arrangement is subject to there being a period of time during the day with spare capacity existing in SA Water's system when pumping could take place at a cheaper price than applies normally.

The association was advised at the meeting on 3 July 2014 that hydraulic modelling undertaken by SA Water confirms there is capacity within SA Water's network to develop a summer viticulture product in the period of 9pm to 5am. During this time window, SA Water pumping costs are cheaper, I am advised.

This proposal would deliver the intended outcome of relief to the irrigators and generate additional revenue for SA Water, of course, through increased water consumption with—and this is the important point—no additional cost to be borne by South Australian taxpayers. SA Water understands the association has engaged with irrigators to seek their feedback, further identifying issues of concern. Importantly, this is a model that could be applied elsewhere in the network, should there be sufficient capacity to do so.

I am also advised that, on 14 October 2014, SA Water met with the association to give feedback on SA Water's proposal and, during this meeting, I understand the association made a counterproposal to SA Water for which SA Water is now conducting financial modelling. Of course, a formal response to the association is planned to be provided very soon, once that modelling has been undertaken.

WATER PRICING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:07): The minister said that he had been advised that it could be transported at a cheaper price than the normal price. How much cheaper? What advice was it that he received?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:07): I do not have that information before me and, of course, I do not yet know whether that will be commercial in confidence.

WATER INDUSTRY REFORMS

The Hon. J.M.A. LENSINK (16:07): My question is to the Minister for Water and the River Murray. Can the minister outline whether he has had any briefings from ESCOSA either post-election or pre-election?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:08): I am not sure that I would actually qualify that as saying that I have had briefings from ESCOSA. Of course, I meet with ESCOSA regularly.

WATER INDUSTRY REFORMS

The Hon. J.M.A. LENSINK (16:08): Supplementary question: can the minister advise whether, in any of those meetings, Dr Kerin expressed a view that the structure of our state's water industry needed to be reviewed?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:08): I have no such recollection.

WATER INDUSTRY REFORMS

The Hon. J.M.A. LENSINK (16:08): I seek leave to make a brief explanation before directing a question to the Minister for Water and the River Murray.

Leave granted.

The Hon. J.M.A. LENSINK: Yesterday, in response to a question in this place, the minister said:

> In terms of our third party access legislation, I understand that we are in discussions with the commonwealth on that and once we have a response from the commonwealth and we can address any concerns they might have then I will proceed further.

My question to the minister is: can he confirm whether this negotiation is under the commonwealth's asset recycling program?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:09): It is not.

WATER INDUSTRY REFORMS

The Hon. J.M.A. LENSINK (16:09): Supplementary question: does it then relate to matters to do with irrigation?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:09): I believe so.

MURRAY-DARLING BASIN

The Hon. S.G. WADE (16:09): I ask some questions of the Minister for Water and the River Murray. Can the minister advise why the government is yet to sign a project agreement for South Australia to access the Australian government's $25 million Murray-Darling Basin Economic Diversification Program, and why has it taken more than a year to negotiate a project agreement for South Australia to access this funding, particularly when all other states are already delivering their allocation on agreed projects?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:10): I thank the honourable member for his most important question. I undertake to take that question to the minister responsible in the other place and bring back a response on his behalf.

MECHEXPO

The Hon. J.M. GAZZOLA (16:10): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Training and Skills about MechExpo 2014.

Leave granted.

The Hon. J.M. GAZZOLA: Sir, as you know, showcasing student excellence is an important activity in encouraging and inspiring other young people to consider a career in science, technology, engineering and maths. Minister, will you explain what MechExpo is?

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) (16:10): I thank the honourable member for his most important question. Mr President, this year marks the 20th year of the University of Adelaide's annual showcase event for their graduating mechanical engineering students. This event, appropriately entitled MechExpo, will be combined with a new exhibition called Ingenuity 2014, which proudly showcases the skills of students across other disciplines such as computer and mathematical sciences, as well as engineering.

Both of these showcasing events are valuable education resources for high school students, teachers, industry and the wider public to raise profile of STEM careers and inspire young people. At least two graduates of the University of Adelaide's mechanical engineering course are particularly inspiring. One is celebrated NASA astronaut Andy Thomas, and the other is Andrea Boyd, who now works as an operations engineer for the International Space Station.

Andrea, a 2001 graduate from Torrens Valley Christian School in Hope Valley, now works in Belgium, controlling some of the functions of the International Space Station—a real-life story that should convince any sceptics worried that a STEM career is not exciting or suitable for young women. I am also very pleased to see that Andrea will be giving the keynote address at MechExpo this year.

MechExpo allows more than 200 students in their final honours year of the Bachelor of Engineering to demonstrate their projects. These projects span the disciplines of mechanical, mechatronic, aerospace, automotive, sports and sustainable energy engineering. There will be more than 60 innovative projects on display at the Adelaide Convention Centre, reflecting the fascinating and diverse applications of mechanical engineering. Students work either alone or in groups of up to nine people on projects ranging from design-and-build to theoretical research.

In some cases, students work closely with external companies to develop solutions for industry problems, and some students will obtain sponsorship to further their research and development in their chosen field. This type of collaborative research and development, where the higher education innovation and research meet real world needs, is one that the government is keen to encourage.

An example of this collaborative approach is a project sponsored by the Novita Children's Service. Students worked with Novita to determine the feasibility of designing a lower-body exoskeleton device, with joints actively supported at the hips and the knees and passively supported at the ankles and lower back, to help children correct their walking gait patterns.

MechExpo 2014 will not only celebrate this year's newly minted mechanical engineering honours students, it will also celebrate all who have contributed to the Adelaide University School of Mechanical Engineering over the last 20 years. MechExpo is a free event, open to the public tonight from 6pm to 9pm and Thursday, 30 October from 10am to 4pm. I encourage all members present to attend and view the excellent and inspiring work of these South Australian students.

PASTORAL BOARD

The Hon. R.L. BROKENSHIRE (16:14): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about the future of the Pastoral Land Management and Conservation Act 1989.

Leave granted.

The Hon. R.L. BROKENSHIRE: As mentioned on 28 October in this parliament, the Pastoral Board was established to administer the Pastoral Land Management and Conservation Act 1989, which included management of the pastoral lease system, implementation of property plans to prevent land degradation, and also collecting and recording annual stock returns and assisting the Valuer-General in determining the far too high pastoral rents. Also on 28 October, I asked the honourable minister Hunter whether the government had plans to abolish or amend the Pastoral Land Management and Conservation Act.

The honourable minister's answer was, and I quote, 'I have nothing further to say at this point in time.' My esteemed colleague was also unable to elaborate, when asked the question by the Hon. David Ridgway, on whether the announcement had been made to abolish the boards without any plans in place as to how the government planned to interact with the industry or how the industry would connect with the government. Therefore, I try again, and my questions through you, Mr President, to the minister are:

1. Since I last stood in this chamber asking sensible questions about what the future holds for pastoralists following the elimination of the Pastoral Board, has the minister had time to recollect if he plans to abolish or amend the act?

2. If considering amendments to the Pastoral Act, will the government commit to providing pastoralists the same diversification opportunities they have now?

3. If the government is not going to support drought relief assistance, will you allow permits so that, if the lease is capable of any diversification opportunities, the lessee can pursue these opportunities? For example: grow some hay and fodder on self-mulching soils to feed a breeder herd.

4. Will the government commit to trialling new ventures here in South Australia for the pastoralists?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:16): I thank the honourable member for his most important questions and his intriguing suggestions to me and to the government in general. Some of those suggestions do not apply to my portfolio area, of course, but I can say to him I refer him to my answers in this place yesterday. I have nothing new to inform him or this chamber of, but I will certainly take on board his interesting suggestions and seek some advice on those.

GARAGE SALE TRAIL

The Hon. G.A. KANDELAARS (16:17): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about the recent Garage Sale Trail and how this initiative is assisting people in changing their attitudes to waste?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:17): I thank the honourable member for his most important question and I look forward to responding. South Australia has developed a nation-leading reputation, as you know, in waste management and recycling. Each year, the state government through Zero Waste SA commissions a review of recycling activities in our state. The 2012-13 study was undertaken by Rawtec Pty Ltd and showed that, in the 2012-13 financial year, South Australians diverted 77.4 per cent of all generated waste from landfill.

Resources recovery has continued to grow over the years, I am advised. Since 2003-04, resources recovery has nearly doubled, from 2 million tonnes to nearly 4 million tonnes per year. The benefits of this are quite enormous. From an environmental perspective alone, resources recovery in 2012-13 resulted in an estimated saving in greenhouse gas emissions of 1.23 tonnes of CO_2, and about 13,160 megalitres of water (very precise) were saved, equating to 5,260 Olympic-sized swimming pools. From an economic perspective, the total direct market value of recovered materials for South Australia in 2013-14 was estimated to be $299 million.

The waste industry has become one of our state's fastest growing industries. Today, it is worth $1 billion a year and directly contributes $500 million to our gross state product. The industry

also employs around 4,800 people directly and indirectly, I am advised. These results are thanks to a range of innovative programs and incentives that have led to the willing participation of the wider community.

One such initiative is the Garage Sale Trail, which was held on 25 October in 10 local council areas across the city. The Garage Sale Trail is a not-for-profit community enterprise that aims to promote the reuse and reduction of waste to landfill. It promotes awareness about illegal dumping, unites communities and stimulates local economies. Since the first Garage Sale Trail took place in Bondi in May 2010 it has grown from strength to strength, with around 350,000 people taking part in the initiative this year across the nation.

The state government was pleased to support the event through Zero Waste SA. Over 250 garage sales, I understand, were registered in South Australia for the event that offered South Australians a fun and creative way of reducing the amount of reusable materials put out for council collection or disposed of at council drop-off centres. This of course reduces the amount of waste going to landfill. The event also helps make us all aware of our consumption habits.

The 2014 Garage Sale Trail received extensive coverage and was widely promoted through a partnership with ABC 891 radio and the Messenger Press contributing to its success. The philosophy behind the Garage Sale Trail promotes the idea of reuse that is particularly important today where people are quick to both consume and throw things away. It also taps into the emerging trend of 'upcycling' where people convert waste materials or useless products into new products or art works.

While this may seem quite normal to many of us who belong to a slightly older generation, who would have known this practice as being necessary, it is a very welcome trend in today's consumer-driven society—and particularly with hipsters like the Hon. Gerry Kandelaars. In the spirit of the South Australian Garage Sale Trail, I personally donated a very important piece of vintage clothing from my perspective—

The Hon. J.M.A. Lensink: Leather pants?

The Hon. I.K. HUNTER: Close. The Hon. Michelle Lensink is very close in her estimation. In fact, it was a purple leather bomber jacket which I bought I believe in—

The Hon. J.M.A. Lensink: 1984.

The Hon. I.K. HUNTER: Indeed! The Hon. Michelle Lensink is spot on. It is an item of clothing which relates back to my Mars Bar days. Indeed, I was particularly fond of wearing it, I remember, and always found myself being particularly lucky when I had that piece of clothing on, in relation to garnering dance partners and not dancing alone.

An honourable member interjecting:

The Hon. I.K. HUNTER: Bless. I used to be. I hasten to add I haven't fitted into that purple bomber jacket for about 35 years—no, not quite that much, but for many years indeed. If we are to continue to improve our fantastic track record in resource recovery, and continue to grow our waste industry, participation in events such as the Garage Sale Trail will be important to continue educating the public and capturing people's imaginations, as my purple bomber jacket undoubtedly has done.

I would like to take this opportunity to congratulate the organisers of the Garage Sale Trail, Mr Andrew Valder and Mr Darryl Nichols, for a very successful initiative. I would also like to commend the South Australian councils who put their hand up to participate in the 2014 event and all the people who took part, helping the environment and having a bit of fun.

VICTIMS OF CRIME ACT

The Hon. M.C. PARNELL (16:22): I seek leave to make a brief explanation before asking the leader of the government a question in her capacity representing the Attorney-General on the subject of draft amendments to the Victims of Crime Act.

Leave granted.

The Hon. M.C. PARNELL: I have recently received correspondence from a constituent who is a practising solicitor in relation to the government's draft amendments to the Victims of Crime Act. My constituent informs me that the draft amendments propose to double the maximum compensation available to extremely seriously-injured applicants from $50,000 to $100,000 but, according to my constituent's analysis, this will impact only a very small number of applicants in real terms because of the way that financial and non-financial loss is calculated and assessed by the Crown Solicitor. My constituent writes:

> Payments for non-financial loss under both the old and new legislation are calculated by reference to the worst conceivable injury (a brain injured quadriplegic). If a person is only 10% as bad as the worst conceivable injury, they will receive an award calculated at one tenth the maximum under the old Act and considerably less than one tenth the maximum under the amendments.
>
> Consequently for almost all applicants payment for pain and suffering will rise by approximately $2000 and they will only be able to achieve a higher figure if they are able to demonstrate significant medical expenses or loss of wages.

Additionally, there are some concerns over the costs accessible by legal practitioners relating to legal challenges or appeals to the Crown Solicitor's determination. In my constituent's view, it is difficult to properly assess the merits of the draft bill without the Attorney-General having provided any draft regulations concerning legal fees. My questions to the Attorney-General are:

1. Can the Attorney provide an estimate as to the number of victims who will no longer qualify for compensation due to the raising of the threshold and the consequent savings to the fund from claims no longer payable?

2. Can the Attorney-General provide an estimate of the number of claims where applicants will receive in excess of the current maximum of $50,000 and the consequent costs to the fund?

3. Will government give consideration to amending the proposed legislation so as to achieve a doubling of the compensation awarded to all victims?

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) (16:25): I thank the honourable member for his questions and will refer them to the Attorney-General in another place and present back a response.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (16:25): My question is to the Minister for Sustainability. Has the minister received any advice that any of his ministerial staff have used private email accounts to transact official government business?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:25): I am not aware of the advice the Hon. Mr Lucas might be asking me for. Advice from whom?

MINISTERIAL STAFF

The Hon. R.I. LUCAS (16:25): By way of a supplementary question, I did not realise this was reverse question time. It sounds like the minister might be a bit uncomfortable with the question. It is a simple question: all I am asking is whether this issue was raised in the ICAC report in relation to ministerial staffers. I am asking whether the minister has received advice from anybody, whether it be the ICAC, whether it be his own staff, whether it be public servants, whether it be other ministers or whether it be the police. Has he received any advice at all of any of his staff using private email accounts to transact government business?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:26): In some situations which the honourable member just clarified in his supplementary question, I would not be at liberty to advise the chamber of that as far as I am aware. In relation to the other agencies he has listed, I do not believe so, but I will say this: this is a matter we are taking under active consideration and we will be issuing advice to all our employees on this matter very shortly.

MINISTERIAL STAFF

The Hon. R.I. LUCAS (16:26): By way of a supplementary question, is the minister indicating that, putting aside the issue of ICAC, he has received any advice at all that any of his ministerial staff have been using private email accounts to conduct government business?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:26): I have nothing further to say than what I have already answered.

VET TRAINING

The Hon. T.T. NGO (16:27): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about VET training.

Leave granted.

The Hon. T.T. NGO: We all know how important it is when people are awarded with a qualification that they are able to do the work that they are expected to do when applying for a job. We sometimes read in the media that some employers are not satisfied with some graduates because they did not get their proper training at school. Can the minister tell the house of any recent work undertaken by her departments to ascertain whether employers are satisfied with the skills level of new graduates?

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) (16:28): I thank the honourable member for his question. This government is committed to working closely with our partners in business and the VET sector to ensure that South Australians are trained appropriately and are job-ready to fill vacancies. Employers rightly expect that people awarded qualifications come ready to work and are trained to the required high standard.

The independent validation of assessment project was a collaboration between the Department of State Development and a peak industry body, the not-for-profit organisation Aged and Community Services SA & NT. The purpose of the project was to determine whether the graduates from the Certificate III in Aged Care, employed as carers in the aged-care industry, can carry out their duty to industry standards; in other words, can graduates do the job?

The Certificate III in Aged Care was selected for independent validation of assessment because of the risks to vulnerable aged-care clients from poorly trained graduates; the high growth in student numbers, which may pose risks to graduates through oversupply; and complaints from industry about poor quality graduates and/or training. The project gathered data from surveys of 103 employers on their need and demand for aged-care workers, their satisfaction with training and their assessment of skills and knowledge of 257 graduates they had employed. In addition, 439 course graduates were surveyed to determine their employment status and satisfaction with training.

Amongst the key findings of the report on the project is that over 75 per cent of cert III graduates were assessed by their employer to be excellent or adequate in 29 of the 36 tasks required of an aged care worker. Skills and knowledge assessed by employers to be excellent in more than 50 per cent of graduates included listening and engaging respectfully and empathetically with older people; respecting personal boundaries, the need for privacy and being treated with dignity; effectively supporting older persons with activities of daily living; and respecting and communicating appropriately with other staff.

Skills and knowledge assessed by employers to be poor in more than 25 per cent of graduates included understanding the neurological basis of dementia, dealing with challenging behaviour, participating in debriefing and reflective practice, a basic knowledge of common health disorders of older people, death and dying, and applying a holistic approach to dealing with older people. Through the survey, employers suggested that improvements in graduate quality and consistency could be achieved by:

- training providers improving course selection processes so that only students assessed to hold appropriate personal attributes for aged care work and sufficient English language skills commence training;
- a minimum work placing of four weeks full-time, with some recommending six weeks for every student; and
- strengthening course content in communication skills with clients and their families, taking a more holistic person-centred approach, dementia and palliative care, infection control, and providing more opportunity to develop practical skills.

For students, the survey found that there was a marked improvement in graduates' employment status. Unemployment fell from 57 per cent prior to the course commencing to 26 per cent after graduation at the time the survey was conducted. It is worth noting that, while only a small percentage of graduates were employed in aged care when they commenced their training (15 per cent), the survey found that, after completion of their course, 80 per cent of employed graduates who responded to the survey were working in a job related to their course.

This government is committed to engaging and working with industry to fill labour market skills needs and improving productivity by providing a high-quality VET sector. Findings from surveys such as this will improve the quality of our training and the competency of our graduates. We are equally committed to ensuring that students who enrol in the course and are awarded qualifications are trained to the highest standard and do have the prerequisite skills and competencies required for the jobs relevant to the qualification gained. Both employers and students should feel confident that qualifications gained equal competent job-ready graduates able to fill job vacancies.

CHANGING PLACES BATHROOMS

The Hon. K.L. VINCENT (16:32): I seek leave to make a brief explanation before asking questions of the minister representing the Minister for Disabilities questions regarding Changing Places toilet facilities.

Leave granted.

The Hon. K.L. VINCENT: When I visited London on a study tour in 2012, I met with the staff of Mencap—the UK's leading organisation representing people with intellectual disability, or learning disabilities, as they are more commonly referred to in the UK. During this meeting, I learned of a very interesting campaign that they were running at the time for a specific type of public toilet and bathroom facility.

These facilities are called Changing Places. The UK now has 600 Changing Places, and the campaign has been a huge success. These Changing Places bathrooms come with a height-adjustable, adult-sized changing table, a trucking hoist system and space for a person with a disability and one or two carers or support workers if necessary as well as a non-slip floor and a safe and clean environment. They are appropriate for people with significant disabilities who require a changing table, for people who are accompanying people with dementia, for example, for people with sensory disabilities such as autism, and for people with an array of other disabilities including chronic illness or health conditions.

At present, people who require large change tables and a hoist for toileting are changed on the floor or in accessible public toilets. I don't think I need to explain how inappropriate and undignified this can be for many people. As many accessible and other toilets do not provide adequate changing facilities, particularly for adults, people with significant disabilities cannot access their community or have to sit for hours on end in soiled clothing, sometimes leading to infection.

Following funding announced by the Victorian state government and outlined in an article in *The Age* last month entitled fantastically—get ready for this, Hansard—'Loo bewdy: new bathrooms mark clean getaway from "toilet horror"', Victoria will now get six new cutting-edge accessible bathrooms. They will be in popular public places: the Melbourne Cricket Ground, the zoo, the revamped Rod Laver Arena, and in three other locations yet to be chosen by a poll of people who will use them. There will also be a new accessible mobile bathroom, the Marveloo, that can be hired for events. The cost of these new bathrooms will be around $750,000.

The push for Changing Places has come after a campaign from Maroondah Council, which has installed five Changing Places in their community. I also note that the Adelaide City Council is planning to install a Changing Place at the North Adelaide Aquatic Centre. My questions to the minister are as follows:

1. Does the minister agree that Changing Places facilities are an essential development addition that would ensure people with disabilities can safely and dignifiedly access their community?

2. Will the Minister for Disabilities agree to funding three Changing Places toilets for popular venues, for example, like Adelaide Oval, the Convention Centre, and the Adelaide Entertainment Centre?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:36): I thank the honourable member for her most interesting question aimed at the Minister for Disabilities, in the other chamber, on the topic of Changing Places. It is a very innovative infrastructure provision for people who have a range of health challenges and significant disabilities, giving them the ability to access community facilities with some degree of confidence and, as the honourable member said, dignity. I will take that question to the minister in the other place and seek a response on her behalf on that very substantial question.

FRUIT BATS

The Hon. J.S.L. DAWKINS (16:36): I seek leave to give a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions regarding fruit bat migration.

Leave granted.

The Hon. J.S.L. DAWKINS: Recently a number of Adelaide Hills fruit growers have raised concerns with the member for Morialta in another place about the growing number of fruit bats in the Greater Adelaide area and the potential impact this may have on the horticulture industry and the environment as a whole. My questions are:

1. Is the Minister aware of concerns raised by Adelaide Hills fruit growers regarding fruit bats?

2. What role, if any, has the minister's department had in the establishment or fostering of fruit bat colonies in the Adelaide region?

3. Is the minister's department monitoring the numbers of fruit bats that are in South Australia and, if so, will the minister advise the council of any significant trends developing from these figures and the particular situation regarding the Adelaide Hills horticultural area?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:38): I thank the honourable member for his most important question on fruit bats. I understand that this is probably a matter largely dealt with by another minister, and those sections of his question that relate to PIRSA, for example, I will take to the minister in the other place and seek a response. I can say in general that this is not an isolated example relating just to fruit bats. It happens with other species of animals that interact with human communities, be they agricultural or residential, urban—

An honourable member interjecting:

The Hon. I.K. HUNTER: Indeed, there may well be aquaculture interactions which, again, possibly are not my area of responsibility. For instance we have had reports recently about little corellas and the problems that they cause. The general response from my department, which I certainly support, is that as a government and as a community we should be looking first to actually live with nature and not try and control it in ways that we have been trying to do in the past which have led to all sorts of problems in terms of disrupting the local ecologies.

I do understand that from time to time there are large increases in flocks of corellas or fruit bats and they do create quite a bit of economic damage in relation to certain crops, particularly for orchardists in the Adelaide Hills and, indeed, even for the Botanic Gardens, for which I am also responsible. But in the first instance our response should be to try to understand the ecological

dynamics of the population and work out how we are going to try and mitigate those effects as best as we can without causing any grief or damage. But, as I said, I understand portfolio responsibility for this issue probably lies in another place. I will bring a response back for the honourable member.

KESAB SUSTAINABLE COMMUNITIES AWARDS

The Hon. K.J. MAHER (16:39): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber of the winners of the recent KESAB Sustainable Communities Awards?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:40): I thank the honourable member for his most important question. Having a strong partnership between government, businesses and the wider community is crucial for us to successfully address the issues relating to environmental and climatic challenges we face as a state, and I think this is exactly what is reflected in the Sustainable Communities Awards that KESAB now run. Sustainable Communities used to be known, of course, as Tidy Towns and is now in its 36th year. In 2014 it remains a focus for hundreds of communities to work together to showcase their town, community and region.

KESAB Environmental Solutions is a not-for-profit organisation that has been running community awareness and participation programs since 1966, I am advised. The South Australian government is proud to support a range of diverse programs and activities that KESAB runs throughout the state. These include programs for schools, the building and construction industry and local government. A fundamental aspect of all of KESAB's activities is changing behaviour through increasing awareness and understanding. The Sustainable Communities Awards very much exemplify this philosophy.

When the program was introduced in 1978 as Tidy Towns, its prime objective was to create incentives for communities throughout South Australia to actively and innovatively tackle local litter problems. In 2009, KESAB renamed the program Sustainable Communities to broaden the focus to include not only litter but also waste, water, education and innovation, biodiversity, conservation and energy.

The Sustainable Communities Awards are now South Australia's longest and largest ongoing community environmental initiative. Over the years the program has generated enormous support, resulting in countless hours of volunteer time and an enormous sense of pride in the respective local communities. As we all know, a strong sense of pride and ownership towards our place of residence is vital for us to make active changes in the environment in which we live. Each of the entries in the 2014 KESAB Sustainable Communities Awards is making a real difference within their community.

This year, there were over 150 entries by rural communities and they each demonstrated dedication, passion and enthusiasm towards making their community a better place to live. I am told that a total of around 130,000 volunteer hours, valued at over $20 million, has gone into these projects. That is almost the equivalent of 70 years of full time work. It is a phenomenal effort by all involved.

While I believe that each of the entries must be commended for their efforts, of course there can only be one overall winner. I am pleased to report that on Friday 24 October, the town of Meningie was named the overall winner of the 2014 KESAB Sustainable Communities Awards. The town is certainly a proud and deserving winner. It was a town in the community that was badly hit by the drought in the previous decade. The water and salinity levels in Lake Albert were at dire levels and the local fishing and dairy industries were severely impacted, but Meningie emerged as a stronger community than ever with positive prospects about the future.

The town of Meningie was judged overall winner based on its extensive and diverse initiatives that included the community garden, the Meningie wetland, the Cheese Factory Museum, the Oval Playground development and the netball club healthy breakfast program, just to name a few. Each of these initiatives will put the town of Meningie and its residents in a stronger position to adapt to and cope with the changing environmental and climatic conditions that we are all facing.

Meningie will now be the South Australian representative competing against other state and territory winners in the Keep Australia Beautiful Australian Tidy Towns Awards next February in Sheffield, Tasmania. While Meningie was the overall winner, there were many towns that stood out in numerous other individual categories. Mundulla won the Best Small Town category and Mount Gambier won Best Large Town. There were also awards presented for individual outstanding communities within a particular region. I would particularly like to congratulate:

- Port Lincoln for the Eyre Peninsula;
- Wirrabara for the Flinders region;
- Meningie for the Mallee region;
- Eudunda for the Mid North;
- Waikerie for the Murray region;
- Marree for the Outback;
- Victor Harbor for the Southern & Ranges;
- Mount Gambier in the South East; and
- Ardrossan for the Yorke Peninsula;

Congratulations must also go to the many individual category winners, who have been recognised for their outstanding initiatives. It is a very long list and, rather than read it out, I seek leave to have the list inserted in *Hansard*.

Leave granted.

KESAB Sustainable Communities Awards Winners List 2014

Award	Winner
Overall Winner	Meningie
Best Small Town	Mundulla
Best Medium Town	Meningie
Best Large Town	Mount Gambier
Regional Awards	
Eyre Peninsula	Port Lincoln
Flinders	Wirrabara
Mallee	Meningie
Mid North	Eudunda
Murray	Waikerie
Outback	Marree
Southern and Ranges	Victor Harbor
South East	Mount Gambier
Yorke Peninsula	Ardrossan
Category Awards	
Community Action and Partnerships	Peterborough Arts and Cultural Festival
Community Action and Partnerships	Community Nurseries Network
Community Action and Partnerships	Wirrabara
Community Action and Partnerships	Yorke Peninsula Council
Community Action and Partnerships	Meningie
Health and Wellbeing	OPAL—Mount Gambier
Health and Wellbeing	Alexandrina Council
Health and Wellbeing	Mundulla on the Move

Award	Winner
Leadership and Youth Activities	Murray Bridge
Leadership and Youth Activities	Mount Gambier Library and City of Mount Gambier Youth Advisory Group
Heritage and Culture	Roxby Downs Community Board
Heritage and Culture	Ardrossan Museum
Heritage and Culture	Peterborough History Group
Natural Environment	Goolwa to Wellington Local Action Planning Association
Natural Environment	Alexandrina Council
Natural Environment	Port Julia Progress Association
Natural Environment	Mid Murray Eco Tour
Environmental Sustainability	Kangaroo Island Council
Environmental Sustainability	Café Melzar—Mount Gambier
Appearance, Amenities and Facilities	Kingston District Council
Appearance, Amenities and Facilities	Marree
Appearance, Amenities and Facilities	City of Whyalla
Appearance, Amenities and Facilities	Port Neill Progress Association
Litter Prevention, Waste Management and Resource Recovery	Alexandrina Council
Litter Prevention, Waste Management and Resource Recovery	City of Port Lincoln
Clean Beaches	Port Julia
Continued Community Efforts	Parndana Progress Association
Continued Community Efforts	National Trust SA Penola Branch
Outstanding School	Kingston Community School
Outstanding School	Birdwood Primary School
Outstanding School	Ungarra Primary School
Outstanding School	Investigator College
Community Commendation Award	Jim and Ronda Dunstan
Community Commendation Award	Brian Cherry
Community Commendation Award	Murray Bridge City Lions
Community Commendation Award	Meaghan May
Community Commendation Award	Southern Fishermans Association
Judges Commendation Award	Vida Maney
Judges Commendation Award	Milang & Districts Community Association
Recyclers Award	Waikerie Can and Bottle Depot

The Hon. I.K. HUNTER: I sincerely commend all the winners and entrants in the 2014 KESAB Sustainable Communities Awards for their commitment and dedication, and for being the face of inspiration and change in their communities. I particularly want to thank KESAB Environmental Solutions for its outstanding program of community engagement that continues to be a catalyst for positive change around our state.

POLICE STAFFING

The Hon. J.A. DARLEY (16:44): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills, representing the Minister for Police, questions about police staffing.

Leave granted.

The Hon. J.A. DARLEY: I understand that South Australia has more sworn police officers per hundred head of population than any other state in the nation and yet there is no increase in crime, we are told. Given this, can the minister advise when was the last time that staffing resources for police prosecutors was properly assessed, and what was the result of that assessment? Did the assessment result in the recommended increase or decrease in resources required and what changes, if any, resulted from the staffing resource assessment?

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) (16:45): I thank the honourable member for his questions on police staffing and I will refer them to the Minister for Police in another place and bring back a response.

ABORIGINAL HEALTH

The Hon. A.L. McLACHLAN (16:46): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question regarding smoking rates amongst Aboriginal women.

Leave granted.

The Hon. A.L. McLACHLAN: South Australia's Strategic Plan target 26 seeks to reduce the proportion of low birth-weight babies and halve the proportion of Aboriginal low birth-weight babies by 2020. A recent study conducted by the University of Adelaide's Robinson Research Institute has reported that smoking rates amongst Aboriginal women are three times higher than those for non-Aboriginal women. The research also revealed that the high smoking rates in Aboriginal women are affecting the health of their babies by causing pre-term births and babies who are undersized for their gestational age.

My questions to the minister are: can the minister provide the chamber with some insights as to why the current policies, such as the Let's Break the Smoke Cycle campaign and the Aboriginal Health Council's Maternal Health Program appear to be failing to deter pregnant Aboriginal women from smoking and whether any other policy initiatives are currently being contemplated to ensure that the government meets its target of halving the proportion of Aboriginal low birth-weight babies by 2020?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (16:47): I thank the honourable member for his most important question. It is no secret that Aboriginal Australians face many health challenges. There is a clear link between poverty, history of disadvantage and health outcomes. We acknowledge that Aboriginal health indicators identify very serious concerns, which is why we have committed to closing the gap between the health indicators for Aboriginal people and the non-Aboriginal population.

We have been working with Aboriginal elders and communities to strengthen and build primary healthcare services and approaches that are responsive to the health and wellbeing of their communities. Health screening checks for adults and children were also introduced in 2004 to assist prevention and early diagnosis. Providing culturally inclusive pre-and postnatal birthing services has also been a new initiative of this government, with these services assisting over 200 Aboriginal births annually across the state, resulting in healthier birth weights and a lesser need for acute hospital nursery care, while improving breastfeeding rates.

Health screening checks for adults and children were also introduced in 2004 to assist prevention, as I said, and there has been significant progress towards halving the gap in mortality rates for Aboriginal children under five. According to progress points along the national trajectory, Australia is on track to halve the gap in child death rates by 2018, I am advised. Death rates for Indigenous children aged zero to four significantly decreased from 139 deaths in 1998 to 87.5 deaths per 100,000 children in 2012.

As I said, I understand that there have been quite a few areas of progress in our efforts to improve health outcomes, but one that we have not achieved, as the honourable member has indicated, is in smoking. South Australia's investment to closing the gap has seen significant

increases in the delivery of health services to Aboriginal people during the lifetime of the National Partnership Agreement, but smoking has eluded us and so we need to redouble our efforts, in cooperation with the federal government, of course, as we do with our national partnership programs, and try to tackle those areas.

I know there are programs about smoking. We had some of their promotional material up in the foyer of my office recently, where an Aboriginal elder is talking about how smoking is 'not cool'. They probably use more modern language than that, but in my terms 'not cool at all'. As I say, we need to redouble our efforts in terms of smoking for Aboriginal populations. It is something that we have not achieved and we wish to.

SMALL VENUES LICENCE

The Hon. T.A. FRANKS (16:49): I seek leave to make a brief explanation before addressing a question to the Minister for Business Services and Consumers on the topic of the small venues licence, its operations and review.

Leave granted.

The Hon. T.A. FRANKS: As the minister and this chamber are well aware, in 2012 the government put forward reforms to the Liquor Licensing Act commonly referred to as a small bars licence but which was indeed the small venues licence. In the report put forward to the parliament on that bill, the government stated that the proposal aims to encourage small venues to host live music and that this will encourage business activity and diversification in the liquor market and promote the live music industry.

In the bill, the government also provided for a review to be undertaken after the initial period of 12 months of operation of the licence, in which additional areas beyond the Adelaide CBD may avail themselves of the small venue licence streamlining and cutting of red tape. That process would be undertaken through consultation by the minister with the stated relevant industry associations and councils.

Looking at the current few dozen small venue licences that have made it through the application process and have been approved and are on the liquor and gambling website, I note that the most recently approved licence, the Longriders Christian Motorcycle Club licence of 35 Whitmore Square, says at point 2:

> Other than the playing of background music through the in-house speaker system, there shall be no live entertainment.

A licence previously awarded to the Metro Oyster Bar at 27 Field Street says at condition 1:

> Other than the playing of background music via a DJ and/or through the in-house speaker system, there shall be no live entertainment including a performance, show, band or similar live music.

The licence of Mother Vine at 22-26 Vardon Street in Adelaide says at point 3:

> Other than the playing of background music via a DJ and/or through the in-house speaker system, there shall be no live entertainment including a performance, show, band or similar event. Background music via a DJ and/or through the in-house speaker system shall be at such a level that allows a patron conversation to be heard over music to the reasonable satisfaction of council.

The licence of Tuxedo Cat Studios—

The PRESIDENT: Can we get on to the question, the Hon. Ms Franks?

The Hon. T.A. FRANKS: The question is being illustrated by the points of the licence, Mr President.

The PRESIDENT: You did ask for a brief explanation. I have given you that.

The Hon. T.A. FRANKS: I have two more licences—

The PRESIDENT: Come on, just move on.

The Hon. T.A. FRANKS: —that illustrate to the minister what is going on. I suspect the minister doesn't know what is going on. So, it is against the intention of the government and I am highlighting to the government what is going on. Mr President, I am almost to the end of my

explanation. I am providing information to the minister for the benefit of this government. Tuxedo Cat Studios' licence at point 1 states:

> The premises shall not be used in the nature of a karaoke premises or nightclub.

Finally, as I have previously raised with the minister both in correspondence and in this place, the licence of BarBushka states at point 2:

> Other than the playing of background music through an in-house speaker system, there shall be no live entertainment including a performance, show, band or similar live music.

My questions to the minister are:

1. Is she concerned that live music and performance is being specifically precluded? I would say that I have not named just then all the licences that preclude and restrict live music in the small venues category. Is she concerned about this?

2. What is the form that the 12-month review is undertaking? Will there be a formal report made public of that review? Which councils and industry associations has she had consultations with in regard to extensions of this licence?

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) (16:54): I thank the honourable member for her most important question. The issues that she raises are indeed very important ones to this government. This government has set itself a priority to establish a vibrant Adelaide. Part of that strategy is to encourage more people into, particularly, the CBD to work, live and play and, of course, our small venue licences and live music are a very important part of that. Yesterday, I had the opportunity to talk about the importance of international students to that vibrancy as well. It is an issue that is very dear to the heart of this government.

Last year, this government looked at liquor licensing of small venues and made some changes to that. The government streamlined certain reforms to contribute to rejuvenating the city. As I said, we particularly focused on small bars in the Adelaide CBD. Since that new licence class was introduced, I am pleased to say that, at the time that this information came to me, 42 small venue applications had been received; of which, I am informed 27 were granted by the Liquor and Gambling Commissioner, and a further four have been approved by the commissioner pending CVS receiving a certificate of occupancy from the Adelaide City Council. I understand there are a number in the pipeline.

We know in the issuing of these licences that, although they have been streamlined, nevertheless there are complex social issues that have to be considered. We are always mindful of the issue of alcohol-driven behaviour, and so we are mindful of the proliferation of venues and outlets for that. We have done a lot of work in the space of operating hours and also lock-outs, and we continue to keep our mind's eye on those important issues. The other is, of course, balancing issues to do with people living and playing in the city at the same time; on one hand, we are encouraging people to take up residence in the CBD, and at the same time we have a proliferation of these venues.

Getting that balance right is important. It is something that the liquor commissioner looks at, and something that local council looks at as well. If the honourable member would like, given that she has indicated she has got a comprehensive list, I would very much appreciate her forwarding that list either to my office or directly to the liquor commissioner. I am happy to receive advice in relation to those particular venues to see if there is any possibility of improving access to live entertainment.

ABORIGINAL HERITAGE ACT

The Hon. T.J. STEPHENS (16:58): My question is to the Minister for Aboriginal Affairs. Minister, what was the ALT's response to your Aboriginal Heritage Act draft bill?

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

(16:58): I cannot recollect at this point in time whether in fact they did provide me with a response. I will have to check my records and come back with an answer.

WILD DOG MANAGEMENT ADVISORY GROUP

The Hon. J.S. LEE (16:58): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about the South Australian Wild Dog Management Advisory Group.

Leave granted.

The Hon. J.S. LEE: Livestock SA stated in their October media release that a key concern for livestock producers is the prevalence of wild dogs in the northern pastoral regions and their penetration further south in the state. Board member and Orroroo producer Geoff Power, who chairs the South Australian Wild Dog Management Advisory Group, stated that they have developed a state wild dog action plan, which was presented to minister Hunter in July this year; however, the group is waiting for his formal reply before the plan can go to public consultation. Mr Power said:

> If we do not get on top of this problem, we will lose a vibrant, sustainable sheep industry in the pastoral areas and adjacent rangelands.

Recently, the Minister for Primary Industries in New South Wales, Katrina Hodgkinson, announced a major on-ground offensive against wild dog predation across regional New South Wales this spring. My questions to the minister are:

1. With dog numbers increasing in the northern pastoral areas over the last three years, what consultations has the minister had with stakeholders and pastoralists in order to address the issue?

2. Can the minister advise the council why it has taken over three months for the minister to respond to the South Australian Wild Dog Management Advisory Group report?

3. Will the minister clarify when the action plan will be opened for public consultation, and when will the report be implemented to ensure landholders are not caused further economic loss?

4. Why is the government not working with the other tri-states to address the issue?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:00): I thank the honourable member for her most important question; however, she is somewhat misled in the basis of her premise about us not working with the other tri-states. In fact, I will educate her in a moment about New South Wales minister Hodgkinson making completely erroneous remarks. I am told, however, these remarks are made by New South Wales quite regularly, every two or three years, about wild dogs appearing in places in South Australia and not being attended to.

We send people out every time they make these allegations and, of course, they are found to be not true. I won't belabour a point about the minister calling wolf too often in this regard because, as I say, they do it every two or three years to us. We go out and check and we find that those allegations are never based in fact. So, I caution the honourable member in taking anything said by New South Wales Liberal ministers with a little grain of salt. You know what they did to us over the River Murray. I will tell you this is exactly the same thing they are doing to us over wild dogs as well, but we will get there in a minute. Wild dogs—

The Hon. D.W. Ridgway interjecting:

The Hon. I.K. HUNTER: They are very complimentary of me, I understand. My colleague ministers at a national level are usually from the National Party, and they usually say better things about me than they do about Liberal Party members, but we won't go there today.

Wild dogs, including dingoes, have increased significantly in rangelands south of the dog fence in recent years at the expense of the pastoral sheep industry. I understand that South Australia is probably the last state left, actually, to put any effort into their pastoral sheep industry. Effectively,

Queensland and New South Wales I believe have given up on wild dog control, and you will see that many sheep pastoralists have moved into beef production instead in those states.

In response, the South Australian Arid Lands Natural Resource Management Board has led initiatives to improve wild dog control in pastoral areas, particularly the Biteback program, focused on wild dogs inside the dog fence. The South Australian Arid Lands NRM Board is currently reviewing its regional wild dog management plan and is hosting a series of district workshops to get direct input from landholders into what operational and on-ground improvements can be made.

It is important to get a range of views, including pastoral, conservation and Aboriginal perspectives, and the South Australian Arid Lands Regional Management Plan will link with the state-level strategic plan that is currently in development through the SA Wild Dog Advisory Group. These both will assist in the delivery of the National Wild Dog Action Plan, which was released on 4 July and was endorsed by the state government.

I am advised that landholder meetings were held on wild dog and fox control in Burra and Robertstown last month. I understand these meetings were convened by Natural Resources SA Murray Darling Basin. There were presentations there by Ms Heather Miller of Natural Resources SA Arid Lands on the region's Biteback program and by Mr Geoff Power, chair of the SA Wild Dog Advisory Group, on the National Wild Dog Action Plan. Biosecurity SA was also represented at the meeting, I understand.

There have been sporadic incursions of wild dogs into the rangelands and hills in the north of the SA Murray-Darling Basin region in the last 18 months, highlighting the need for increased landholder vigilance for this threat to livestock industries. The meetings increased awareness, I am told, of the threat and how to detect and manage wild dog incursions and will foster greater collaboration between landholders and Natural Resources SA Murray-Darling Basin on prevention activities.

It is vitally important that in fact landholders have buy-in to this program. One of the biggest problems in Queensland and New South Wales, I understand, and indeed also here in South Australia to a lesser extent, is the number of properties that no longer actively control for dogs, and that has knock-on effects for neighbouring pastoralists who may border rangelands that effectively have no wild dog controls whatsoever.

Natural Resources SA Murray-Darling Basin provides technical advice and tools to assist in the control of wild dogs. SA Murray-Darling Basin region is also a beneficiary of SA Arid Lands Biteback program. The Biteback Program was developed to address the increase in dingos inside the dog fence in the SA Arid Lands NRM region and is funded by the SA Sheep Industry Fund, Australian Wool Innovation and SA Arid Lands NRM levy funds.

It encourages land managers to collaborate with their neighbours to undertake coordinated wild dog control across the landscape, and SA Arid Lands wild dog control staff work very closely with the 22 local wild dog planning groups south of the dog fence to tackle wild dogs at a local scale. Biosecurity SA coordinated an aerial baiting program in April of this year to complement Biteback ground baiting. The program delivered 50,000 baits over a 10,000 kilometre flight path across 97 properties in the rangeland south of the dog fence. Funding was provided by the program partner, the SA Sheep Industry Fund.

I have a whole range of details that can perhaps wait for another day—but I can advise the honourable member that there is much activity happening in this area. She should talk to the member for Stuart, perhaps, on how we are collaborating on wild dog control before she comes in with information from a minister in another state which often turns out to be factually incorrect.

Matters of Interest

LIBERAL PARTY

The Hon. K.J. MAHER (17:05): I rise today to inform you that not all is well in the Liberal Party. Their leader is rapidly losing control. Recently, the Leader of the Opposition, the member for Dunstan, Steven Marshall, said in a radio interview that he does not think there is any role for state

politics in local government. He went as far as saying that for a state MP to even talk about a council candidate doing a good job was, and I quote, 'I don't think it's a good development.'

Then, what did his divided renegade team immediately set out about doing? They set out about making a mockery of him and any last skerrick of authority that he might have had left. Former opposition leader and member for Heysen, Isobel Redmond, cemented her reputation as a dangerous loose cannon with a recent extraordinary outburst heavily criticising the Lord Mayor, which followed her unprovoked and shameful outburst against the Electoral Commissioner. Adding to this is her murky involvement in the Adelaide Hills council elections as revealed in *InDaily* today.

Right after that, we saw the member for Finniss use parliamentary privilege to insert himself into local government elections. In addition, his use of physical force and intimidation after a recent vote in the House of Assembly demonstrated how low the opposition has sunk. That he said or did something ridiculous that embarrasses his leader and colleagues would come as no surprise to anyone in this parliament, maybe that is why the Chris Pyne faction is now taking a great interest in the Finniss branch of the Liberal Party. A few weeks ago the Hon. David Ridgway, who is usually much better than this, used parliamentary privilege to mount a cowardly attack on a candidate for local government elections—

The Hon. D.W. Ridgway: He used his mayoral position—

The Hon. K.J. MAHER: —and the basis for this attack—

The Hon. D.W. Ridgway: —to promote a racist candidate in the state election. A racist candidate.

The PRESIDENT: Order!

The Hon. K.J. MAHER: —is who this person is related to.

The PRESIDENT: The Hon. Mr Ridgway is called to order.

The Hon. K.J. MAHER: To irrelevantly bring in a person's family members and their personal situation as part of the debate in this place is a very low act, and I am sure on reflection the Hon. David Ridgway would likely concede that using defenceless family members to score political points is not a development that we would like to see continue or escalate in this chamber.

The PRESIDENT: Order! There is a point of order. The Hon. Mr Maher can you sit down? The Hon. Ms Vincent.

The Hon. K.L. VINCENT: Thank you. Whilst I, like many other members I am sure, am rather tired of this tirade between the two parties, I may not agree with what you say, but I defend to the death your right to say it, and I can't hear the Hon. Mr Maher.

The PRESIDENT: Good point of order. Mr Maher can you sit down for a minute. I do not think it is appropriate while the Hon. Mr Maher is giving a speech for there to be any reference about a 'racist' or whatever to any person who cannot defend themselves in this parliament. The Hon. Mr Maher can continue.

The Hon. K.J. MAHER: Mr President, all party politics aside, the Hon. David Ridgway's recent outburst against family members reflects poorly on him and on his party. That so many members of the Liberal Party have blatantly and openly defied their leader just shows that he has lost control. The Leader of the Opposition needs to answer these questions: did he know his colleagues were to make these attacks on local government candidates after he had effectively forbidden them to do so, before they made them? If not, what has he done about it since then? Does he think it is appropriate to use parliamentary privilege in this way and, if he does not, what is he going to do about? Directly in response to the member for Heysen's most recent outburst, the Leader of the Opposition said on radio:

> I wasn't in the chamber at the time and I haven't read the *Hansard* and look quite frankly it's dangerous to comment outside of parliament on issues raised so I won't be doing that.

It is a stunning admission that he thinks it would be dangerous to comment on the matters that were raised in parliament. On the same matter, when he was asked by a television reporter, 'Did you talk

to Isobel Redmond about it?', the Leader of the Opposition answered with the ultimate cop-out, 'Oh, look, I'm not sure whether I talked to Isobel or not.'

What is being displayed here is not leadership, it is squibbing it. It is not just a few renegade MPs causing the Leader of the Opposition plenty of grief: it is many members of his own front bench team. The Hon. Stephen Wade recently set up his leader in the most appalling manner when he passed on incorrect information that had massive consequences for a family during a difficult time, without trying to do anything to verify the false allegations.

I do not have the time now, but I will speak about that issue at much greater length in the near future. I understand from the Liberal Party that the Hon. Stephen Wade is now effectively on probation. One more mistake and it will not be a further demotion in shadow cabinet—he will be out of shadow cabinet altogether.

The highly unusual events in this chamber yesterday, where the Leader of the Opposition was not allowed to ask a single question of his own, shows how divided the Liberal Party is, even in this chamber. We will see with interest what moves are made by the moderate faction of the Liberal Party on the leadership in this chamber in the near future. I see that the Leader of the Opposition has all his supporters here today, which I think is good, and I think you should keep supporting him—he does a reasonable job. All is not well in the Liberal Party, and I think the state deserves a better opposition.

SOUTH AUSTRALIAN ECONOMY

The Hon. T.J. STEPHENS (17:11): I rise to make a few comments on the South Australian economy, and in particular the government's handling of it. In an excellent opinion piece in last Tuesday's *Advertiser*, the commonwealth Minister for Finance, one of the coalition government's shining lights, Senator the Hon. Mathias Cormann, stated some home truths for the people of South Australia. His comments relate to the government's continued campaign of blaming the commonwealth for its budgetary pressures and the resultant pain on working South Australians. Senator Cormann says of the government's campaign:

> This is just a desperate attempt to con South Australians into thinking the Australian government is responsible for South Australian Labor's 12 years of bad budget mismanagement.

The minister perfectly articulated what has been our argument on this side of the chamber since the state budget was brought down. I have said repeatedly in this chamber that the government is in a mire of its own making. The budget was in an unsustainable position well before the Abbott government was elected in September last year. Unbudgeted expenditure has continued at extreme levels, blow-outs on infrastructure projects and a failure to execute efficiencies in public sector employment over the past 12 years has led to this awful situation. The state Treasurer has had to resort to drastically cutting spending, as well as significantly increasing taxes, in order to pull back the deficit. As Senator Cormann identifies:

> …it's [the state] government that's planning to cut $1.476 million from the South Australian health budget and $210 million from the South Australian education budget while increasing taxes.

This Labor government cannot continue to burden the taxpayer to cover its own incompetence and mismanagement. While the state government makes an effort to rein in spending, the dishonesty and gutlessness in blame shifting these cuts as a result of the commonwealth budget should be clear for all to see. As Senator Cormann points out, the commonwealth contribution to South Australia will actually increase over the forward estimates. As he says:

> The truth is our investment in South Australia's hospitals and schools over the next four years increases by 34 per cent and 27 per cent respectively, or an additional $608 million. In fact, over the four years from 2014 to 2016-17, South Australia is now forecast to receive $1.3 billion more in GST revenue than the forecast in federal Labor's last budget from Wayne Swan and Penny Wong.

This makes the government's ESL increases all the more hard to stomach. These increases will raise $90 million per year, yet there is no significant increase in spending on emergency services. For this reason it is not a true emergency services levy but just another land tax, given that the increases are linked to land value.

I thank honourable members on the crossbenches for their resolve in blocking the government's attempts to impose a so-called transport development levy, which similarly raises a lot of revenue while expenditure on the very purpose the levy purports to raise revenue for had nowhere near the same increase. Both of these taxes remain deeply unpopular, as do most taxes. Given that we govern on the people's behalf, we as parliamentarians have an obligation to spend frugally, to keep expenditure low so that taxation may remain low.

This means more efficient government and more money for every South Australian. If South Australians have more money in their back pockets, they will spend more. If businesses have more, they can afford to employ more people. Budding entrepreneurs may finally have enough for that start-up. All of this, Senator Cormann acknowledges.

The reality is that South Australia is the highest-taxed state in the nation and has the lowest rate of business start-ups on the mainland, while the number of businesses in South Australia has grown at half the national rate. It is a simple formula, which I have outlined repeatedly in this place, that the path back to prosperity begins with the cutting of unnecessary government spending. By reducing the size of government back to its original mandate, surplus expenditure can go back into the pockets of tax payers.

These individuals who drive the economy are consumers, business owners and workers. It is not, and should never be, government. The government is responsible for their macroeconomic conditions but the rest is up to the individual. We understand that on this side of the council. The commonwealth government understands this, so it is time for this state Labor government to wake up and really commit to this ideal for the sake of all South Australians.

DISABILITY ACCESSIBLE CAR PARKS

The Hon. K.L. VINCENT (17:15): I would like to speak today about an issue of which I am sure many members are aware, and a rather innovative solution to that issue; that is, the illegal use of accessible car parks by parking in a disability accessible car park without a permit.

The Hon. M.C. Parnell: It should be a capital offence!

The Hon. K.L. VINCENT: The Hon. Mr Parnell interjects that it should be a capital offence. I do not know if I am going that far, but I do have a plausible solution. Recently, a Lane Cove councillor by the name of Karola Brent—and, yes, I believe that is her real name—was caught illegally parked in an accessible car park without a permit. Instead of hearing the usual excuses that we often hear from those who illegally use these car parks, such as, 'I was only there for a short time,' 'I was in a hurry,' and so on, the transport minister of New South Wales, Mr Duncan Gay, proposed a rather innovative solution.

He asked the transport department of New South Wales to introduce legislation introducing demerit points on licences of those who illegally use these parks. As some members may be aware, this incidentally has been something that Dignity for Disability has been considering for quite some time, so it is pleasing to see this idea being taken up elsewhere so that we may have the research and experience to further back this idea.

I have to say I am surprised that the illegal use of these accessible car parks is not already better policed. After all, it would seem to me that this is an easy stream of potential revenue for councils. In fact, it would seem that it would be a very easy and very large stream of revenue for councils, given that the illegal use of accessible car parks is, I kid you not, one of the most commonly raised issues with my office.

Of course, revenue is not the only reason why we need to take this issue very seriously. Stopping the illegal use of accessible car parks is not only a matter of respect: it is a matter of ensuring safety for those of us who require accessible car parks. Let me illustrate this point.

If I, or someone else who is a wheelchair user, requires the extra space to get out of the car to their wheelchair from the side of their vehicle cannot do so, and have to park in a non-accessible car park, meaning that we have to walk further, perhaps through the car park, to get to our destination, this places us at risk because we are less visible in our wheelchairs to oncoming traffic and traffic in the car park. It is an issue of respect, morality and safety.

As I said, this is an issue very commonly raised with my office and, in fact, it is raised by those on both sides of the issue; that is, it is raised by people with permits who are upset about their car parks being taken from them illegally, and those who do not have permits and disagree with those who illegally use these car parks. This clearly shows that there is a lot of goodwill to change the landscape in this area and to ensure that people understand the gravity of the situation they are putting people in when they illegally use accessible car parks, even for a short time. I think it is important that we labour that point. It is not only inconvenient and immoral, it is illegal.

So far my office has received good feedback about the situation in New South Wales and about our plans to replicate it here, and I will be pleased to discuss this further with members of parliament and members of the community so that we can find other workable solutions if there are any. I am excited to see how this plan will develop in New South Wales so that we can gather the evidence and research needed to further the concept here in South Australia.

I am pleased to again announce that Dignity for Disability plans to amend legislation to replicate the situation, hopefully before the end of the existing year. So I welcome feedback from members of parliament and members of the community. I look forward to working with you all on this very important issue and hope that soon we will have a solution that truly understands the gravity of the situation regarding the illegal use of accessible car parks.

UNIVERSITY FEES

The Hon. T.T. NGO (17:20): Today I would like to draw honourable members' attention to the incomprehensible changes the federal government is making to our universities. By deregulating university fees the Abbott government will drastically change our university system and not for the better. These changes will create a two-tiered system where the most prestigious universities will be able to charge huge amounts of money. Not everyone will be able to afford increased university fees or be lucky enough to receive a scholarship.

Thankfully, vice-chancellors from many universities have expressed their concern for students from less well-off backgrounds. University of Melbourne Vice-Chancellor Glyn Davis commented that the prospects for less well-off students are 'very distressing'. She warned that students could see their fees raised by up to 60 per cent. University of Sydney Vice-Chancellor Michael Spence is afraid that the thought of massive debt will deter students from universities.

The Abbott government claims that deregulation will drive some course prices down. This has been dismissed by Professor Chapman from the University of Sydney as 'fantasy land'. Not only is the Abbott government paving the way for university fees to increase, it will also charge our students a higher interest rate. On average students will have to pay back an extra $39 million per year in higher interest rates.

Many of those in this chamber and even many of those in the federal cabinet received free university degrees. Others have student loans which were appropriately subsidised by the federal government. Young South Australians will not be given this opportunity under this government. Our university system sets us apart from the rest of the world. Our system allows Australians to aspire to a higher education and a better life. It rewards those with the keenest minds and not just those with the deepest pockets. Let it be known that in the United States student debt is the largest amount of household debt after mortgages and it stands at more than a trillion dollars. Is this what we really want to leave our younger generation?

Our young people are so concerned about this that in August hundreds of students protested when the Prime Minister visited the University of Adelaide. The cost of education was also of concern to Joe Hockey who protested against a rise in the cost of education when he was a university student. He has now changed his tune. The Abbott government will destroy our university system as we know it. South Australians will think twice before they enter into a university education. Is this what we really want?

SMALL BUSINESS

The Hon. J.S. LEE (17:24): As the shadow parliamentary secretary for small business, trade and investment, it is my pleasure to rise today to pay special tribute to the small business sector and family businesses in South Australia for their incredible resilience and acknowledge their

significant contribution to the South Australian economy, despite facing difficult business conditions. The latest Deloitte Access Economics Business Outlook report released this week for the 2014 September quarter continues to paint a dire picture of the South Australian economy. The report notes:

> South Australia's economy is in the slow lane. More pain is on the horizon as it stares the closure of car manufacturing in the face…The job market has been less than satisfactory. Worryingly, job vacancies continue to fall, and they are doing so at a relatively rapid rate, consistent with challenging conditions of the moment.

This is a worrying sign for small business and industry in South Australia. Gross state product is forecast to grow at 1.5 per cent in the current financial year, while for the 2016 financial year it is expected to slow to just 0.5 per cent. Both figures are the lowest nationally. Economic growth in Tasmania is forecast to outperform South Australia in key economic indicators over the next five years.

Under the Weatherill Labor government, South Australia has the highest taxes in the nation, high debt and deficit, low consumer and business confidence and the worst performing workers compensation scheme. Under the Weatherill Labor government the cost of doing business in South Australia is escalating. South Australia continues to experience a dangerous jobs crisis. South Australians cannot afford a continuation of state Labor government policies that drive investment, business and jobs interstate and overseas.

Business owners have to not only manage the high cost of doing business but also deal with increasing cost-of-living pressures with escalating household budgets as more and more South Australian households have reported emergency services levy increases of 200, 300 and 400 per cent. Despite these challenging conditions, I was at the in-business The Cream business event, where Prescott Securities showcased the top 100 companies in South Australia. Many South Australian businesses are punching above their weight because of strong leadership and resilience.

The Leader of the Opposition, Mr Steven Marshall, and I were at the Business SA 2014 Export Awards on Friday 10 October at the National Wine Centre, where South Australia's most successful and innovative exporters were honoured. These awards recognise companies for their innovation and success in industry and export. There are eight awards categories.

I would like to place my sincere congratulations on the record. Ferguson Australia won the Agribusiness Award. I have known Deb and Andrew Ferguson for a long time. They are a very hard-working family with strong leadership and business acumen. Honourable members would know that the Fergusons, together with the South Australian Rock Lobster Advisory Council, have made their views known in public that the Weatherill Labor government's marine parks sanctuary zones threaten the livelihood of the local fishing industry and regional economies. This is another example of bad policy by the Labor government.

Going back to the award winners, I am pleased that Soniclean won the Health and Biotechnology Award, which was very well deserved. I have known the founders of Soniclean, Susan and Wah-Tong Lee, since I was a teenager. They are migrants from Malaysia and very passionate about South Australia and very proud of their medical grade ultrasonic product being exported to the world.

There were other category winners. The winner of the Creative Industries Award was Patch Theatre Company, the Environmental Solutions Award winner was B.-d Farm Paris Creek, the Information and Communications Technology Award winner was Avinet, and the Regional Exporter Award winner was Blue Lake Milling. The Small Business Award went to Protect-It Column Guards and the Manufacturing Award and also the South Australian Exporter of the Year Award went to Kelly Engineering. I would like to place on the record my congratulations on the fine resilience and leadership of South Australian businesses in South Australia.

RIDE2WORK DAY

The Hon. M.C. PARNELL (17:28): Two weeks ago today was Ride2Work Day, a day on which people are encouraged to ride their bicycles to work. In addition this year, it was Ride2Uni Day as well. As it implies, people are encouraged to ride to their studies. As the convener of the Parliament House Bicycle Users' Group, I was delighted that a number of MPs joined in with the Ride2Work Day. I particularly acknowledge the Hon. Kyam Maher, who rode in and met up with other

cyclists and other MPs in Hindmarsh Square. Another MP who rode in was Mr Dan van Holst Pellekaan, so we did have Liberal, Labor and Green there. I just need to correct the record: some people suggested he may have ridden to work from Port Augusta—not true.

An honourable member: He's a fit man.

The Hon. M.C. PARNELL: He is a very fit man. He did not ride that whole way but he certainly is a keen cyclist and I was delighted that he could join us, as well. There were a number of members of parliament who sent apologies. They are people who do ride their bikes regularly but had other engagements. I particularly acknowledge Andrew McLachlan—it is good to have a fellow cyclist in the Legislative Council—and minister Leon Bignell, who would have ridden but he had other commitments that morning.

As part of the celebration of Ride2Work Day I was pleased to convene a forum in the old chamber here at Parliament House of 40 cycling advocates, many of whom had not actually met each other before but all of whom share a passion for cycling and all of whom are involved in cycle advocacy.

Of the 40 people who came, a number of them represented some of the better-known cycling organisations such as the Bicycle Institute of South Australia, Bicycle SA, Cycling SA (which is the body for sports cyclists), and we also had a representative from the RAA, from the Amy Gillett Foundation (the cycle safety organisation), and also owners of bicycle shops, who clearly are stakeholders in cycling, as well.

We had representatives from the Adelaide Bike Kitchen, Bikes for Refugees (a very important charity that fixes up old bicycles and provides them to new arrivals so that they have a mode of transport), and a large number of representatives of bicycle user groups, local councillors and, given the time of the electoral cycle that we are in, local council candidates, all keen to talk about cycling. I also invited my cycling colleague, Senator Penny Wright, who was able to attend. As members would know, she campaigned for the Senate in 2010 from a wheelchair, having been knocked off a bicycle in a very unfortunate accident.

Getting 40 people into one room to talk about cycling is something that can be fraught with danger, because everyone has their own particular ideas, but what was very exciting about this particular day was that we did not waste time with boring old arguments about on-road versus off-road or helmets versus no helmets; the real focus of the roundtable meeting was to determine: how do we make Adelaide one of the great cycling cities?

What I was most pleased to see come out of the meeting was a consensus that Adelaide could and should be a great cycling city and that if the various cycling groups and cycling advocates joined forces we have more chance of being successful in advocating for changes to the physical environment, the financial environment and the social environment, as well. The meeting accepted that, whilst governments have an essential contribution to make, especially in terms of resources, we cannot wait for government and we cannot rely on government to lead the debate.

So I was excited that the 40 people, a fairly randomly selected group but, as I say, representing all the major groups, were very keen to work together. I am excited about the future of cycle advocacy in South Australia. We know the government is very slow in producing the next version of the bicycle strategy for SA, and I am hoping that there will be a role for civil society, for recognised groups and for passionate individuals to help make South Australia a great cycling state.

AUSTRALIAN PIG BREEDERS ASSOCIATION LTD

The Hon. J.S.L. DAWKINS (17:34): I have been aware of the activities of the Australian Pig Breeders Association Ltd for many years. Probably one of the reasons that I have had that knowledge has been the fact that that organisation has had an excellent newsletter published several times every year that has been distributed around Australia, not only within that industry but to people like me who are interested in rural activities in general but certainly industries such as the pig industry.

The reason, I think, that I was as well-informed as I would like to say I was is that that newsletter was edited for some 27 years by Mrs Joy Lienert of Shea-oak Log. Not only was she the editor, she was the printer and distributor. It has been a marvellous source of information, I think, for

many people about the stud pig breeding sector in this country. In recent months, Mrs Lienert has retired from that voluntary position, and her successor is Mr Neville Chad from New South Wales. In his first edition as the editor, he said:

> This publication has been expertly produced by Joy Lienert for nearly 30 years, it will be a very hard act to follow. I feel sure I speak on behalf of everyone in the pork industry in wishing Joy all the best in a retirement that she thoroughly deserves, but I feel sure she will continue to be heavily involved in the production of those wonderful Lynjoleen Berkshires for a long time yet. Good luck Joy.

Those comments obviously replicate the gratitude for the efforts of Mrs Lienert in the production of that valuable newsletter. I also mention the fact that her husband, Colin, has, throughout that period, helped her very much with information and the production of the newsletter.

I should mention that special awards were presented to Colin and Joy Lienert at the recent Royal Adelaide Show for their sterling effort of winning the Most Successful Exhibitor award in the Berkshire section for the 50th consecutive year. I add my congratulations on that marvellous record. Also at the Adelaide Show this year, the RA&HS made Mr Colin Lienert OAM a 'Legend of the Royal Adelaide Show Society' to honour his loyal and dedicated service for many years as a member of the Show council, an exhibitor, as I have said, for over 50 years and having served 18 years as the superintendent of the pig shed, as described, in a record that will not be beaten for a very long time.

The Lienerts and many other members of the broader Lienert family have been great supporters of the pork industry across this country. It is sad, but also something that I must say: the Lienerts' late daughter, Robyn Muster, who died earlier this year, was also a wonderful supporter of the pig industry and the agricultural sector. In particular, she was the first woman to serve on the council of the Royal Agricultural and Horticultural Society of South Australia. Like her parents, she took a great interest in the wider community and the broader agricultural sector and, I must say, they have been great members of the Freeling branch of the Liberal Party as well.

In closing, I indicate my great support for the Australian Pig Breeders' Association Ltd. They are an umbrella body for the stud pig breeders in Australia and, without the stud pig breeders, we do not have the important industry that the pork sector is within Australia.

Motions

INQUIRY INTO UNCONVENTIONAL GAS

The Hon. M.C. PARNELL (17:39): I move:

That pursuant to section 16 of the Parliamentary Committees Act 1991, the following matters be referred to the Environment, Resources and Development Committee for inquiry and report—

1. The processes involved in the exploration for and extraction of conventional and unconventional gas;
2. The experience of hydraulic fracturing (or 'fracking') for unconventional gas in South Australia, interstate and overseas;
3. The impacts and potential impacts of gas exploration and extraction on—
   - (a) groundwater;
   - (b) surface water;
   - (c) air quality;
   - (d) climate change;
   - (e) human health;
   - (f) agricultural land productivity;
   - (g) property values; and
   - (h) local, regional and national economies;
4. How the exploration for and extraction of conventional and unconventional gas should be regulated in South Australia; and
5. Any other relevant matter.

This motion is to give effect to the wishes of local residents, local councils and local members of parliament from the South-East of our state that this parliament conduct an inquiry into the issue of unconventional gas exploration and extraction. This is a motion that I have already raised directly with the Environment, Resources and Development Committee, but the committee was unwilling to accept the inquiry of its own volition; therefore, I am now bringing it to the Legislative Council for resolution.

This motion for a standing committee inquiry into unconventional gas raises a number of issues, and I will deal with these systematically. The first question is whether the Environment, Resources and Development Committee is the most appropriate forum for a parliamentary inquiry. In my view, it clearly is, for a number of reasons. First of all, the Environment, Resources and Development Committee of parliament, as established by the Parliamentary Committees Act, has a clear mandate to inquire into matters that go to the resources of our state, including impacts of resource use on agricultural land, pollution generally, air quality, water quality—you name it.

This is a committee that is already responsible for matters under the Environmental Protection Act, and it is responsible for matters under the Development Act. I think the ERD Committee is the most appropriate forum. Some members might think that an inquiry into unconventional gas might best be conducted through a select committee. If that is the case, then no member has yet moved for such an inquiry, and such an inquiry does impose additional resource issues for the parliament, whereas the ERD standing committee is already resourced and ready to go with an inquiry such as this.

I would also make the point that the ERD Committee currently does not have any formal inquiry underway. The committee has certainly been talking about a number of topics that it might inquire into, but more than six months after the election, there is still no formal inquiry that the ERD Committee is conducting. Therefore, this topic, which is so topical for people down in the South-East, I think is a fine candidate to be the first inquiry for 2014.

The process for getting an inquiry undertaken by a parliamentary committee can take a number of courses. First, a committee is entitled to inquire into any matter on its own volition. If that is not successful, or if it does not think to establish an inquiry itself, then it is possible for either house of parliament to direct a matter to the ERD Committee. That is what this motion does; it is a motion under section 16 of the Parliamentary Committees Act, which effectively refers the matters in the terms of reference to the ERD Committee for inquiry and report.

Under the Parliamentary Committees Act, any topic that is referred by a house of parliament takes precedence over any other inquiry that the committee might be undertaking. But, as I said, there is currently no live inquiry being conducted by the Environment, Resources and Development Committee, so this is a good candidate to be the first inquiry. It is not in competition at this stage with anything else.

I was disappointed that the government and opposition members of the ERD Committee did not accept that this was an appropriate inquiry, and it would be no secret to members that this decision was made entirely on political grounds. In relation to the government, no surprises there. The government never supports inquiries on any topic at any time; it is just the way things are. In fact, I see a number of members looking at me disbelievingly. The challenge, I guess, is (and no doubt I will stand to be corrected) that they will find one or two where the government has agreed to an inquiry, but you have to say they are rare. So, there are no great surprises that the government does not want to have an inquiry into unconventional gas or fracking.

On the other hand, it was disappointing that the Liberal Party were not prepared to accept the inquiry, especially since the two local Liberal members down there are on the record as saying before the election that they wanted a parliamentary inquiry. I have discussed this matter with the Leader of the Opposition and he has expressed to me some concerns about the terms of reference, the breadth of the inquiry, whether it is the appropriate forum—of course, none of those issues hold much water.

I think, at the end of the day, the Liberals are horribly divided on this issue. They have some members who are listening to their local communities' concerns down in the South-East; you have other members who are as gung-ho about fracking and gas as the Hon. Tom Koutsantonis. It is hard

to be as excited about gas as the minister, but there are some in the Liberal Party who are equally enthusiastic.

I do need to actually walk the council through the terms of reference briefly, because I think we do need to explore the issue as to whether they are too broad or inappropriate, because I cannot see that they are. When I conclude, I will conclude with an invitation that if members want to tinker, tweak, modify, subtract from or add to the terms of reference I am open to those discussions. The first term of reference for the inquiry is:

1. The processes involved in the exploration for and extraction of conventional and unconventional gas.

The reason that I have included both conventional and unconventional gas is that they do in fact have most elements in common, but it is important in the debate over fracking to understand what the difference is between conventional and unconventional gas. If you have not identified the differences, it is hard to put fracking into context. They both have similarities, especially in relation to the creation of waste, or process water as it is called, but you do need to understand what is different about fracking to conventional gas. The second term of reference is:

2. The experience of hydraulic fracturing (or 'fracking') for unconventional gas in South Australia, interstate and overseas.

The reason that is expressed in that way is that if we were to focus only on the experience in South Australia then it would be a very limited experience. Some members would say it has been used in the Cooper Basin for a period, but down in the South-East, which is the focus of attention, you have a couple of incomplete test wells near Penola and currently that is about it. So, we do need to understand what the experience has been elsewhere, otherwise we have no capacity to assess what the risks are and what the dangers might be. The third term of reference is:

3. The impacts and potential impacts of gas exploration and extraction on—

(a) groundwater;

(b) surface water;

(c) air quality;

(d) climate change;

(e) human health;

(f) agricultural land productivity;

(g) property values; and

(h) local, regional and national economies.

In effect, as is common with terms of reference for inquiries such as this, all of the issues that people are likely to want to talk about in terms of the impacts of the activity—there needs to be a way for them to be raised. Of course, the consequences of having too narrow a terms of reference are that people with legitimate concerns could be shut down if giving evidence and told by the chair of the inquiry, 'You are not to talk about that; that is not in our terms of reference.' So, I really think it does need to cover all the issues that have been raised by South Australians to date. The fourth term of reference is:

4. How the exploration for and extraction of conventional and unconventional gas should be regulated in South Australia.

That of course raises the issue of the current procedures under the Petroleum and Geothermal Energy Act and whether those procedures (which are currently identical for conventional and unconventional gas) should be different. Are there elements of unconventional gas that warrant different regulation? You need a term of reference to cover that. Finally, any other relevant matter which, of course, as members know, is always added to inquiries because there are likely to be issues raised in the evidence that people have not thought of.

So I think that the terms of reference are appropriate. It would not make sense to narrow it to just the South East because the range of experience there is too limited—a couple of test wells at

Penola and that is it. We do need to put the industry into context. We need to understand how the different forms of extraction are different, and we need to look at what is happening elsewhere.

So I invite members to reflect on the terms of reference and to consider whether or not they need to be changed or modified and, like I say, I think we have the forum right, the ERD Committee of parliament. I am open to whether the terms of reference need to be changed and I do give notice at this time that I will be bringing this to a vote before the parliament rises at the end of the year, at a date to be advised to members next month. I urge all members to support the motion.

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

Parliamentary Committees

NATURAL RESOURCES COMMITTEE: ANNUAL REPORT 2013-14

The Hon. G.A. KANDELAARS (17:51): I move:

That the annual report 2013-14 of the committee be noted.

The year 2013-14 has again been a busy one for the Natural Resources Committee. The state election in March 2014 saw the dissolution of the previous membership and appointment of new members to the committee. I am pleased to report that there has been some continuity in the membership with three members from the 52nd Parliament Natural Resources Committee remaining: the Hon. Robert Brokenshire MLC, the Hon. John Dawkins MLC, and the member for Ashford, the Hon. Steph Key MP, also returning to her role as Presiding Member, and a very competent presiding member at that.

They have been joined for the 53rd Parliament by the member for Kaurna, Mr Chris Picton MP, and the member for Napier, Mr Jon Gee MP. The member for Flinders, Mr Peter Treloar MP has also replaced the member for Stuart, Mr Dan van Holst Pellekaan MP, who resigned his position on the committee in June 2014 to fill a vacancy on the Economic and Finance Committee. I should also note that I have returned to the committee after a 17 month absence.

I need to thank the previous members of the committee who have variously retired or moved on to new challenges. These include the former member for Torrens, Mrs Robyn Geraghty, the former member for Mount Gambier, Mr Don Pegler, the member for Frome, the Hon. Geoff Brock MP, the member for Little Para, Mr Lee Odenwalder MP, the member for Stuart, Dan van Holst Pellekaan, and the Hon. Russell Wortley, yourself, Mr President. Their collective services to the committee have been invaluable and the committee will miss them. The committee's staff remained unchanged during the reporting period.

Over the reporting period, the committee undertook 14 formal meetings totalling 30 hours and took evidence from 11 witnesses. Fourteen reports were drafted and tabled: the Annual Report for 2012-13; seven reports into the Natural Resources Management levy proposals for 2014-15; the final Eyre Peninsula Water Supply Inquiry report, the 2012-13 Annual Report on the Upper South East Dryland Salinity and Flood Management Act; two reports on bushfire preparedness and prevention; a report on the committee's Whyalla region fact-finding visit; and a report detailing the committee's visit to the Alinytjara Wilurara NRM Board region.

A fact-finding tour was undertaken in 2013-14 to Whyalla and regions. The committee also intends to visit the southern part of the Alinytjara Wilurara NRM region, in particular, the Aboriginal communities of Yalata and Maralinga. However, due to time constraints and unsuitable weather the tour has been postponed at this stage.

I acknowledge the valuable contribution of committee members during 2013-14. I thank all members, both old and new, for the cooperative manner in which all have worked together, and I look forward to the continued spirit of cooperation for the conclusion of this year and into next year. Finally, I thank Patrick Dupont, the executive officer of the committee, and David Trebilcock, the research officer, for their assistance. I commend this report to the house.

The Hon. J.S.L. DAWKINS (17:55): I rise to support the motion moved by the Hon. Mr Kandelaars and to endorse his remarks about the work of the committee. It is a very good committee and is well chaired by the Hon. Steph Key, and the staff service it very well. I will take a

few moments to make particular reference to one of the reports that the Hon. Mr Kandelaars mentioned, namely, the report the committee did into the Whyalla region fact-finding visit on 23-24 October 2013. That report made a number of recommendations in relation to issues regarding properties in close proximity to significant mining operations in the Middleback Ranges.

The concern I have is that that report was passed through the parliament on 26 November and, as members would be aware, ministers and their departments have four months under the Parliamentary Committees Act to respond to such reports of a standing committee. So, the report should have been responded to by 26 March. When the committee met after the election it was some time after 26 March, and nothing had been heard from the minister or the department.

If there had been a difficulty in getting a response then I would have thought that the department might have contacted the committee and explained that there was some issue and delay. However, nothing was heard. Certainly, our presiding member contacted the minister's office and alerted what was then DMITRE to the fact that there was no response. Subsequently, we got a response on 4 July, some further months late.

Recently the members of the mining division of the Department of State Development, which is what has followed on from DMITRE, came and gave evidence to the Natural Resources Committee. I and other members of the committee were concerned with the responses when senior officers were asked about the reasons for the delay. Initially we were told that there were other priorities. They then, to my mind, did not answer satisfactorily about whether they really understood the responsibilities, and once they had been contacted by the presiding member said that they were, yet it still took another three months for the response to come in.

I will not go on, because of the hour of the day, but the other thing that disturbed me was that one of the documents given to us was a document that had gone to the minister, the Hon. Mr Koutsantonis. Whether we were supposed to get this document or not is immaterial. The reality is that we were given it and there were two dot points that I was concerned with.

One was where it said 'DMITRE questions the expertise of the NRC to make recommendations on regulatory matters that are based on limited information and fact.' The other dot point that I and other members of the committee took exception to was, 'In summary, DMITRE questions whether the NRC has gone beyond the scope of the "Functions of the Committee".'

Mr President, I think that, as a former member of parliamentary committees and someone who holds the role of the parliament as paramount, certainly as distinct from the role of government, you would probably have the same indignation that I and many others had. I think it is fair to say, and the Hon. Gerry Kandelaars would agree, that those sentiments were relayed to those officers at our meeting, but it is something that I found quite offensive. With those words, I will say that I enjoy being a member of the Natural Resources Committee, and I commend the motion to the chamber.

Motion carried.

Sitting suspended from 18:01 to 19:45.

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

The Hon. G.A. KANDELAARS (19:46): I move:

That the 2013-14 annual report of the committee be noted.

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

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

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

Some of the witnesses raised concerns that SafeWork had not been appropriately resourced to adequately implement the significant changes across South Australia, particularly in relation to small and medium businesses and industry groups.

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

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

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

The retail and hospitality sectors are the largest employers of young casual workers, many of whom are females between the ages of 15 and 24. Employees working in these sectors are at risk of exposure to abusive customers, who may be affected by drugs or alcohol or both. As security increases in large retail stores and in the financial sector, criminals are drawn to the softer targets, leaving young employees who work alone, especially at night, at risk of violence. Young men are at risk of serious assaults, whilst young women are at risk of sexual violence. The largest number of assaults is experienced in the hospitality sector, while the retail sector experiences the highest number of robbery incidents.

During the 2011-12 financial year, more than 650 South Australian workers made a claim for workers compensation as a result of being exposed to occupational violence at work. The direct cost was over $9 million, but the indirect cost—the impact on family members of the injured worker and the cost to the community caused by these types of injuries—is not easily quantified.

The committee also considered the implications arising from new terminology in the Work Health and Safety Act by some contractors and consultants. The seemingly excessive use of SafeWork method statements required by principal contractors reveals that there is a level of confusion about legal responsibilities.

The committee also noted that, in a judgement by the Industrial Court, concern was raised over the ability of employers to obtain indemnity insurance for criminal negligence in relation to breaches of health and safety law. The practice is a disincentive for business to invest in harm prevention strategies and has the potential to expose employees to significant risks. It is hoped that steps can be taken to discourage this illegal practice.

The 18th report of the Occupational Safety, Rehabilitation and Compensation Committee summarises the committee's work for the financial year 2013-14 and the cost of that to the taxpayer has been minimal. The total expenditure of the committee for the financial year was $3,389.13.

I would like to take the opportunity to thank all those who have contributed to the inquiries undertaken by the committee. I thank all those people who took the time and made the effort to prepare submissions for the committee and to speak to the committee. I extend my sincere thanks to the members of the committee: the presiding member, Hon. Steph Key; the newly elected member for Schubert, Mr Stephan Knoll; the newly elected member for Reynell, Ms Katrine Hildyard; as well as the Hons John Darley and John Dawkins.

I would also like to thank Mr Ivan Venning who served in the other house for 24 years as the member for Schubert and who has since retired but who was a member of the committee for four years and made a valuable contribution. I would also like to recognise the contribution of the Hon. Rob Lucas as well as Mr Alan Sibbons, former member for Mitchell, for their contributions to the committee over the same period of time. My thanks also go to the committee's executive officer, Ms Sue Sedivy, for her diligence and hard work. I commend the motion to the house.

The Hon. J.S.L. DAWKINS (19:56): I rise briefly to support this motion and thank the Hon. Mr Kandelaars for the manner in which he has summarised the work of the committee. I have only just come onto the committee since the election and I must say I am enjoying it very much. They are big shoes to fill, trying to take over from the Hon. Rob Lucas, but I am doing my best. Certainly, I have enjoyed the committee so far. I am not across a lot of the issues that were referred to in that report but I am pleased to say that the committee is getting into some serious issues to follow on from those matters.

Members will not be surprised to know that I was delighted that the committee decided to take on the Inquiry into Mental Health in the Workplace: Preventing Suicide. Obviously that is a passion of mine, and I was very pleased that the committee took that on. In closing, once again I thank the Hon. Steph Key, particularly for her chairmanship and the other members of the committee. I am also enjoying working with Ms Sue Sedivy, the executive officer of the committee. I support the motion.

Motion carried.

Motions

YOUTH PARLIAMENT

The Hon. T.A. FRANKS (19:58): I move:

That this council notes—

1. The youth bills and acts written, debated and passed by the 2014 Youth Parliament of South Australia during this year's YMCA Youth Parliament program;

2. The outstanding work of the participants and taskforce of the Youth Parliament program in producing and debating these pieces of legislation;

3. The active engagement of our state's youth in their communities and in the state's decision-making process; and

4. The importance and value of youth voice and advocacy, particularly on issues that directly affect youth.

I move this evening that we recognise the great work of the Youth Parliament in this year of 2014, and particularly the youth bills and acts which were written, debated and passed by that parliament during this year's sessions. I praise the outstanding work of the participants of the taskforce of the Youth Parliament program in producing and debating these pieces of legislation that go into producing this report.

I also take this opportunity to invite other members to also acknowledge the work of the Youth Parliament 2014 and indicate that I will be bringing this motion to a vote on Wednesday 3 December. I look forward not only to members participating in this place but Youth Parliament members coming along and joining us to celebrate their hard work for the 2014 Youth Parliament.

Members would be well aware of the Youth Parliament. I think it is always an interesting occasion when youth parliamentarians come into this place and debate issues, many of which we ourselves debate but some of which we have never even thought of. Certainly they have many good ideas to put forward that should also quite rightly be debated in this place and in the other place. I cannot help but reflect on the words of Kofi Annan, who said:

> Normally when we need to know about something we go to the experts, but we tend to forget that when we want to know about youth and what they feel and what they want, that we should talk to them.

Of course, youth are the experts in their own life and they also have a perspective on the many issues that we debate and, as I say, quite a few that they could bring to educate us. I look forward to 3 December and all members in this place being engaged in supporting the work of the Youth Parliament. Youth are not passive recipients and they are not the future: they are the here and now and they are part of our community.

In fact, it is probably not lost on members today that the Hon. Dr Bob Such was a great advocate for youth and, indeed, a former minister for youth affairs. As I mentioned, when I was involved with the National Union of Students he was also very active in youth affairs. I was also clearly engaged in that sector at the time. He moved bills about lowering the voting age to 16, as the Greens have also advocated.

You would not be surprised to know that that was one of the bills that the Youth Parliament of 2014 debated. What you might be surprised to know is that, while they looked at reducing the voting age to 16 with their lowering the voting age bill, they also had provisions that that voting was not to be compulsory for those under 18, which I think is quite similar to the bills previously put forward by the Hon. Dr Bob Such and the Greens. It was also not to be compulsory for anyone over 70 in the Youth Parliament bill put forward in 2014.

What I found quite interesting is that while that bill passed in the House of Assembly, it failed in the Legislative Council by two votes. It was a surprise to me that those young people did not want voluntary voting for 16 to 18-year-olds to be introduced, or perhaps it was that they did not want to exclude the over 70s. I am not sure. I think we will be reading in greater detail the debates and discussions that happened in that Youth Parliament.

Another vote that took place was that which was, for the first time, a governor's motion of public importance that was put to a public vote of the youth parliamentarians rather than simply chosen by the governor. The 2013-14 Youth Parliament governor was Malwinka Wyra, many of whom would be aware is actually a trainee in my office. She decided that rather than have a captain's pick, if you like, she put it to a vote of over 500 young people from across South Australia and they chose the topic that was most important to them to debate: marriage equality. For the first time we saw young people have a real say in what that motion of public importance would be that would open the debates and proceedings.

It probably will not come as any surprise to members that that bill passed both houses quite convincingly. Other bills that were debated were: a bill to ban jumps racing, a bill on therapeutic sex work, a bill about the solar industry in this state, a bill on same-sex adoption, a bill which looked at APY lands education reform, and also another bill on universal access, which was about the access to public and private spaces.

The bill that got the most support, with a total of 90 yes votes across both houses, was the Youth Mental Health Accessibility Act. Following on from the words of the Hon. John Dawkins, who often brings up mental health issues and raises that very vital issue of mental health in this place, clearly young people think that mental health is also a priority and something that we should be acting upon.

With those few words, I look forward to a debate on 3 December that involves many more members than myself and, as I say, an engagement with those youth parliamentarians. For the first

time, I table the youth bills and acts of the Youth Parliament 2014, produced and published by the YMCA of South Australia in the Legislative Council, not only to inform this current Legislative Council, but to go into the records of the tabled parliamentary documents from this point. With that, I commend the motion to the council.

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

Parliamentary Procedure

VISITORS

The PRESIDENT: I would just like to welcome the senior student executive of the Wilderness School. It is lovely to see you here. You are guests of Peter Treloar MP, the member for Flinders—and a great member he is too. Welcome.

Bills

ELECTORAL (ELECTRONICALLY ASSISTED VOTING AND OTHER MATTERS) AMENDMENT BILL

Introduction and First Reading

The Hon. K.L. VINCENT (20:06): Obtained leave and introduced a bill for an act to amend the Electoral Act 1985 and to make related amendments to the City of Adelaide Act 1998, the Juries Act 1927, the Local Government Act 1999 and the Local Government (Elections) Act 1999. Read a first time.

Second Reading

The Hon. K.L. VINCENT (20:08): I move:

That this bill be now read a second time.

I introduce this bill this evening on behalf of Dignity for Disability and in doing so begin to fulfil an election promise that we made in March during the state election campaign, in fact on the eve of polling day. One feature of our electoral reform policy, as members may be aware, is moving the date of the election from Mad March, which was the subject of a bill that I have already introduced into this place. That bill seeks to move our fixed term state elections to October of every four years and in so doing ensure that the disruption of Adelaide Cup Day, music festivals, art festivals and the Clipsal 500 car race do not distract from the important decisions that voters must make and focus on about who gets to run the state. However, that is an issue for another time.

In introducing this bill, I would like to firstly thank the members of the public, particularly those from the disability and youth sectors, for attending a public consultation event that I held in early October at the Disability Information and Resource Centre, more commonly known as DIRC. This group included people from the Deaf community, the blind and vision-impaired community, the intellectual disability community and, of course, from the youth sectors.

I really appreciated the frank and fulsome discussion on that afternoon, one that continues to go on via social media, and the range of views that people represented. I would also like to thank in particular Ms Michele Thredgold, a former Dignity for Disability candidate who is herself blind, and also the Blind Citizens Council. The council and Ms Thredgold alerted Dignity for Disability and my office to the antiquated condition in our state Electoral Act which requires voters to mark the ballot paper.

This requirement has had the, I assume unintended, consequence of ensuring that blind and/or vision-impaired voters cannot cast a private or secret vote. Instead, they must ask someone to mark the ballot paper on their behalf. This does not guarantee, in any way, a confidential vote but, more importantly, it does not guarantee an accurate vote because if a voter is vision-impaired to the extent that they cannot see the ballot paper, it is impossible to see whether the person assisting them has marked it in the correct place or in the correct order.

In federal elections, as the Commonwealth Electoral Act does not have this clause, people are able to vote using electronic methods such as telephone voting because there is no specified need to mark the ballot paper with a pencil. So the first feature I would like to mention about this bill

is the removal of the requirement to mark a ballot paper as the primary or sole means of casting a vote. This is an important development for electors who are blind or vision-impaired as it will provide them with independence, confidentiality and accuracy as they cast their ballot, a privilege that many of the rest of us already enjoy.

They will be able to vote over the phone or by other accessible electronic means. We have purposely left this up to interpretation due to the rate at which technology advances nowadays. It is ridiculous that in 2014 and beyond, with the ever-growing level of technology that many of us already have at hand, that we do not have this in place already. In 2014 we are fast running out of excuses. Indeed, I would argue that we have already run out of excuses not to use these methods to the advantage of better accessible elections.

A second feature of my bill is that which will require that all polling booths are accessible to those who use mobility aids or have other mobility differences or restrictions by the next election in 2018. Dignity for Disability believes that it is ridiculous, once again, in this day and age, that some voters with physical and/or sensory disabilities are still not able to vote in their local polling booths. At this year's state election I understand that only one-third of polling booths were accessible, meaning many people had to vote by postal ballot (not of their own choosing) or at an accessible pre-poll centre before the election day. Access to democracy in its various forms should be for everyone, not just a select few.

Another effect of my bill will be to ensure that people do not have to vote inside a polling booth if there is any reason that a disability or other condition makes it impracticable or unreasonable to expect them to do so. Perhaps they are unable to leave the car, use a mobility device or some other matter. We believe that they should be able to vote outside of the polling booth with the approval of electoral staff in order to ensure an improved accessibility to voting on polling day for people with disabilities.

Another feature of this bill would be to enshrine disability-related community education officers employed at the Electoral Commission. Anecdotal evidence to my office suggests that enrolment rates of people with disabilities are low, and particularly low when it comes to people with intellectual disabilities. In fact, it seems clear to me, from anecdotal evidence I have from my continued conversations with the community, that many people with intellectual disabilities are not so much as enrolled to vote. This often seems to be not because they do not have the capacity or the interest to enrol but because the person who might otherwise support them to do so believes that they are incapable of doing so and therefore does not provide or offer that support. This is yet again a case of people with disabilities being burdened by the low expectations placed upon us by others and it is time we cleansed our society of these.

Dignity for Disability wants to see research conducted in this area, particularly to see exactly where the level of enrolment for people with disabilities is when it comes to voting. The creation of a community education officer in disability who can educate and inform people with a disability on their rights and responsibilities in the electoral process as well as promote better engagement with the political process is a sure-fire way to do this.

Members have probably noted, with some level of interest, that the bill also seeks to ban the use of corflute electoral advertising on public land and property throughout South Australia. This form of advertising during elections, with large plastic posters, is an environmental disaster that does little more than distract drivers. They are also expensive and therefore give larger parties the campaign advantage. Election posters also say nothing about the policies or intentions of the person displayed on them. Dignity for Disability decided to forgo campaign corflute advertising for our candidates during the state election and we are calling for a ban on the practice going forward, particularly because it is unfair for many people with physical disabilities who are unable to place a corflute at least two metres above the ground. So, in effect, it is, I hope inadvertently, discriminatory.

We also believe there is no space for this archaic form of advertising in modern-day elections, where we should all be discussing our policies, initiatives and intentions with electors via face-to-face forums, online and by other mediums. We certainly believe that if you are genuinely getting out there and engaging with the community, listening to the community and letting the community know about your intentions then you probably do not need pictures of your face everywhere because

people will recognise you through your actions. I certainly believe in the old adage that actions speak louder than words and certainly louder than corflutes.

The bill also seeks to better engage young people in our democracy, both in state and local government elections. The bill does this by instating non-compulsory voting for 16 and 17 year old South Australians. Giving young people the opportunity to vote before they turn 18 hopefully would encourage engagement with the political process and the community. We want to develop our politically-minded young people and also make sure that their issues are given the weight they deserve when raised with politicians. We also want to ensure that young people understand the avenues that are available to them to raise issues with members of parliament and other members of the community and to ensure that those pathways are accessible to them.

I understand that other people before me in this place have attempted to amend the voting age to enable 16 and 17 years olds to vote and I certainly believe it has been a long-time policy of organisations like the Youth Affairs Council of South Australia (YACSA), and for very good reason, Mr President. We ought to remember that 16 and 17 year olds are often able to leave home, they are often in the workforce, they can drive cars, they are occasionally parents and they are involved in the same world in which adults live. They are our future and they are our present and we need to treat them as such. The decisions made in this parliament have an impact on their lives and so they should be given the option of voting if they feel they are ready to do so and they choose to do so.

The final feature of this bill is the set-up of what is called the disability promotion fund, which is based on an initiative that exists in the UK but, unfortunately, has yet to be seen anywhere in Australia. As members may have gathered, if they have read through the bill, the purpose of this promotion fund, to be held by the Electoral Commissioner, is to provide funds to support candidates with disabilities with the additional barriers we can often face when seeking candidacy or election.

It is no secret, I would hope, to anyone in this parliament that people with disabilities are generally underrepresented in positions of power, or so-called positions of power, and yet, one in every five of us—that is, 20 per cent of the population—is a person with a disability and I believe one in every three is affected by disability because they care for someone with a disability.

Again, it is ridiculous and offensive that, in this day and age, we people with disabilities who are taxpayers and who contribute to the community often on the same basis as any other member, if not more, are still expected to just forgo the chance to have our say in society because of the barriers that other people put forward to us. As I said earlier, the main barrier that we people with disabilities face in today's society is the perception that others have of us, the things that people tell us we are not able to do and the chances that we are not given.

The community may not be aware of this, but the expenses associated with running for parliament when you have a disability in particular are significant. It may be that you have special needs relating to transport or that you require, for example, an Auslan interpreter or a sign language interpreter to be able to communicate with your potential electorate. We certainly believe that it is time that the parliament and governments, including local government, became more accountable and, to do that, we need to give people with disabilities a genuine chance to have a voice. That is what we intend to do by seeking to establish the disability promotion fund.

Having now gone over the main objectives of my bill in some detail, I would like to further touch on some points. I did mention this briefly earlier, but I will just mention it again so that we are clear. One thing that arose in the roundtable discussions that I have had on this bill so far were some mixed feelings, mixed views, about the fact that the definition of accessible information to be distributed during elections in particular is quite broad.

We have done that for several reasons, mostly because, as technology advances, the methods are going to change, so we think that, rather than legislating for a form of accessible technology that will probably be quickly outdated, we will leave that open, so that whatever is the best practice of the day can be used.

However, we are considering some amendments to this to do with technologies or other communication methods that are very unlikely to change any time soon, particularly to do with the provisions to require the Electoral Commissioner to distribute information that is accessible to the

Deaf/signing community via the use of captioning and Auslan interpretation videos. This is something we are certainly considering.

It is my expectation at this stage that, due to the current make-up of the parliament, this bill will probably be deferred to a committee, so that is something we will consider later and that we continue to consider, but I just wanted to assure the Deaf community that that is certainly something that is very much on our radar and something that we intend to move forward with. But, for other reasons, particularly to do with access to technology, we have left the definition very broad to enable it to keep up with the times.

Often when we think about electoral reform, it is important to think outside the square, outside the status quo and, for many people with disabilities, this is something that is not very hard to do, because we have lived outside the square for so long. We have been forced to live on the perimeter of society and to accept the crumbs of acceptance and empowerment that come our way, and it is ridiculous that in 2014, this situation continues.

It is absurd that in 2014 my role as a member of parliament with a disability is still a novelty to many people in this place, and still to some in the general community. Therefore we must empower people with disabilities, not by forcing us to take up positions of public policy or other positions but by giving us equal choice and access to the positions that most empower us and the positions that most enable us to have our say in society. I hope this bill will go some way to create that situation for us all.

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

ELECTORAL (HOUSE OF ASSEMBLY CASUAL VACANCIES) AMENDMENT BILL

Introduction and First Reading

The Hon. R.L. BROKENSHIRE (20:26): Obtained leave and introduced a bill for an act to amend the Electoral Act 1985; and to make a related amendment to the Constitution Act 1934. Read a first time.

Second Reading

The Hon. R.L. BROKENSHIRE (20:27): I move:

That this bill be now read a second time.

I have introduced the Electoral (House of Assembly Casual Vacancies) Amendment Bill 2014, and I trust that even with the busy workload colleagues have they will have a chance to consider this bill as soon they can, because I give notice to my colleagues that I would like to put this bill to a vote as soon as possible. This is due to the issues around the bill and around the split by-elections occurring. One will occur on 6 December, and I understand the other one will, tactically, probably be in the middle of the school holidays or later in the school holidays in January next year.

Unlike the by-elections of Port Adelaide and Ramsay, by-elections which were both held on 11 February 2012, we currently have a situation where two by-elections are to be held on separate days. I point out to my colleagues that it is no secret that not only were the Port Adelaide and Ramsay by-elections both held on two different days for deliberate purposes, but they came as the result of executive members of the government putting undue influence on the former premier, the Hon. Mike Rann, and the former deputy premier and treasurer, the Hon. Kevin Foley. They wanted them out of the way at all costs so that they could get on with the business of capitalising on the issues around what happened with the pressure applied to the Hon. Mike Rann, the then premier.

We know that the cost of by-elections can range between $250,000 and $275,000 per seat, so it seems absurd that two by-elections in the neighbouring seats of Fisher and Davenport will be held on separate days. Fisher goes back to the polls, as I said, on 6 December, I think, while those in Davenport will have to wait until next year. Even though the Hon. Iain Evans, the member for Davenport, will give his valedictory speech tomorrow, 31 October 2014, those constituents will then have to wait until next year. Electoral Commissioner Kay Mousley, in *The Australian* on 22 October 2014, said:

> It would make operational sense to hold both by-elections on the same day…There is not a great cost difference, but from an operational perspective there are advantages, as in we don't have to repeat the same process within a couple of weeks of each other.

Kay Mousley indicated that it is 'very difficult' to hold a by-election in the January school holiday period. It is interesting that the commissioner said that, and I trust the government will take note. She was quoted as saying:

> I have a concern to make sure that as many electors as possible can participate in the process, as typically by-elections have a lower turnout than for a normal election.

This is another reason for having both by-elections together. It gives a chance for the media and helps engage the focus of those who live in seats where the by-elections are occurring, particularly when the seats actually join (that is, Fisher and Davenport), to hold the by-elections on the same day. It also gives some respite to the rest of the state, who have probably had enough of federal, state and now local government elections.

Ms Mousley also indicated that she had tried to raise the issue with the Speaker (Michael Atkinson). This is very interesting, and I would ask colleagues to focus on this. Here we have Kay Mousley, the South Australian Electoral Commissioner, indicating that she tried to raise the issue with the Speaker. Interestingly enough, however, he allegedly refused to take her calls; I find that amazing. Accordingly, she had to write to him to discuss her concerns regarding the calling of two by-elections on separate days.

It was reported that the Electoral Commissioner would write to Labor's Mr Atkinson to object to his 'political' decision to hold one by-election on 6 December and the other one early next year. Incidentally, Mr President—I know you would be happy because you are very focused on protocol and procedure—Mr Atkinson was quoted in the same article as acknowledging the decision was 'inherently political'. According to that, the Speaker of the other place acknowledges that it was a political decision. To me, that alone says that we should support these amendments.

So, what does this bill do? First of all, this bill gives the power to decide on the dates of by-elections to the independent Electoral Commissioner; (2) the writs for by-elections are to be issued by the Electoral Commissioner on the day that he or she decides, after being notified by the Speaker of the day of the resignation of members; (3) there is a presumption that when two or more by-elections are called, unless there is a good reason, the by-elections will be set for the same day; and (4) in instances where one or more by-elections have been called and then the Electoral Commissioner is given notice of additional casual vacancy, the Electoral Commissioner must fix the by-elections for the same day if it is at all possible. It removes entirely what the Speaker in another place (Hon. Mr Atkinson) calls 'inherently political'.

What are our reasons for this bill? Family First does not believe it should be up to the Speaker of the day or the government, or both, to decide when by-elections occur. This can be used to the political advantage of those in power and undermines the democratic processes of the Westminster system, and also totally undermines the democracy that South Australians adore, want to protect and want to see enacted within the parliament.

It was reported on FIVEaa that the Speaker had not received the resignation of Mr Evans and therefore argued that he could not order an election for Davenport until next year. Yet, in *The Australian*, the Speaker was reported to have acknowledged the decision was 'inherently political'. Additionally, it has been reported that Labor was ready with a high-profile candidate in Fisher but does not appear to have one in Davenport.

Family First want debate on this issue. We believe that the democratic thing to do in this situation is to take the power away from any potential abuse or advantage through the fact that there is not an independent arbiter deciding on when the by-elections should occur, and therefore remove the risk of abusing the system to give advantage to one of the major parties against the other, irrespective of who is in government. We believe the best way to achieve this is to place the decision in the hands of an independent person, and in this case this bill says it is the Electoral Commissioner.

We also believe that there will be a cost saving, whilst minimal, it is a cost saving nonetheless. I finish with this as well: we all know that we are in a difficult economic situation in this state at the moment. We also know that we are heading towards the festive season, a celebration of

the birth of Christ and all the benefits around Christmas. We also know that during that period there are school holidays.

We know that this state does not need undermining of confidence leading up to this period, and you only have to look at the retail figures in South Australia to see that retailers would love to see a booming Christmas. I put it to you that, given the very tenuous situation with respect to how the government holds office at the moment, it would be much better for confidence to hold both by-elections at the same time, to get rid of the what-ifs if Fisher is won or not won by the government or the Liberal Party, and the what-ifs if Davenport is won or not won by the Liberal Party or the government, the Labor Party.

We now have a situation where over that Christmas period there is a chance that there will be less confidence in this state and not more because people do not know what is going to happen. That is just a scenario about what is occurring right now, but the reality is that there will be other scenarios at any time when there are multiple by-elections. With those few words I commend this bill to the house. I think it is fair and reasonable that this bill should be supported for the reasons highlighted, and I look forward to a robust debate and a decision on this bill hopefully within two or three sitting weeks of the Legislative Council.

Debate adjourned on motion of Hon. J.M.A. Lensink.

Motions

BY-ELECTIONS

The Hon. R.L. BROKENSHIRE (20:37): I move:

That this council—

1. Is committed to promoting an efficient and democratic election process;

2. Condemns the decision by the Speaker to run two by-elections on different dates at an increased cost to South Australians; and

3. Calls on the government to ensure that where two or more by-elections are necessary, they are held on one Saturday, as was the case on 11 February 2012 with the Ramsay and Port Adelaide by-elections.

I will not spend a lot of time speaking about this because it is self-explanatory. I have moved this motion as well as the bill that I have just introduced to the house because I believe that this is an urgent matter, that is, this state is in a vulnerable situation. As I see it, there has been an admission and a deliberate attempt to split a dual by-election opportunity to try to advantage the government in a particular seat.

In the short time since this occurred, whilst many people were gobsmacked, I have been talking to people and they have asked me, 'What on earth is going on here when you are not having two by-elections on the one day?' I was surprised to see that the Speaker of the day—and I do not attack the current Speaker on this because as the legislation stands at the moment, it does not matter whether it is the Speaker, Mr Atkinson, or whether it is a former Liberal speaker—because of the way the legislation is structured at the moment, ultimately makes the decision on when by-elections will occur. Taking that into account and also thinking about the most recent by-elections, namely Ramsay and Port Adelaide, it is something that the house should condemn.

There has been quite a bit of outcry, and rightly so, I believe, by the media, and concerns have been raised with me by constituents right across the state—and I am sure I am not the only member who has had concerns raised with them—about the fact that an elected representative and most times (not always) the Speaker or indeed, sir, you as President, is a member of a political party. That is the reality of how the parliament works, and there is no problem with that whatsoever. However, the problem is that you are then potentially compromising the decision-making role of that Speaker, and you are also in a situation where a particular party, which would always be the incumbent party (the government), will have the political advantage in a by-election.

By-elections are held for a number of reasons. Tragically and sadly, today both houses spoke to a condolence motion about the fact that we have lost a friend, a colleague and a very good member for Fisher and an incredibly talented, longstanding politician, the Hon. Dr Bob Such. The last thing

you need in a tragic situation like that is political one-upmanship or benefit. Secondly, from the point of view of the democratic processes of that by-election, the last thing the people who live in that seat need is having to contend with one party, namely the government, utilising their situation, as it stands at the moment, for the benefit of this particular party. A lot of people take offence to that. If you do not believe me, sir, then have a look at the transcripts in the media, talkback in particular, about what people think about it.

Thinking people believe that the reason you have an independent Electoral Commissioner is to have all the DNA of any decision-making around any influential factors when it comes to a by-election, or any election, and, arguably, that is not the case as the parliament has now structured things. While I give my colleagues a chance to consider the previous bill, I hope all government members, opposition members and crossbenchers will support this motion in the interests of democracy and to expedite the opportunity for the government, through the Speaker, to make an announcement (it is not too late) that there will be two by-elections held on the same day, thereby taking away all the concerns that I have highlighted in the last 20 minutes. It will also put the matter fairly and squarely in the hands of the Electoral Commissioner and give her the opportunity to run these two by-elections together.

I want to finish with two points. I found it very interesting, and some colleagues may or may not have seen this. The first is that the reality is that the Premier defended the decision of the Speaker. I am correct because I watched that closely and thought it was interesting. If there is any independence between the Speaker and the government, why would the Premier be supporting and defending the decisions of the Speaker? That creates quite a lot of innuendo and questioning for sure. That was the first, that is, the Speaker said that Ms Mousley indicated that it was going to be very difficult for her to conduct two by-elections at that time. I gather it was allegedly because she was finishing off work with local government elections.

That was refuted by the Electoral Commissioner, so the next tactic the government used was to say, 'Well, we're not going to save money out of it anyway.' Whilst there may not be a lot of direct savings in having the two by-elections on the one day, the Electoral Commissioner, I understand, ratified the fact that there would be some savings, albeit small, but still savings.

Then we see a situation where we discover that phone calls had been made to the Speaker of the House of Assembly by the Electoral Commissioner advocating both by-elections on the one day, and the phone calls were not returned and in fact were ignored. So, then the Electoral Commissioner had to write to the Speaker and, finally at the end of all that, we allegedly get an admission from the Speaker that, at the end of the day, because of the situation as it stands, it is inherently political, but so be it because the Speaker has that right. Well, the Speaker may have that right, but is it fair and right for those seats facing by-elections? I put it to the Legislative Council that it is not fair and not right and I therefore seek support from this house to call on the Speaker and/or the government, or both, to ensure that both by-elections are held on the same day. I commend the motion to the house.

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

QUESTION TIME SESSIONAL ORDER

Adjourned debate on motion of the Hon. S.G. Wade:

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.

(Continued from 15 October 2014.)

The Hon. T.T. NGO (20:46): As the Government Whip in this house, on behalf of the government I oppose the motion. Since I became Government Whip I have been working closely with the Opposition Whip, the Hon. John Dawkins, and you, Mr President, to have a system of questioning where both the opposition and the crossbenchers get the majority of the questions. The order of the questions now is a lot simpler to understand and follow: that is, the first three questions go to the opposition and then a question from the government, from the crossbenchers and the opposition. We then repeat this order of government, crossbenchers, opposition, and so on.

This system of order of questioning, which has been agreed to by all of us—the whips and the President—

The Hon. S.G. Wade: When? That is you two.

The Hon. T.T. NGO: No, three. On average it gives the opposition at least five questions and sometimes up to seven questions. The crossbenchers get around three and sometimes four questions, and the government gets three, or may get four if there are fewer interjections. If you look at the first 12 questions, which is the general average, the system gives the opposition six questions, the crossbenchers three and the government three. Therefore, nine questions out of the first 12 questions are from non-government members, which is 75 per cent. To me that is very high.

On top of that, both the opposition and crossbenchers have asked many supplementary questions, sometimes up to 14 questions. There are a lot of questions there. I noticed today that there were only five or so supplementary questions, and we were able to get 17 questions in. Eight were from the opposition, five were from the crossbenches and four from the government. Roughly, if you work out the maths, it is more than 76 per cent of the questions—

The Hon. R.L. Brokenshire: One day. Do the average.

The Hon. S.G. Wade: You set us up.

The Hon. T.T. NGO: No, I'm going back to my previous point. If you look at the first twelve questions, nine out of the 12 first questions came from non-government members, so that is 75 per cent. Today we improved a little bit and got up by 1 per cent, so that is 76 per cent. Mr President, the order of questioning that the opposition whip, and you and I have agreed to—

The Hon. S.G. Wade: The gang of three.

The Hon. T.T. NGO: The gang of three, that's right—and I know the Hon. Mr Parnell also had some input, is functioning very well. I do not think it is necessary to move a motion in this house about this matter to have a set minimum number of questions because you might end up with less. If honourable members feel we need to have a committee to work this through because there are other issues that I am not aware of, then we should meet and work it through. However, the Hon. Mr Dawkins (the Opposition Whip), the President and I, as far as I know, are not aware of any issues that have arisen since I have been here. If I knew about it, the three of us would meet and try to sort it out.

I know a few weeks ago the Hon. Mr Dawkins had a problem with questioning because one of my staff accidentally removed one of the opposition's questions, and he picked it up and we were able to sort it out because there was a typo. We do work cooperatively and try to sort things out behind the scenes. If the crossbenchers feel that we have been too generous in giving the opposition six questions out of the first 12 questions and that is too many, I am happy to rearrange and make it less.

The Hon. M.C. Parnell: More crossbench.

The Hon. T.T. NGO: Yes, for sure. Likewise, if the opposition feel that they are getting too many questions—

The Hon. J.S.L. Dawkins: I think I can say that there are times when we haven't got six questions.

The Hon. T.T. NGO: The first 12 you counted, you do get six. If you feel like you are getting too many questions, maybe we could go back to the previous parliaments when the opposition got less questions. I know the government recognises that we do not have the numbers to support our position so the government is willing to have the Standing Orders Committee consider the number of questions asked each sitting day.

As part of the committee's considerations it may be worthwhile looking at the often lengthy explanations given by members when asking their questions. Perhaps if these were kept briefer, there would be more time to ask more questions, like today. Further, there are occasions when members are given the opportunity to ask a question and their question contains many sub-questions

of four, five, six or even as many as seven parts. Responding to these types of questions can require a great deal of work to collect and research the relevant information to provide answers.

The Hon. T.J. Stephens: You don't provide answers.

The Hon. T.T. NGO: Try to. Perhaps consideration should be given to limiting the number of parts of each question to ensure more members get an opportunity to ask individual questions. The number of supplementary questions asked in addition to the original question is also sizeable. Again, maybe this needs to be looked at more closely so as to limit the number of supplementary questions asked to, again, allow a greater opportunity to other members to ask questions that they are interested in seeking answers to.

As I said earlier, I do not have a problem with the Standing Orders Committee working this or some other issues through, but I do not think there is a need to set a minimum number of questions for non-government members when we already have a workable system and when there are a lot more questions that non-members are able to ask. I look forward to hearing other members give reasons why they moved this motion, because I am keen to know; I am puzzled.

The Hon. M.C. PARNELL (20:55): Earlier today I made an observation that when it comes to government members deciding whether or not to support inquiries they were genetically predisposed to just say no, and I think that what we have here is another good example. It is hard to think of a more meek and mild motion than the one before us. The Hon. Stephen Wade thinks that this is groundbreaking and that constitutional law textbooks will be written in the future focusing on this initiative and people will say, 'Do you remember what you were doing when Stephen Wade moved that motion?'

But it is a fairly modest motion asking that the Standing Orders Committee consider a six-month trial. I am just refreshing my memory as to the composition of the Standing Orders Committee. I note that it is a five-person committee: the President, the Hon. Gail Gago, the Hon. Rob Lucas, the Hon. Tung Ngo, and the Hon. David Ridgway. One thing that we might want to look at—not today, but at some stage—is whether the crossbench ought to be represented on a Standing Orders Committee. It certainly was not something that we pushed at the time that committee was established after the election, but I think it will be something we need to look at.

I think the Legislative Council does need to keep a certain amount of flexibility around question time. I am a regular watcher of question time in the Senate, for example, and they have very strict rules on how long the question can be and how long the answer can be, and effectively there are two compulsory supplementary questions attached to each original question as well. That seems to be a little bit too prescriptive, and I do not think we need to go that far.

One model that I would like the Standing Orders Committee to look at is whether question time can be determined to be of variable length that relates to either the time that has passed or the number of questions that have been asked. In other words, it could be that question time goes until a minimum number of non-government questions have been asked or one hour, whichever is the later. Of course, simplistic formulas can bring their own problems, and that is why I think the consideration of a six-month trial is a good way to go rather than trying to lock something in for the remainder of the term because, as we know, some members ask questions with long or longer explanations.

One of the reasons we got through a large number of questions today is that a number of opposition members made no explanation; they just got straight in and asked the question. Of course, you can get more through that way. The other thing to consider is that a number of times, given that we only have two ministers here and on the crossbench we often ask questions that are referred to ministers in another place, and they take no time to answer, just the formality of—

The Hon. J.S.L. Dawkins: A long time to get an answer.

The Hon. M.C. PARNELL: The Hon. John Dawkins rudely interjects that it takes a long time to get an answer, and that is right. People ask me about parliament and how it works and question time and I say, 'Well, it's called question time; it's not called answer time. We don't get answers.' I think this is a modest motion. It is deserving of support. It is asking the Standing Orders Committee to consider a six-month trial.

If the motion does succeed and the Standing Orders Committee does propose a trial, then I would urge it to consider those different variables that I have raised just now in terms of whether question time is limited by the effluxion of time or the number of questions or a combination of both, and that consideration also be given to whether some allowance could be made for questions that are referred to ministers who are not in this house, but the Greens are certainly happy to support this motion now.

The Hon. K.L. VINCENT (21:00): Very briefly, Dignity for Disability certainly supports this motion. I have been very privileged and pleased to participate in the discussions that have been going on with particularly the opposition and crossbenchers about how we can improve procedures, particularly in the council. This is one step towards ensuring that we do that. It is important that we keep in mind that, when we talk about making the running of the parliament more efficient, it is not only about ensuring that we get questions that we are asking answered, or that we have the opportunity to ask those questions for our own purposes.

The reason that we, particularly those of us on the crossbench, ask those very questions is because they are questions that members of the community are themselves asking and wanting answers to. It is just that they do not have the same privileges as we do in being able to ask those questions in this format. So, it is important to remember that, by being respectful to members of parliament, the government is in turn being respectful to members of the South Australian community. Dignity for Disability would like, of course, to see more crossbenchers and indeed all members given adequate chances to ask adequate questions but, more importantly, we would like to see those questions answered.

It was interesting to hear the Hon. Mr Tung Ngo commenting in his contribution on the issue and quoting statistics on this particular week's question time because, as I think has already been pointed out, this week has been rather irregular. This is the first time that the government has behaved, I would boldly suggest, since parliament recommenced in May. I and Dignity for Disability, with many other members I am sure, hope that this will soon become the norm. With those brief words, I certainly commend the motion.

The Hon. R.L. BROKENSHIRE (21:02): I rise to support this motion. I appreciate and enjoy the company of the honourable Government Whip, who did a valiant job in trying to put forward a reason on behalf of the government, not himself, as to why we should not be supporting this motion. I know that statistics are interesting, but there are comments about 'statistics, statistics and damn lies'. I am not suggesting for one moment that the honourable whip would tell a fib but, if you actually only use the statistics for one day, it is a long bow to draw. What you need to do is go back at least 12 months and actually have a look day by day at the quantity of the questions, and then you might get some statistics that are relevant.

I respect his good and valiant efforts, but I do not take them into account in changing my thoughts on behalf of Family First on this. Sir, I put on the public record, to give credit where credit is due, that you have tried to expedite answers so that we can get more questions through in the last several sitting weeks. I have noted that, and I appreciate that as a crossbencher. Notwithstanding that, the reality is that we do not have 13 ministers in this house: we have two. We should have three and probably four. This is not the time for the debate on that, but I just thought I would put that on the public record.

The Hon. S.G. Wade: It is just that nobody is appointable—that's the problem.

The Hon. R.L. BROKENSHIRE: Notwithstanding all of that, we could have a motion on all of that and why, what and if not. But to come back to the point, the reality is that, quite frankly, the lack of questions that crossbenchers and opposition members get has been appalling.

I have a fundamental belief that question time should be a proper question time for an hour. This Dorothy Dixer stuff about questions without notice when they are absolute Dorothy Dixers and filibustering simply to take up half an hour of question time, we really need to reform all of that, and I will tell you why. The fact of the matter is that the government has all the spin doctors, they have all the budgets, they have all of the functions to open, the ribbons to cut, and they have the media all over them wanting to hear from them any time they want to give a press conference.

There is so much in the favour of the government, I really do not think they need to ask any questions during question time because they can ring their minister or send them an email and, if the minister is too busy, one of the 30 or 40 staff, direct and indirect, between the minister's office and those assigned from the agency and department, can answer all of that for them, and I have seen it happen. When there is a really quick response needed, that happens.

If I had my way, I would move a motion that there be no questions to the government from government members, that we would have a proper democratic process of a whole hour of questions. When I was a minister, I would have appreciated that because on one occasion I had one of my own members ask me a question, and that got a bit tricky.

To get back again to the point, let's make question time democratic, let's make it open and transparent, and let's get through as many questions as we possibly can. Further to that, can we actually get answers to the questions on the spot? I put it to you that, if a minister is getting $100,000 more than the rest of us, which is often equivalent to the income of a two-income family, in additional salary because they are a minister, they ought to be on top of their subject, and they should not have to have half a metre of folders and notes.

They ought to do their homework, and they should be able to answer the questions. Fair enough, they are not going to be a guru who knows everything, but if there is something they legitimately do not know, they can take it on notice, get their staff working and get back in here the next day and table the answer—simple as that. It is not hard. It is just the fact that they do not want to be embarrassed or they do not want to do the work, or both.

With those words, when it comes to this motion, Family First supports the Hon. S.G. Wade, and we ask 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. I commend the motion to the house.

The Hon. S.G. WADE (21:07): I thank all the honourable members who made a contribution on the motion. The Hon. Robert Brokenshire reminded us of the quote in relation to statistics being, I think, 'lies, damned lies and statistics'. Out of my respect for Mr Ngo, I think that I would prefer to use the quote that 'statistics are used much like a drunk uses a lamp post: for support, not illumination'.

Members interjecting:

The Hon. S.G. WADE: No, it wasn't a reflection on drinking habits. All I was saying is that statistics can be used for different purposes. So, let me play with some statistics. In the 1996-97 parliamentary session, on average, the number of questions asked without notice was 10. My understanding is that, at that time, we had two members of the Legislative Council on the crossbench. In 2006-07, when Mr Finnigan and I were enjoying the first flush of parliamentary service, the number of questions without notice reached a record in recent decades of 15, and at that stage we had seven crossbenchers.

So, in a 10-year period, you had a huge increase in the crossbench. Then in the last period, it has diminished such that, in the last parliamentary session, there were fewer than 12. I think that it is very important for the major parties, after 30 years since the reforms, to realise that things have changed. This is not just a meeting of the big parties in the room with a different colour. There has been a fundamental change in the composition of this place. We now have a record number of crossbenchers.

The Hon. Mark Parnell reminded us that, unlike members of the major parties who have colleagues in the other place who can ask questions directly of their colleagues, the crossbench members of this place need not just to engage the ministers in this place but also ministers in the other place through questions without notice. So I would put it to the house that the increased number of crossbenchers increases our responsibility to make sure that we maintain our effort in terms of questions without notice just so that every political group represented in this place—and after all, it was the people of South Australia who decided to put each group in here—has an opportunity to have questions asked from its perspective.

I think it is very concerning in that context, not that the numbers vary from time to time and year to year, but that over recent years there has been an ongoing decline at the same time as we are experiencing an unprecedented number of crossbench MPs. In making that observation, I hope I am not doing the statistics a disservice or misrepresenting the situation, and I am certainly not trying to reflect on the service of the Hons Mr Ngo, Mr Dawkins and the President. I think it is widely recognised in this place that those three gentlemen take on a cooperative approach, not just between themselves but also in terms of engaging the crossbench.

I do not blame them for the system we have inherited, but what I put to the Hons Mr Ngo, Mr Dawkins and the President is that we could make it easier for you to properly run the house if we had a better set of rules. I was a bit surprised that the Hon. Mr Ngo said, 'What is your problem?' in the politest possible way because I thought the problem was pretty clear. The frustration in this place when we have longwinded, irrelevant answers is almost palpable.

The Hon. R.L. Brokenshire: Did you say 'irrelevant answers'?

The Hon. S.G. WADE: That is what I felt it was. Did I say 'relevant'? If so, I meant longwinded and irrelevant. *Hansard* will make me make sense later. I thank honourable members for raising other issues. The Hon. Mark Parnell rightly highlighted the issue of referred questions and should they be in the count, so to speak, and whether it would be better to have a mix of time and number of questions. I think the Hon. Tung Ngo raised the issue of longwinded explanations and overly complex questions. I agree that all of those are valid matters that the Standing Orders Committee could discuss.

I know it is a bit cheeky really to have the suggested solution in the reference to the Standing Orders Committee, but the Standing Orders Committee is fully able to take control of the issue and come back with any solution they wish, including addressing other issues that it sees fit. With those comments I thank all honourable members for their contributions and for their indications of support. I look forward to the consideration of the committee.

Motion carried.

QUESTIONS ON NOTICE STANDING ORDERS

Adjourned debate on motion of Hon. R.I. Lucas:

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.

(Continued from 15 October 2014.)

The Hon. R.L. BROKENSHIRE (21:14): I will be brief, given the time of night, but I am very passionate about this motion. I commend the Hon. Rob Lucas for this motion, namely 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.

It has almost become comedy time in this chamber when you as President ask our ministers if they have any questions on notice to table and every now and again we get one, but most days we do not get any. Some days we get a couple. It has taken over two years to get a response to some of those questions. This has become a tactic that has increased, in my opinion, and it has deteriorated the legitimacy of this chamber over the last two or three years in particular.

I place on the public record that I believe—and I declare to the honourable whip that I have not done the statistics on this—that when the Hon. Mike Rann was premier we generally got responses quicker than we do now. So this has been a deliberate tactic.

A long time ago, when we had a Liberal government, ministers were actually instructed—and I had to do it myself—to get responses as quickly as possible. To show respect to your colleagues, irrespective of whether they are opposition, government or crossbench colleagues, I think it should be incumbent on the minister to ensure that if they do not know the subject matter—and to be fair to ministers, they cannot be a font of knowledge on everything—they should take it on notice and get a response back forthwith.

I have come to a point now where I do not put questions on notice at all. I have found it such a waste of time and it is actually not good for the constituents for whom I put these questions on notice because it is an embarrassment. My office has to ring those constituents back every month and say, 'We haven't forgotten about you but unfortunately the government has forgotten about you. All we can do is keep asking them.' It actually works against the government, if they think about it.

What I have decided to do is keep a bit of a log of what ministers get back to us quickly and what they do not. I actually write to ministers now with a question because I can get an answer back from most ministers. There was one minister in the other house who held the record. He took about two years to get back to us with the worst response, because he allegedly used to take his jogging bag home with him (rather than his cabinet bag) to run around West Lakes Shore. He is no longer in this place so he is probably jogging most days.

The point is that we deserve to be respected by the government of the day, whether it is a Liberal or a Labor government, because we are here in a democratic process representing our constituents. I say to this council: for goodness sake, if a minister cannot get a response back within 30 days, they ought to resign due to incompetence. It is as simple as that.

I will finish with this: you cannot blame the bureaucrats or the office staff, because I think without exception now every minister has an officer within their office whose duty it is to actually look at the *Hansard* and take all this stuff up. They actually send questions off to departments and agencies, generally within a couple of days of the question being put on notice, with a request for a response. What I understand is happening—a deliberate tactic—is that ministers just ignore and sit on questions while they build up dust, to the point where they do not even know where they are in their office, unless they have a good cleaner who keeps removing the dust.

It took nearly a year to get a response to one question, which really infuriated me, and it was one paragraph that said nothing. It did not even answer the question. To me, that was absolute contempt. If I was more savvy about the media—and I have learned a bit since then as I have a little more experience—I would have taken it to them and said, 'This shows the incompetence of the minister.' If it happens again, I will. I am not going to hold back anymore. I am going to go to the media and expose the incompetence of a minister. In the meantime, I commend the motion. I seriously believe that if the government does not support this, if it says that it is not in a position to get responses to questions on notice within 30 days, then it should get out of government.

The Hon. G.A. KANDELAARS (21:19): I rise on behalf of the government to oppose this motion, but I recognise that it is unlikely and I am pragmatic enough to know that we have the numbers to support our position. As such, the government is willing for the Standing Orders Committee to consider and, if appropriate, look at specific time frames for responding to questions on notice. The Hon. Rob Lucas is not very clear in his contribution if he is referring to only questions on notice or if his intention is also to include time periods for questions taken on notice during question time. I am sure he will clarify that matter.

When providing consideration to both these issues, it is important to ensure that no unintended consequences are created as a result of the proposed changes. It is important to ensure that it does not create a greater burden by increasing the pressure on our public sector, which is responsible for preparing answers to questions, and that the responses to members' questions are given due consideration.

Another point I will make is that many questions asked by the Liberal opposition are not genuine questions and, as seen in the freedom of information process, they also use the questions on notice process as a fishing expedition. This again places additional pressure on our public sector and takes resources away from front-line services that benefit our community.

The Standing Orders Committee should give thought to the types of subjects, the length of questions and the number of parts to each question placed on notice. Looking at the subject matter of the previous questions on notice tabled, some have required substantial research, and future time requirements need to be reflective of the range and types of questions.

With the introduction of proactive disclosure, the number of questions on notice by the opposition has declined, and as a result we have a more transparent government. What is also

amazing is that the opposition is asking for a standard they did not adhere to in government. As the Hon. Mr Rob Lucas states in his debate—

Members interjecting:

The PRESIDENT: The Hon. Mr Kandelaars has the floor.

The Hon. T.J. Stephens: He's talking shit.

The Hon. G.A. KANDELAARS: I will continue. As the Hon. Mr Rob Lucas states in—

The PRESIDENT: The Hon. Mr Kandelaars, sit down for a second, please. The Hon. Mr Stephens, I heard a word which was completely unbecoming of you and is totally unparliamentary, so I would like you to withdraw it.

The Hon. T.J. STEPHENS: I am happy to withdraw it.

The PRESIDENT: Thank you.

The Hon. G.A. KANDELAARS: I will continue, Mr President. As the Hon. Mr Lucas states in his debate, the parliament website does list the number of questions asked on notice, and if you look and compare when the question was asked and when the response was tabled by the then Liberal government, around 84 per cent took longer than 30 days to be responded to.

Finally, as our standing orders in the Legislative Council do not include clauses that cause our questions to lapse when parliament prorogues, the government feels that, should the impost of a time period for responses be put in place, this particular clause should also be reviewed and consideration be given to reflecting the House of Assembly clause that allows questions to lapse.

The Hon. K.L. VINCENT (21:23): Once again, consistent with my previous comments, Dignity for Disability supports this very sensible motion.

The Hon. M.C. PARNELL (21:24): The Greens will be supporting this motion, but I do need to say that my resolve in that position is somewhat shaken, having heard the contribution of the Hon. Gerry Kandelaars. He makes a most excellent point in relation to the unintended consequences that might flow from a change to our standing orders. Those consequences might include concepts such as accountability, which I think if it were to take a foothold in our system of government would be the beginning of the end. Another unintended consequence is that members of parliament might get it into their heads that they are somehow relevant to the system of government in this state and I think, again, a very dangerous idea that we need to be cautious of promoting in this place.

I do accept one thing the Hon. Gerry Kandelaars said, and that is that the Standing Orders Committee should pay attention to whether the 30-day answer period relates to questions that were formally put on notice or whether they were questions that were taken on notice. I would hope that the Standing Orders Committee would look at the latter because, as I said before, many of us on the crossbench do not have representatives in the other place and our only way to get questions through to other ministers is to ask questions without notice here that are subsequently taken on notice and referred.

Like the Hon. Rob Brokenshire I cannot recall the last time I put a question on notice. We used to use it, I think in our first year. We looked at the different tools that were available to us in our parliamentary toolkit and we put quite a few questions on notice, but it only takes a year or two of non-answers to realise that you have wasted your time and so we have not bothered with it.

What I can say is that if we did have an answer period such as this then I think it would change the way we work. It would certainly change the way we ask questions during question time and it would very likely also change the way we use the Freedom of Information Act or other tools that are available to us, so I see this as a good initiative and the Greens are pleased to support it.

Motion carried.

Bills

GENETICALLY MODIFIED CROPS MANAGEMENT (RIGHT TO DAMAGES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 June 2014.)

The Hon. J.S.L. DAWKINS (21:27): I rise tonight to speak on behalf of the opposition and particularly the shadow minister for agriculture and primary industries, the Hon. David Ridgway, in relation to the Hon. Mr Parnell's bill to amend the GM Crops Management Act 2004 to enable a person who suffers damages as a result of GM plant material contaminating their land to sue companies who own and sell the technology.

It is my understanding that the bill has been introduced as a response to a WA Supreme Court decision that a farmer using GM was not liable for escaping GM canola, despite an economic loss and subsequent organic certification loss suffered by his neighbour. Since the WA moratorium on GM was removed in 2010 there has been pressure on that state government to reinstate it due mainly to a few similar contamination situations.

The Hon. Mr Parnell's bill proposes that it will not be necessary for a plaintiff to establish negligence, therefore farmers will need to prove their innocence when issues of contamination arise. The Hon. Mr Ridgway advises me that the allowable presence for GMs in organic products overseas is 0.9 per cent tolerance, the same as the tolerance levels in Australia and the EU for the presence of GM in conventional crops. However, in Australia organic standards demand nil tolerance for GM material.

At the March election of this year, the Liberal Party committed to continuing to support a moratorium on GM and it also committed to establishing an expert panel to monitor the economic benefits to South Australian farmers of remaining GM free. Since that time, it is worth saying that the Liberal Party and the farming community has condemned minister Bignell for taking such a drastic anti-GM stance. We have urged him to publish the supposed economic benefits of the GM moratorium so that the public and the state in general, but particularly the farming community, can make a more informed decision on its future. With those words, I indicate that the Liberal Party will not be supporting the Hon. Mr Parnell's bill.

The Hon. K.L. VINCENT (21:30): I indicate very briefly that Dignity for Disability will be supporting the Hon. Mr Parnell's bill in this instance. It seems to us to be a very sensible bill about genetically modified crops, something about which there is significant and considerable concern in the community. We believe in giving what you might call the underdog the chance to defend themselves when they find themselves in a situation where they are disadvantaged. Therefore, we think it is fair to give what you might call the little farmer—although I am sure the Hon. Mr Brokenshire would take much objection to that label—the chance to take on big business and have their say. No-one is saying that people have to be given compensation, but simply that they should have the right to pursue that. So, we certainly support that aim and commend this bill.

The Hon. K.J. MAHER (21:32): I will not speak at length on the bill. The Hon. Mark Parnell has put the bill into this place a number of times, in fact I think so many times that no-one is absolutely sure how many times he has put it up before. It is either three or four, I think. You have to admire his tenacity. I think in less polite circles taking the same course of action and hoping for a different result might be called a different thing, but we respect his tenacity for putting it up again. I will not speak for long. The reasons the government will not support this are the same reasons the government has not supported it in the past. As the Hon. John Dawkins has stated, there is cross-party support for the current moratorium on GM crops and we believe that is sufficient. So, the government will not be supporting the bill at this time, but we look forward to debating it again next year.

The Hon. M.C. PARNELL (21:33): I would like to thank the Hon. Kelly Vincent and the Dignity for Disability Party for their support for this bill. I would also like to thank the Hon. John Dawkins, on behalf of shadow minister the Hon. David Ridgway, for his contribution on behalf of the opposition and also the Hon. Kyam Maher for the government. I will say that I am disappointed that

despite the changes that have taken place in the farming environment and the GM environment over the last few months there is still no appetite for reform amongst the old parties. They still have no appetite to protect South Australian farmers, who can and will suffer economic loss through no fault of their own.

We know that trouble is just around the corner. As has been said, we had the case of Mr Marsh in Western Australia and ultimately the Supreme Court in that state decided that the fault lay with the organic certifying body, that they were too fussy and they should not have stripped him of his organic certification, even though the court acknowledged that he had suffered loss and the loss was directly as a result of the contamination of his land.

We also had the case of Mr Bob Mackley from Duchembegarra, which is north of Natimuk in western Victoria. Just to remind members, that was a situation in 2011 where GM canola blew on to Mr Mackley's property and this contamination prevented him from selling his canola as GM-free and he lost money as a result. Mr Mackley told the ABC:

> There's a resistance at the top level of agriculture to even consider that there might be detrimental effects. If you say 'look my neighbour's contamination of my property caused me harm', they just go 'oh well, tough.' I don't see that as being reasonable or fair.

Neither do I; I do not think that is reasonable or fair. When genetically-modified organism contamination happens in South Australia, as it will, the last thing we want is farmer suing farmer for compensation. Yes, someone should be responsible, and that someone should be the owner of the technology, the one who owns, promotes and profits from GM technology. When things go wrong, it is these biotech multinational companies that should be held liable.

This bill makes it crystal clear that a person who suffers economic loss as a result of unwanted contamination from GM crops can recover compensation from the owners of the technology. That means Monsanto and similar companies will be responsible for the impact of their products. They have to back their products the same way that other corporations have to back their products.

I would like at this point just to acknowledge that the minister (Hon. Leon Bignell) did me the courtesy of discussing this with me the other day and told me that the government was not able to support the bill. Whilst there was not much of an inkling of it in the Hon. Kyam Maher's brief response, it seemed clear from my conversations with the minister that there are questions in the minds of government officials about the constitutionality of a provision like this, so I just want to briefly walk members through why this bill is not unconstitutional. Members would be aware that section 109 of our constitution says:

> When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

In other words, commonwealth law trumps state law, but it is a bit more complex than that, because members would also know that that same argument has been used as a justification for the state not being able to pass other laws, such as laws in relation to same-sex marriage.

Members would know that there is a lot of legal opinion that, if the commonwealth has not attempted to cover the field with its legislation, then the state still has room to legislate. The argument in this case goes that, because we have a commonwealth Gene Technology Act, then the states are somehow precluded from legislating on any aspect of the topic of genetically-modified crops.

For that situation to be true and for that to be a valid viewpoint, it would require an interpretation of the commonwealth Gene Technology Act that it purports to cover the field. When I use that phrase 'cover the field', I am not talking about what Monsanto want to do and that is for all fields to be covered by their products—their Roundup Ready canola, the crops where they own the technology and they own the rights to the chemicals that are required to grow those crops. 'Covering the field' is a legal concept whereby legislation purports to be the final word on a topic.

In constitutional law, under section 109, where the commonwealth has specifically legislated or where it is clear that they have claimed the space exclusively, then the states cannot legislate. They cannot trespass onto an area that is covered by commonwealth law, and the rationale for that is quite simple: we do not want to put citizens in the impossible position of having to break one law

in order to comply with another. We want our laws to be consistent and that often requires one jurisdiction to have an exclusive right to legislate.

But in the case here, the commonwealth act does not cover the field and it therefore does not preclude the states and territories from legislating. You have to look at what the commonwealth act says. To answer this question about whether or not the commonwealth act does cover the field, you have to look at what it says about compensation for loss resulting from the escape of GM material, and the answer is: nothing.

It says nothing; it is silent. But if you go back through the legislative and the administrative record, you find that the commonwealth parliament considered covering the field but they decided not to. In fact, if you go to the commonwealth agriculture department paper entitled 'Liability issues associated with GM crops in Australia'—and that is a paper that was published 11 years ago now back in September 2003—you get an insight into the construction of the legislation. The department said:

> When drafting the Gene Technology Act 2000…the legislature considered liability issues associated with GMOs and chose not to implement a specific liability regime for damage caused by GMOs…where the activities of one farmer affect a neighbour, recourse is to existing statute and common law.

So the commonwealth law does not evince a legislative intention to cover the field. That means that the state can legislate in relation to liability for damage that is sustained by innocent farmers as a result of escaped GM material. It is not in the commonwealth act; therefore, we are entitled to put it in our act. We do not have a legal problem; what we have is a problem of political will.

I am disappointed that the bill will not pass this time, but as a parliament we cannot just put our heads in the sand and pretend there is no problem. I have no doubt that this bill, or a variant of it, will be back. What I dearly hope is that when it does come back it will not be in the shadow of South Australian farmers losing income as a result of contamination from GM crops across the border in Victoria.

That is the scenario, and it is not just a likelihood. I think it is an absolute certainty that it will happen in coming years. When it does, and when South Australian farmers lose money, they are going to come crying to the parliament saying, 'You should have protected us.' The best I will be able to do is point to the old parties and say, 'Well, they had plenty of opportunities to fix this and they rejected every one.' Given the hour and the fact that major parties have put their positions on the record I will not be dividing on it, but I am disappointed that this bill will not pass tonight.

Second reading negatived.

RETURN TO WORK BILL

Committee Stage

In committee (resumed on motion).

Clause 23 passed.

Clause 24.

The Hon. R.L. BROKENSHIRE: I move:

Amendment No 1 [Broke–1]—

Page 41, lines 39 and 40—Delete subclause (5) and substitute:

(5) Recovery/return to work services will be provided by persons or organisations—

(a) that hold an accreditation under this section; or

(b) that are approved or appointed by the Corporation for the purposes of this section.

(6) For the purposes of subsection (5)(a), the Minister must establish an accreditation scheme after consultation with the Corporation.

(7) The accreditation scheme—

(a) will provide for the accreditation of persons or organisations that are determined, under the scheme, to be suitably qualified to provide recovery/return to work services under this Part; and

(b) will work on the basis that the Corporation will issue the accreditation; and

(c) may provide for the suspension or cancellation of accreditation by the Corporation on specified grounds; and

(d) may be amended or substituted by the Minister from time to time after consultation with the Corporation.

(8) An accreditation will be issued by the Corporation—

(a) for a period specified by the Corporation; and

(b) on conditions determined by the Corporation.

(9) Recovery/return to work services must—

(a) be consistent with any standards or requirements prescribed by the regulations or specified by the Corporation; and

(b) be provided under the authorisation of the Corporation.

(10) The Corporation must, in acting under this section, take into account the requirements of section 29(2).

This amendment actually allows non-government organisations to participate in return to work processes. We are aware of alternative programs offered by NGOs and community groups that provide training in areas such as financial management, suicide prevention and manual handling, as well as practical workplace experience and retraining. We have been advised that the current training and retraining system is not working as well as it could; in fact, we know it is not, and that is one of the reasons we are here debating the bill, I hope, although the government has not said a lot about what it is really going to do about return to work.

There is a real need for an alternative process should injured workers elect to opt out of the mainstream program. There are various reasons some workers do end up going out of that, and it is no wonder, the way case management and so-called rehabilitation has occurred in the last probably 10 years. This amendment creates a provision for the minister, in conjunction with the corporation, to put in place a system whereby community groups, NGOs, etc., can be granted, essentially, provider numbers so that they can act as an alternative provider for workplace training and retraining, etc., to those offered within the current framework.

I finish by saying that obviously the minister, the government and the corporation can put parameters around the qualification requirements of these NGOs, and parameters around the costs associated with them managing an injured worker back to work through rehabilitation and retraining. But, I put to you also that, because many of these are so passionate and genuinely committed to assisting those workers, I believe it gives a better option to the government.

It actually gives the government a chance to possibly get a double-whammy benefit: one is a return to work and rehabilitation, and the second is to probably come out cheaper than EML and some of those other organisations that this government has been so happy to support but that have proven time and time again that this procrastination and lack of good results when it comes to returning to work, and rehabilitation and retraining programs. I would hope that, for once, just with a minor amendment like this, the government might actually decide to say that they support the amendment.

The Hon. I.K. HUNTER: With great sadness, I rise to dash the hopes of the honourable member. Before I comment further on the Hon. Mr Brokenshire's amendment, I would like to reiterate the commitment that was put on record in this place on Tuesday, 28 October, with regard to consultation. I am advised that WorkCover has committed to establish a stakeholder group which will include key people in the organisations that advocate on behalf of injured workers. WorkCover will consult with this group on an ongoing basis.

On this amendment, the return-to-work services outlined in clause 24 of the Return to Work Bill cover a wide range of services. This includes domestic help, house modifications, vehicle

modifications, and carer support, as well as the more familiar and more frequent pre-injury employer and job placement services. The proposed amendment establishes an accreditation process that parallels the process required for permanent impairment assessors. These additional accreditation and consultation processes are unnecessary in our opinion, which is of course why the government opposed the amendment.

A legislated accreditation process is required for permanent impairment assessors as a whole person impairment assessment process is a critical element is establishing clear and objective boundaries in the new scheme. There is no need to establish such legislative requirements for accreditation of return-to-work services. It is unnecessary and will become a bureaucratic cost with little added value. There is a national framework adopted by South Australia which provides for the accreditation of workplace rehabilitation providers.

This framework has helped to improve standards of performance, but there are still issues to be addressed in South Australia. The corporation has been implementing a return-to-work services strategy which is improving the services being delivered and the outcomes for injured workers. The proposed addition of subclause (10) is of particular concern, as it requires the corporation to take into account the requirements of a further amendment proposed by the Hon. Mr Brokenshire. Subclause (10) has the effect of requiring, whenever the corporation proposes to establish recovery and return-to-work services, to encourage, support and consult with organisations or groups that provide assistance or services to injured workers.

It is uncertain if a consequence of this amendment, combined with the proposed change to clause 29, would be that if a group or an organisation providing assistance or support to injured workers must be appointed by the corporation to provide recovery and return-to-work services. That would clearly be an undesirable result. The corporation—and, for that matter, self-insured employers—must be able to choose, naturally, fulfilling all probity requirements, the right services to be delivered to support injured workers.

In addition, clause 28 of the Return to Work Bill already provides for substantial consultation with the representatives of workers, employers and providers when publishing scales of changes relating to recovery and return-to-work services. The combination of amendments proposed creates an additional consultation process when establishing the services to be provided. This would mean the corporation would consult on the establishment of recovery and return-to-work services and then have to consult again when publishing a scale of charges. The return-to-work scheme is established for people injured at work and their employers; it is not established for the providers of services, and therefore the government opposes the amendments.

The Hon. R.I. LUCAS: I have addressed some comments in the second reading on clause 1 on this issue but I will address some further comments at this stage. The Hon. Mr Brokenshire and, I am sure, many other members, have worked with and consulted with a number of different stakeholder groups, but one in relation to this particular amendment is a group called Work Injured Resource Connection Incorporated, and the work of Rosemary McKenzie-Ferguson and the other hard working volunteers associated with that particular group.

In the discussions that I have had over the years—I had the portfolio some time ago, and then in recent times my colleague, the member for Davenport has had it, and only recently it has been returned to me again—and to be fair I think the same issues are still being raised now as when I was involved in the portfolio two or three years ago.

My previous discussions, and more recent discussions certainly, have been in relation to two issues. The first issue that has been raised with me has been a concern of a complete disconnect between those who advocate on behalf of injured workers and WorkCover management and the government in particular, and that has been a longstanding criticism. As I said in the second reading, they supported the structures with stakeholder forums that former CEO Keith Brown had established some time ago, and they have steadily been removed under a succession of CEOs over recent years. That was the first thing.

The second thing which is being addressed in the Hon. Mr Brokenshire's amendment is in relation to access to funding and support. To be fair, Ms McKenzie-Ferguson had raised issues with us prior to the election in relation to funding and support, and the point of view I put to minister Rau

on this is that through the Budget and Finance Committee I have seen the sorts of volunteer and community groups who get discretionary funds through the Premier's discretionary fund—which we require through the Budget and Finance Committee every year—and there are a range of worthy groups that premiers and ministers make regular funding allocations to out of the discretionary funds that they have available to them. They are not legislated, but they are decisions that governments and ministers make on the basis either that it is a favoured group or that they have decided it is a group worthy of support.

The Hon. R.L. Brokenshire: Or to keep a group quiet.

The Hon. R.I. LUCAS: Well, there are a number of reasons, as the Hon. Mr Brokenshire alludes to. The Hon. Mr Brokenshire's amendments are geared towards, in essence, meeting that second part of the issue. With the first issue, which is consultation à la the old stakeholder forums, I acknowledge that the minister working with WorkCover management has placed on the record a commitment to meet that particular issue. I know that that is only one issue that Ms McKenzie-Ferguson and her group are arguing for.

Clearly, a bigger and more important one for them is to get access to funding to assist the work that they do, and the Hon. Mr Brokenshire's amendment is potentially a way to achieve that. As the minister has just outlined, even if one was to support that principle, that is, to legislate for access to funding, which will add to the cost of the scheme, and not just to Ms McKenzie-Ferguson's group but potentially to a much broader group—because the Hon. Mr Brokenshire's amendment does not refer to just a group, it is a whole variety of groups who might qualify—the level of costs that might be involved from our viewpoint as opposition is obviously indeterminate. The government is obviously not going to support it, as it has indicated. As the minister has outlined, there are, even if you support that principle, some drafting issues in relation to the amendment the Hon. Mr Brokenshire has put before the chamber.

The Hon. R.L. Brokenshire: Parliamentary counsel do a great job.

The Hon. R.I. LUCAS: They always do a great job, but maybe your instructions were not clear enough to parliamentary counsel.

The Hon. R.L. Brokenshire: No, they were very clear.

The Hon. R.I. LUCAS: I think the minister has highlighted some issues such that, even if we were to support this principle, we as a committee would need to tidy up the particular amendment that we have before us. The position on this particular issue, as I outlined in clause 1, is that we are prepared to advocate for and to support the commitment to consultation through stakeholder forums, but we are not prepared, for the reasons that we have outlined, to support the amendment and to access funding in a legislative mechanism through an amendment along these lines.

In considering the Hon. Mr Brokenshire's amendment, it does raise the issue that the minister briefly addressed; that is, under clause 24(5) the government currently envisages an accreditation scheme which clearly will not be legislated, but there is a legislative framework provided for it and WorkCover would implement it. I just want to clarify the precise nature of the sort of return-to-work services that the government is contemplating under 24(5). I think he talked about domestic services and others, but are we talking here about the traditional services that rehab providers have been providing in the past?

Some rehab services have been providing rehab and return-to-work services. I think the Auditor-General's Report refers to some providers actually providing two sorts of services, and they get paid under different contractual arrangements for both. I just want clarification as to what the government is intending in terms of this accreditation scheme. Will it apply to some of the big rehab providers who provide a range of services? Let me give an example. Do the companies associated with Ms De Poi fit this example of companies that provide recovery and return-to-work services, through one of the companies that they have, and what is the general nature of the accreditation scheme that the government has in mind if that is the case?

The Hon. T.A. FRANKS: While the minister is preparing an answer to that question, I am happy to indicate that the Greens support this amendment. We welcome debate in the committee stage to provide some further clarity on what the government has said. These amendments were

tabled many weeks ago, and if there were drafting issues they should have been raised with the honourable member prior to this. The principle of it, I think, is sound.

The Hon. J.A. DARLEY: I indicate that I will be supporting the Hon. Rob Brokenshire's amendments.

The Hon. R.L. BROKENSHIRE: I thank the crossbenches for their support. It is clear to me that what has happened here is that, with a bit of bullying and dictatorship, the government has muscled their way in, that they know best. They certainly have not known best for the last 10 or 12 years. It is absolutely appalling. I think this government should have been thrown out eight years ago just on their performance with WorkCover, notwithstanding the lack of performance elsewhere.

I am really stirred up about the whole hypocrisy of this government and how they now come in and all of a sudden have all the answers to everything, and they are not prepared to listen to one amendment because 'You do it my way or you don't do it at all'. I will not forget that, because sooner or later they are going to need the crossbenches and proper consideration.

I hear what the shadow minister says. I am disappointed that I do not have the numbers, but I thank my colleagues and the crossbenches for their support. I encourage those relevant people to have a close look at the comments in the second reading speech, and I will talk to my other amendments when appropriate. The minister has refused to allow this flexibility, even though there will not be any financial impost whatsoever; in fact, I would suggest that it probably will be cheaper.

I cannot understand how the De Poi situation was never thoroughly investigated and interrogated. It is an unbelievable situation that the government and that company have been able to get away with, and it is not at all in the interests of South Australia that there was never a thorough investigation into that shenanigan (and I can only call it that).

Does the minister agree that the return-to-work record, the retraining and rehabilitation records, of WorkCover and whoever they may have tendered out those programs and case management responsibilities to, have been abysmal at best and have been very expensive to the employers in this state? Does the minister agree that it has had the worst return-to-work record in Australia when it comes to the efforts of this state government and a pretty ordinary, at best, WorkCover Corporation since the exit of former CEO Mr Keith Brown, who actually knew what he was doing?

The Hon. I.K. HUNTER: Mr Chair, with your approval I will ignore the opinion and the argumentation and rely on simply the questions that have been asked of me in the contributions of recent times. I can advise the Hon. Mr Lucas and the committee who will be captured in terms of accreditation. It is traditional return-to-work services and job services that will need to be accredited and then they may be appointed to a panel, for example.

Medical rehabilitation services will be dealt with separately, as health issues currently are. It could also cover extra services such as gardening, child care or other services that need to be provided in an ad hoc way, in which case, rather than go through an accreditation process, our intention is to appoint or approve those services.

Amendment negatived; clause passed.

Clauses 25 to 28 passed.

Clause 29.

The Hon. R.L. BROKENSHIRE: I move:

Amendment No 2 [Broke–1]—

Page 45, lines 19 and 20—Delete paragraph (c)

Amendment No 3 [Broke–1]—

Page 45, after line 20—Insert:

(2) The Corporation must take reasonable steps—

(a) to encourage and support (to a reasonable degree) the work of organisations and groups that provide assistance or services to injured workers; and

(b) to consult with organisations and groups that provide assistance or services to injured workers with a view to achieving the best possible outcomes for injured workers who are seeking to return to work.

These two amendments are integrated. Additionally Family First is putting forward here an amendment to create a requirement that the corporation engage with NGOs, community groups, etc., pursuant to a recommendation of SARC in 2010. SARC itself actually recommended, as I understand it, these amendments that I am putting forward to the Legislative Council, which was that WorkCover establish a more open and consultative management style with injured workers and interested stakeholders.

Most of us have probably had to deal with constituents as a result of this not occurring and the government's ignoring SARC's recommendations way back in 2010, a term of office ago. We have seen enormous inflicting of pain, harassment and stress on many injured workers and their families. I for one have dealt with a number of constituents. I am sure most members have dealt with similar constituents. As I understand it, this consultation occurred for a period of time and worked well, I think, when Mr Keith Brown was head of WorkCover. It makes sense to have a structure like this. However, in recent times the consultation has been at best limited, and I am told now that it just does not occur, and we would like to see this level of consultation reinstated and continue. It basically requires the corporation to take reasonable steps to engage with community groups, NGOs and other stakeholders to provide assistance or services to injured workers for better outcomes.

I will finish with this comment. The government promises through the actuarials, and I understand this is probably conservative, $180 million of return to the employers, and it could be more, I am told, maybe $200 million. It is a significant amount of money going back there, and it is due and timely and necessary. But there is an offset to that. The government is going to throw a percentage of workers on the scrap heap. Whilst the government does not talk much about this, I just want to tie in with this because I think it is relevant to this clause.

An email I received today from the President of the Police Association, Mr Mark Carroll (someone I respect), again has reinforced something for me—and I am sure this went to all the other colleagues, plus a copy of the letter to the Attorney-General as the minister responsible for the Return to Work Bill and, obviously, WorkCover. It starts, 'The government's new Return to Work Bill will have a negative impact on some injured police,' and it goes on from there.

The bottom line is that the Police Association is far from happy with what is going on here, and good on them for having the guts to stand up for their employees when most of the unions have lain on their backs and had their tummies tickled.

The Hon. T.A. Franks: Not the CFMEU.

The Hon. R.L. BROKENSHIRE: Not the CFMEU, but most of the rest. My point is that they are going to save $180 million or $200 million, or maybe even more, who knows, that will go back into the economy and be better spent. They are going to reinstate some of the conditions to workers that this government savagely cut, namely, the 10 per cent after 13 weeks and the 20 per cent after 26 weeks but, at the end of the day, after two years, there will be a percentage of workers who, through no fault of their own but because they do not meet the percentage of long-term serious injury, will be on the scrap heap.

Yet, we actually do not see cooperation from the government and the gurus who have put this together on behalf of the government and WorkCover when it comes to their commitment to address issues like integration with NGOs and like doing everything possible to return injured workers to the workplace.

To me, there is still no legal commitment or any legal framework of obligation on the government to drive the agenda needed to be the third part of the picture to actually complete what they need to in order to bring this scheme back to the success that it was having in the early period of this millennium, namely, 2000 and 2002, under the stewardship then of the Hon. Graham Ingerson, who has never been given the credit for how he had to work to get things back in order. It has been a slippery slope downwards since then.

This is now the panacea and we are going to have the best WorkCover system in Australia, allegedly, so I would like to see some support for the NGOs from the corporation as per the recommendations of SARC, and I think the goodwill alone would be very positive for the workers, the corporation and those people who are on the phone, probably tonight—and I am not exaggerating—talking to an injured worker who is potentially suicidal and/or their family. That is how serious it is. We know that.

I move these amendments in good faith and I would hope that the government would look at these amendments in good faith, too, because it is costing them nothing, other than a bit of energy, to try to facilitate a good conduit between injured workers, those people who are mainly volunteers who want to help those injured workers and the corporation.

The Hon. I.K. HUNTER: The amendment of the Hon. Mr Brokenshire proposes to delete clause 29(c) and the subsequent amendment seeks to insert new provisions which cover a similar topic. The government opposes this amendment and the subsequent and more substantial amendment as well.

Clause 29(c) provides the corporation with the ability to encourage and support—which may well be financial support—organisations that provide assistance to workers as it thinks fit. This will allow the corporation to provide sponsorship of programs or initiatives to promote or feature such organisations and communication material and the like.

The key element of this clause is at the beginning: 'The Corporation may, as it thinks fit.' This allows the corporation to develop an appropriate program of encouragement and support of such organisations which adds value to the focus of the corporation at that time. By way of a hypothetical example, there may be a specific focus by the corporation on psychological injuries and encouragement and support of organisations could be directed to organisations supporting workers with a psychological injury. What matters is that the corporation has the flexibility and discretion to direct its limited resources, both financial and human, to achieving the greatest result. The government will oppose the first amendment.

I will now go on to the Hon. Mr Brokenshire's second amendment, which he has moved and has spoken to. This amendment seeks to aid the Hon. Mr Brokenshire's earlier amendments, which the government did not support. Essentially, this amendment is seeking to create legislative requirements on the corporation to encourage, support and consult with organisations and groups that provide assistance or services to injured workers.

While it may seem innocuous on the first reading, the government does not support this amendment to clause 29 for two main reasons; the first being that the consultation requirement identifies a different group that does not represent the stakeholders of the return-to-work scheme. The proposed amendment requires consultation with organisations and groups that provide services and assistance to injured workers.

In every other part of the return-to-work scheme, the consultation is required with representatives of workers and employers in the first instance. Only where it is relevant are representatives of providers also included in the consultation process, and we believe this is the right balance to achieve. In our view, consultation should primarily occur with a representative of parties directly affected, not with organisations which provide services and draw income from the scheme.

The second concern relates to the absolute requirements within the proposed wording; that is, the corporation 'must' encourage and support organisations and groups which provide services to injured workers and it 'must' consult with organisations and groups who are not the representatives of parties directly affected. These are very broad requirements.

This amendment will place upon the corporation the requirement to support and encourage individual organisations and groups, regardless of whether they represent the interest of parties other than themselves, irrespective of whether they are providing a service of value to injured workers. There is little discretion in this proposed amendment.

The term 'support' can possibly be construed to include financial assistance, as I alluded to earlier. It is not appropriate for WorkCover to be required to provide financial assistance to organisations and groups without any accountability, focus or restrictions, even with the caveat of 'to

a reasonable degree'. There is no value in creating an additional consultation group and process, and I am advised that WorkCover is committed to consultation in an appropriate manner with relevant bodies to ensure its initiatives properly reflect the requirements of the new scheme.

For example, depending on the initiative, relevant bodies include unions, employer associations, provider associations and other groups or organisations that represent relevant interests. This consultation approach is adequate, we believe, and reflects the provisions in the bill without the need for this amendment and therefore the government opposes both amendments.

The Hon. R.I. LUCAS: I am not sure whether the minister's briefing note prepared by his advisers has caught up with the commitment the government has now given as a result of further consultation and discussions. Be that as it may, the minister has put on the public record earlier today, and again repeated tonight, a separate commitment that was discussed between minister Rau and, clearly, WorkCover management in relation to ongoing consultation, in a more generic way I concede, amongst groups which will include those who advocate on behalf of injured workers.

The Hon. Mr Brokenshire refers to the work of the Statutory Authorities Review Committee going back prior to 2010. The particular recommendation that he referred to is actually one that I, as a member of that committee, argued for, lobbied for, drafted and finally got agreement from all I think to include in the final recommendations.

This issue has been an ongoing issue in terms of I think a growing disconnect between some stakeholders and WorkCover management, which I do not think is healthy for the scheme. I have argued that way in that Statutory Authorities Review Committee inquiry, and I have argued that way in my discussions with the minister and WorkCover management on this bill.

But I am encouraged by the commitment that the minister has put on the record today that there will be a stakeholder forum. I think part of what the Hon. Mr Brokenshire is seeking to achieve in these particular amendments has been given by way of a commitment from the government on behalf of WorkCover on the public record today. From our viewpoint, as I indicated earlier today, we are prepared to support that commitment as a sign of intent from the government.

I do not envisage that, in the immediate future, it is likely to lead to funding support for particular groups, but I would hope that, over a period of time, it will lead to better understanding between these stakeholder groups and WorkCover. It may well be that that could lead to a position where an appropriately designed scheme of support for injured workers might be able to be financially supported by WorkCover, but I see that being a fair way down the track now. There needs to be a degree of trust between both groups developed, if that is possible. I am not saying it is; I am just saying if that is possible.

I think the framework is there. The minister has outlined that this particular clause which is in the legislation does, if the corporation sees fit—it does not compel it—leaves them with the flexibility to make that judgement. It is my judgement that that will not occur immediately or in the short term, which is not what the stakeholder group wants—I accept that—but I think the framework is there. The challenge for both the stakeholder group and WorkCover management is to see whether they can productively work together in this stakeholder forum for the mutual benefit of the operation of the scheme but also in terms of trying to support the injured workers and the sort of workers to whom the Hon. Mr Brokenshire referred this evening.

We have shared sympathies and goals in this. This is an issue, as I have put on the record, that I have supported in other fora before and I will continue to support now, albeit I intend to do it differently; that is, to accept the commitment the minister has placed on the public record today that there will be a stakeholder forum to allow those who advocate on behalf of injured workers to put their point of view directly to a level of WorkCover management.

The Hon. R.L. BROKENSHIRE: Based on the minister's response to my remarks on these amendments, I ask: under the government's clause 29—Related initiatives, and particularly in respect of subclause (b) and what I believe I recall from the minister' comments—is there a budget line within WorkCover for any money for the provision of this clause to be put into practice?

The Hon. I.K. HUNTER: I admit that I am new to this gig, but I would not imagine there would be a budget line in WorkCover for a clause in a bill that does not exist at this point in time. I

would not imagine that an organisation or an agency would provide a line in the budget for a proposal that has yet to be voted on by this house.

The Hon. R.L. BROKENSHIRE: If, between the government, the minister and WorkCover, they are worth their salt in any way whatsoever, someone has actually put this clause together. I believe the minister actually indicated to the house, and it reads here 'conduct, participate in or subsidise research…' I would have thought they would have had some consideration for what sort of budget line they would have had there. If they had had a budget line in the past, which we know they did have, certainly under the CEO Mr Keith Brown, what has happened to that budget in the years that they have effectively dwindled it back to the point now where nothing is occurring?

The Hon. I.K. HUNTER: The agency does not have a dedicated budget line for the issues raised by the Hon. Mr Brokenshire. From time to time, if they have an initiative they wish to pursue, we will provide the funding from our own internal resources. But a budget line as such for a proposition that has not yet been put into an act does not exist, as far as I know.

The Hon. J.A. DARLEY: I indicate that I will be supporting the Hon. Rob Brokenshire's amendments.

The Hon. T.A. FRANKS: So will the Greens.

Amendments negatived; clause passed.

Clauses 30 to 32 passed.

Clause 33.

The Hon. I.K. HUNTER: I move:

Amendment No 2 [SusEnvCons–2]—

Page 48, line 34—Delete 'reasonable and necessary and'

Amendment No 3 [SusEnvCons–2]—

Page 48, line 39—Delete 'as follows' and substitute: 'the necessary costs of'

Amendment No 4 [SusEnvCons–2]—

Page 48, line 40—Delete 'the cost of'

Amendment No 5 [SusEnvCons–2]—

Page 49, line 1—Delete 'the cost of'

Amendment No 6 [SusEnvCons–2]—

Page 49, line 3—Delete 'the cost of'

Amendment No 7 [SusEnvCons–2]—

Page 49, line 4—Delete 'the cost of'

Amendment No 8 [SusEnvCons–2]—

Page 49, line 10—Delete 'the cost of'

Amendment No 9 [SusEnvCons–2]—

Page 49, line 12—Delete 'the cost of'

Amendment No 10 [SusEnvCons–2]—

Page 49, line 16—Delete 'the cost of'

Amendment No 11 [SusEnvCons–2]—

Page 49, line 18—Delete 'the cost of'

Amendment No 12 [SusEnvCons–2]—

Page 49, line 20—Delete paragraph (i) and substitute:

(i) other services (or classes of services) authorised by the Corporation.

Amendment No 13 [SusEnvCons–2]—

Page 49, line 33—Delete 'unreasonable,'

All the amendments are consequential on the first amendment. This first amendment removes reference to compensable medical expenses needing to have been reasonable and necessary in addition to reasonably incurred. With this amendment, clause 33(1) will state that a worker may be compensated for the cost of medical expenses that are reasonably incurred. Consequential amendments are also proposed throughout clause 33 to provide that the cost of listed services must be necessary costs. My advice is that all subsequent amendments standing in my name are consequential.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Does the Hon. Ms Franks intend to move her amendment No. 17?

The Hon. T.A. FRANKS: My understanding is that the government's amendment addresses the amendments that the Greens tabled in terms of our concerns about the term 'necessary' and, indeed, 'unnecessary'. Is that case? Can the government clarify that?

The Hon. I.K. HUNTER: It does remove the term 'reasonable and necessary and' but does substitute that with 'compensated for medical expenses that are reasonably incurred'. So, that is a change.

The Hon. T.A. FRANKS: I thank the government for that clarification and for their amendments. That certainly does go some way to addressing the Greens' concerns, which were, of course, raised by the Law Society, which had very grave concerns about this terminology and what the term 'necessary' would mean and how it would be applied. With that, I will not be moving the Greens' amendment.

The ACTING CHAIR (Hon. J.S.L. Dawkins): The Hon. Mr Darley, are you moving your amendment?

The Hon. J.A. DARLEY: No, Mr Acting Chair.

Amendments carried.

The ACTING CHAIR (Hon. J.S.L. Dawkins): The Hon. Ms Franks, are you intending to move amendment No. 18 in your name?

The Hon. T.A. FRANKS: No, that is consequential and now no longer necessary.

The ACTING CHAIR (Hon. J.S.L. Dawkins): Or amendment No. 19, the Hon. Ms Franks?

The Hon. T.A. FRANKS: I intend to move amendment No. 19 and, therefore, I move:

Amendment No 19 [Franks–1]—

Page 51, lines 23 to 40 and page 52, lines 1 to 7—Delete subclauses (20) and (21)

If the purpose of this bill is to rehabilitate an injured worker, then they should actually be supported with ongoing medical payments. The Greens oppose the changes to the medical and related services. This section is nothing more than a cost-shifting measure and it has been almost copied and pasted from the New South Wales Liberal/National government workers compensation laws.

This section will have a significant impact on injured workers in our state as we have seen in New South Wales, and that will have a detrimental impact. The government proposes to deny all injured workers, other than those catastrophically injured, access to medical and related services 12 months after weekly payments have ceased. What will happen to a worker with a work related knee injury who returns to work but will need surgery for a knee replacement in five years' time, or indeed after playing a game of sport some years down the track, as one of the honourable members mentioned in their second reading contribution? That worker would not be able to make a claim against WorkCover for the costs involved.

This section is contrary to the proposed object of the act which is to assist with the recovery and return of a worker either to work or to the community. In particular we strongly support the Law Society's contention and concerns about clause 33(10). I note the Law Society's submission for this section and draw members' attention to that. The terms as to payment of medical expenses under

clause 33(10) could mean that the minister could prescribe treatment protocols or a framework that is not realistic to enable return to work.

For example, the minister may say that if a worker suffers a neck or back injury, he or she only gets eight sessions of physiotherapy and no more. This could be detrimental to that injured worker. The details of this clause are also to be in regulations, which of course we cannot amend; that is another debate about how delegated legislation is undertaken in this jurisdiction, but certainly without that guarantee we do not have the certainty to support this part of the government's bill.

The Hon. I.K. HUNTER: This amendment removes provisions that bring a worker's entitlement to medical expenses to an end 12 months after income support ceases. The government will be opposing this amendment and all related amendments that seek to achieve this change to the time banding of medical expenses. It should be noted that this change would have a material impact on the culture and sustainability of the new return to work scheme. It should also be noted that there are provisions in the legislation for prosthetics and future surgery to be still covered. For those reasons, the government will oppose the amendment.

The Hon. R.I. LUCAS: For the reasons we outlined in the second reading and on clause 1 of this bill, we will not be supporting this amendment or related amendments.

The Hon. J.A. DARLEY: I indicate my support for the Hon. Tammy Franks' amendment.

Amendment negatived.

The ACTING CHAIR (Hon. J.S.L. Dawkins): We are still on clause 33. There are some amendments in the name of the Hon. Mr Lucas; however, I understand that the Hon. Mr Darley wishes to ask some questions of the Hon. Mr Lucas before he moves them. Is that correct, the Hon. Mr Darley?

The Hon. J.A. DARLEY: Thank you, Mr Acting Chair. I would just like to make a few brief comments before proceeding with this amendment. Since voting on this package of amendments earlier today, it has been brought to my attention that a number of stakeholder groups are extremely concerned about the measures proposed by the Hon. Rob Lucas. I would like to ask the honourable member whether he can advise who he consulted with over these amendments and which groups have indicated their support for them; specifically what, if any, feedback has the honourable member received from the Law Society and the Australian Lawyers Alliance?

The Hon. R.I. LUCAS: The Liberal Party received, as I think most members received, a comprehensive submission from the Law Society and the Australian Lawyers Alliance, which I think made clear their views in relation to support for a stand-alone employment tribunal. In relation to endeavours to get feedback from a variety of other groups, we received nothing from unions, other than the Police Association, as I think I indicated earlier.

The main group of groups, if I can use that clumsy phrase, that has been raising this particular issue has been a group of 20 or so employer organisations that have expressed great concern at the current operation of the Workers Compensation Tribunal and the proposed employment tribunal. At a recent meeting that we convened with I think about 16 of those employer associations, we went around the table and all 16 or 18 of those employer organisations supported the proposition that SACAT is the appropriate agency, as opposed to the employment tribunal. Two of the key ones, however, took the view that they believe it would be impractical—which is the government's position and Judge Parker's position from SACAT—for it to occur on 15 July, which is what we were consulting on.

Our original package of amendments was to ensure that SACAT would take responsibility from July 2015, from the start of this particular scheme. As I say, two of the more significant employer groups expressed concern about that. In essence, they had heard the message the government had put on this particular issue and urged the Liberal Party to reconsider its position to see whether or not this would be something which might see the whole bill fall apart. They did not use those words but I think that is essentially the point of view that they put.

At that stage we were consulting on an original package of amendments, which was to transfer on July 2015. As a result of that, I had further discussions with minister Rau, his advisers and WorkCover. I received a copy of a letter from Judge Parker which, as I understood it, was to be

circulated to a number of members. I am not sure whether that is the case but, anyway, it essentially said that they (being SACAT) were not in a position to absorb the employment tribunal in July 2015. That was the position that he put.

Minister Rau indicated that Judge Parker was prepared to meet with me to discuss our amendments. I met with Judge Parker and he put that point of view to me. When I put the question to him, 'What would happen if parliament actually just legislated July 2015', he said, 'Well, if parliament decides that, we would have to comply. It would mean that a variety of other agencies that were to be transferred in the period from July 2015 onwards would just have to be put back by 12 months or so so that the employment tribunal could go in.' He said that that was not his preferred course of action. He was not recommending that, but he said that if parliament decided that that was what was going to happen, then they would just have to respond.

When I put the question to him, 'With your current workload, when would you be in a position to absorb or accept the responsibilities of the employment tribunal', he indicated about three years. That is why we then constructed a second package of amendments, which is for July 2018, which is 3¾ years from now.

The answer to the question is that we are aware from the Law Society and the Australian Lawyers Alliance that they support the employment tribunal concept and the government's position, because they wrote to all members and indicated that, but there is significant support from employer organisations for the responsibility at some stage to be transferred to SACAT, with the additional caveat that a number of the employer organisations would not wish to see the issue of the timing of the transfer to SACAT meaning the end of, or the defeat of, the total bill. They obviously would like to see the bill go through and that is the position, obviously, of the government. It is also the position of the Liberal Party in relation to seeing the passage of the bill at some stage.

I understand that the Hon. Mr Darley has received a significant lobby from the Law Society and the Australian Lawyers Alliance, which is fair enough. The proposition I have put to the Hon. Mr Darley is that if at some stage he is going to change his position on this, given that we have already supported half a dozen to 10 amendments as part of a package that have been accepted as consequential by the minister and this will just be another one of those, the simplest solution would be that when, we hope, they conclude bill tomorrow, if the member has a new position then the minister could seek to recommit the 10 or so clauses, or whatever it is, that relate to this particular issue, and we can vote again on those 10 or so clauses to see what the position of the committee is.

If the member, having reflected on it overnight—and I would like to speak to Mr Bailes from the Law Society in relation to the issue in the morning—maintains his current position, that is the position he has adopted thus far, then these amendments will stand. As I said, if he changes his position, then we would just need to recommit the clauses tomorrow. I am sure if the member indicates to the minister that he has changed his position, the minister is going to be more than willing to recommit all the clauses at the end of the committee stage, prior to the third reading of the bill.

The Hon. T.A. FRANKS: When the Hon. Mr Lucas mentioned employer groups, he did not actually name the employer groups. Which employer groups has he consulted with, and do they include Business SA?

The Hon. R.I. LUCAS: I think there are about 15 to 20, which include Business SA, the Australian Industry Group, the Motor Trade Association of South Australia, Self Insurers of South Australia, the Wine Industry Association, the Hardware Association, Primary Producers SA, Federation. That is six or seven; there are another dozen or so.

Business SA's position to us has been along the lines that I have just suggested, and that is that they can see the argument and merit of moving to SACAT, but they do not want to say anything that would prevent the passage of the legislation through the parliament. Their greater priority is to ensure that the whole bill goes through unamended. I think the Hon. Mr Brokenshire has expressed some view in relation to a letter and email he has received from Business SA to that effect in the last 24 hours or so. That is certainly the position that Business SA has accepted.

In the discussions that we have had with Business SA, if they had their way, they have indicated to us, they support the notion that it should be transferred to SACAT but they understand

the government's position that they do not support it being transferred to SACAT. Their greater priority is to get the bill through. They are prepared to compromise on that issue, if it was to be an issue that would prevent the total passage of the bill. I think that is probably a fair reflection of innumerable discussions I have had with Mr Carney, and a smaller number with Mr McBride, from Business SA.

The Hon. T.A. FRANKS: Thank you for that clarification of which employer groups you were referring to. We have had lots of lobbying over the past few days, as you know, and Business SA and the MTA, and I think the Australian Industry Group (but I will look around and see if I am wrong on this one) have strongly lobbied us not to accept amendments to this bill that are not coming from the government. I am almost tempted to say what is good for the goose is good for the gander. I am also a little confused about these 10 amendments that you speak to. I have four, all to clause 4. Is my understanding correct that all of these are to clause 4 that we have currently agreed to and, in fact, it would only be clause 4 that we would be recommitting?

The Hon. R.I. LUCAS: Perhaps it just seemed like it was 10. Yes, you are right; there are seven pages of amendments but so far we have only moved and the minister has accepted as consequential amendments 1 to 4. This is amendment 5 of a total package of 27 amendments, one of which is on a different issue. So 26 amendments relate to this one issue; four of them we have passed and this is the fifth one, so you are quite correct.

Depending on how far we progress tonight and how many more of these we might pass as consequential consistent with the decision from earlier today, it would only be those particular amendments—the four amendments to clause 4 and this one to clause 5. The next one is not until clause 98, and I suspect we will not get to clause 98 by close of business tonight. It may well be that there are two clauses and five amendments that if the Hon. Mr Darley changes his position on tomorrow would need to be recommitted.

The Hon. R.L. BROKENSHIRE: I just put on the public record my understanding of the matters around the current debate between my colleagues. It did not matter whether it was the amendments put up by the Greens, the amendments put up by the Hon. Mr Darley or the amendments put up by myself on behalf of Family First, the major representation that I have had is that they wanted the bills to go through as they were.

However, in trying to qualify that in discussions that I have had, the reason is that they indicated to me that the government had basically said to them, 'This is what we want.' There had been a lot of work and effort put in by employer groups for some time to try to overcome 10 years of appalling management by both the government and WorkCover and so, to an extent, through partial exhaustion and the fact that this was better than what the employers had had before, they lobbied me to put it through in its entirety.

As disappointed as I was about some of the attitudes that I spoke about this morning, I do not believe this chamber has done anything, given that my observations are that whatever the crossbenchers put up was neutralised or negated in fact by virtue of what has happened between the opposition and the government, and that the government has got its way and—other than the Police Association that is clearly not happy—the rest have got their way with what they wanted.

The one and only amendment that we have felt strongly to support has been the one put up about the employee tribunal going into SACAT in 2018, because my understanding was that it was more a logistical problem that Judge Parker was concerned about than anything else. The reason we supported it was that to me it makes sense. The government demands that the Guardianship Board go in, which they did; they did not want any changes to SACAT either and, apart from one amendment that the Hon. John Darley got up for a presiding officer of the Guardianship Board, I think SACAT pretty much went through again as the government wanted it, so they got their way there.

I just put on the public record that I think that July 2018 has no impact on all the things that the employers want now—right now—and that is why, reluctantly to some extent, we have had to let it go through as it is. I have not had anyone come back to me and say that they do not want it in 2018.

The Hon. I.K. HUNTER: Clearly, I am in the hands of the committee in this regard. I am not going to agitate the arguments I made earlier at clause No. 4. I accepted the will of the committee at

the time. If the committee is telling me at the moment that the view of the committee has changed in this regard then I will take that advice and I am happy, if that is in fact the will of the chamber, to again vote against the Hon. Mr Lucas's amendments and then we only have one clause to revisit tomorrow. Again, I am in the hands of the committee.

The Hon. J.A. DARLEY: I rise to indicate that at the end of the debate I will be seeking to recommit clause 4, the test clause for the Hon. Rob Lucas's package of reforms. I appreciate that this may seem somewhat unorthodox and it is not a decision that I have made lightly. In the intervening period, between discussing these amendments with the Hon. Rob Lucas, coming into this place and voting on them and now, my office has been lobbied very strongly by a number of stakeholders but in particular by those same bodies that I sought to represent through my other amendments, namely, the Law Society and the Australian Lawyers Alliance. Those groups are vehemently opposed to these reforms. I was not aware of that this morning.

Moreover, this package of amendments is not consistent with the position I have taken on this bill on their behalf and, as such, I think it is most appropriate to deal with this issue now rather than later, and also to set the record straight. I sincerely hope the Hon. Rob Lucas can appreciate that on this occasion I have sought to support the position put forward by the Law Society and the Australian Lawyers Alliance on behalf of injured workers.

The Hon. R.I. LUCAS: Nothing surprises me in politics after all the years I have been here, so I will not vent my spleen or do anything like that. I will take wise counsel, take a deep breath and accept that it is as it is. Given that indication from the Hon. Mr Darley, it would be appropriate that we vote and divide on this particular issue and test the numbers on the floor of the chamber. If, as indicated, the Hon. Mr Darley has changed his position and if no-one else changes their position then this particular amendment would be defeated and, as he has indicated, he or the minister would need to seek leave to recommit clause 4 when we get to the conclusion of the committee stage (some time tomorrow, I would imagine).

The CHAIR: The Hon. Mr Lucas, do you wish to move—

The Hon. R.I. LUCAS: I suppose if I am going to test the water I had better move the amendment, Mr Chair, so I formally move the amendment standing in my name. I move:

Amendment No 5 [Lucas–1]—

Page 52, line 10—Delete 'under the South Australian Employment Tribunal Act 2014' and substitute:

under this section

The Hon. T.A. FRANKS: As previously, the Greens will be strongly opposing these amendments.

The committee divided on the amendment:

Ayes 8
Noes 8
Majority 0

AYES

Brokenshire, R.L.	Dawkins, J.S.L.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I. (teller)	McLachlan, A.L.
Stephens, T.J.	Wade, S.G.	

NOES

Darley, J.A.	Franks, T.A.	Hunter, I.K. (teller)
Kandelaars, G.A.	Maher, K.J.	Ngo, T.T.
Parnell, M.C.	Vincent, K.L.	

PAIRS

Hood, D.G.E.	Gazzola, J.M.	Ridgway, D.W.
Gago, G.E.		

The CHAIR: There are 8 ayes and there are 8 noes, so my vote goes with the noes.

The Hon. S.G. Wade: You don't usually use a casting vote to overturn a decision.

The CHAIR: My vote goes with the noes.

Amendment thus negatived; clause as amended passed.

Clauses 34 to 38 passed.

Clause 39.

The Hon. J.A. DARLEY: I move:

Amendment No 13 [Darley–1]—

Page 53, after line 31—Insert:

(a1) In this section—

first designated period means an aggregate period not exceeding 13 weeks (whether consecutive or not) in respect of which a worker has an incapacity for work (being a worker who is entitled to the payment of compensation under this Act on account of that incapacity);

second designated period means an aggregate period not exceeding 13 weeks (whether consecutive or not), commencing after the end of the first designated period, in respect of which a worker has an incapacity for work (being a worker who is entitled to the payment of compensation under this Act on account of that incapacity;

third designated period means an aggregate period not exceeding 104 weeks (whether consecutive or not), commencing after the end of the second designated period, in respect of which a worker has an incapacity for work (being a worker who is entitled to the payment of compensation under this Act on account of that incapacity).

This amendment is part of a package of measures aimed at tackling the specific periods that apply to weekly payments for those workers who are injured but not seriously injured. For the sake of convenience, I will speak to the package that is amendment Nos 13 through to 19 together.

Clause 39 of the bill provides that if a worker, other than a seriously-injured worker, suffers a work injury that results in incapacity for work, the worker is entitled to weekly payments in respect of that incapacity. For the first 52 weeks from the date on which the incapacity first occurs, a worker with no work capacity will be entitled to weekly payments equal to their notional weekly earnings—that is, at 100 per cent. If during that period the worker has a work capacity, then they will be entitled to the difference between their notional weekly earnings and their designated weekly earnings. This is referred to as the first designated period of incapacity.

For the second designated period of incapacity—that is, the 52 weeks following the first designated period—the worker will be entitled to 8 per cent of their notional weekly earnings where they have no work capacity. If they do have work capacity, then they will be entitled to weekly payments equal to 80 per cent of the difference between their notional weekly earnings and their designated weekly earnings. In a nutshell, the amendments will mean that workers, others and those who are seriously injured, will have no entitlement to weekly payments after the period of 104 weeks from the date on which the incapacity first occurs.

I want to read into the *Hansard* the comments made by the Law Society with respect to these provisions. It is a little long, but I think it is important that we record, with accuracy, the concerns that have been raised with respect to these provisions. The submission states:

In practice only a very small percentage of injured workers are likely to be assessed as 30 per cent whole person impairment or more. The worker would have to have at least 75 per cent loss of use of a leg before he or she attained this 30 per cent whole person impairment threshold. It is highly unlikely that a worker with a mental injury will ever reach this threshold. For example, an ambulance officer, firefighter or police officer diagnosed with a post-

traumatic stress disorder is in our view unlikely to meet the threshold. Similarly, a worker who has a displaced disc in the lower back arising from employment is unlikely to meet this threshold.

From our experience, a really bad outcome from a knee replacement with infection, significant scarring and significant restrictions of motion is likely to attain 30 per cent whole person impairment. However, such an outcome cannot be measured within two years of the date of injury and therefore a worker may be cut off before permanent impairment is able to be measured. This bill is unclear as to what happens in those circumstances. Can their weekly payments be reinstated and backdated for instance?

On the other hand, a person who was diagnosed with non-Hodgkin's lymphoma—for example, from exposure to toxic chemicals—and has a fatal condition is likely be ranked as less than 30 per cent whole person impairment according to current guidelines, and would therefore not be entitled to ongoing weekly payments even though the condition may be fatal.

The cut-off criteria of 30 per cent whole person impairment in our view unfairly confuses the concept of a level of disability with a new concept of the extent of incapacity. It is the extent of incapacity which determines whether or not a worker may be capable of earning future wages. The level of incapacity depends upon the extent to which any injury impacts on a worker's ability to earn a living.

I hope, for all our sakes, that the Law Society is wrong in its analysis of this legislation, because if it is not then we will be left with some very disadvantaged injured workers.

The government has signalled, through its actions, that these are risks it is willing to take. I, on the other hand, am not willing to take those same risks. I am not willing to support a measure that could see a worker with a fatal condition miss out on appropriate entitlements because the condition was assessed using objective methodology based purely on numbers.

I think it is fair to say that the amendments I am proposing are consistent with the recommendations made by the society and with the ALA, insofar as they provide workers with a reserve of entitlements to weekly payments to draw from as required within the specified time frame of five years. There will be a step-down in payments between the first designated period and the third designated period. During the first period, workers will be entitled to weekly payments equal to 100 per cent of their notional weekly earnings. During the second period, workers will be entitled to weekly payments equal to 90 per cent of their notional weekly earnings, and during the third period, workers will be entitled to weekly payments equal to 80 per cent of their notional weekly earnings.

Amendment No. 16 makes it clear that a worker will only be entitled to weekly payments for a period of five years from the date on which the incapacity for work first occurs. There are also a number of consequential amendments that make related changes to those provisions that deal with supplementary income support for incapacity resulting from surgery.

The Hon. I.K. HUNTER: The Hon. Mr Darley has introduced three amendments: the first introduces three designated periods, the second talks about payments for each of those periods, and the third provides for a five-year period for income support to be paid. I will address each separately. The first amendment applies to the designated periods for weekly payments. This amendment makes two significant changes to the new scheme.

Firstly, the amendment reintroduces a concept of aggregated periods rather than periods based upon the passage of time. Secondly, the amendments reintroduce three designated periods: the first, 13 weeks; the second, 13 weeks to 26 weeks; and the third, 26 weeks to 130 weeks. This means that the new scheme would be a 2.5-year scheme with income support that is aggregated rather than calculated by reference to the passage of time.

This amendment is a reversion to the current scheme, where injured workers remain on the system for long periods of time with little incentive to return to work. This will add significant costs to the scheme and move away from the policy intention to provide a clear focus on return to work. It would also remove the time and certainty associated with income support, so the government opposes the amendment.

In relation to the Hon. Mr Darley's second amendment, this amendment, as I said, works with amendment 13 to reintroduce the income support provisions that are provided for in the current scheme. Income support is reduced for injured workers by reintroducing income support at 90 per cent of notional weekly earnings for the 13 to 26 week aggregate period, and 80 per cent thereafter. The government has moved away from these reductions in income support and cannot support this amendment.

In relation to amendment No. 3, as I said, this amendment works with amendments 13 and 14 and applies a five-year period for income support to be paid. This means that 2½ years of income support can be paid over a period of five years. This turns the return-to-work scheme from an early intervention scheme focused on early recovery and return to work to a long-term scheme. This amendment, coupled with amendments 13 and 14, will continue to promote a culture of entitlement which we believe exists in the current scheme and which we need to move away from; therefore, the government opposes this amendment.

The Hon. R.I. LUCAS: For the reasons we have outlined in the second reading and in clause 1, we will not be supporting the amendment.

The Hon. T.A. FRANKS: The Greens support this amendment and the consequential amendments.

Amendment negatived; clause passed.

The Hon. I.K. HUNTER: I thank the committee for its indulgence. I would like to provide a few responses to questions raised in the committee stage earlier today. The Hon. Mr Lucas asked for information about what was the most significant change contributing to the change in actuarial advice. I am advised that past volunteers and non-operational volunteers have been excluded which significantly reduces the cost for any changes to the scheme. The 10-year retirement threshold also limits the cost.

The Hon. Ms Franks also asks what thresholds were applied for the actuarial assessment. I am advised that the most recent actuarial advice, which is by Finity Consulting, took into account the removal of the threshold requiring CFS volunteers to attend on average 175 fire incidents over any five-year period.

The Hon. Mr Lucas asked about the bearing of costs in disputes, in the context of employers bearing the cost of all matters before the tribunal in relation to seeking a reinstatement of employment under clause 18. The honourable member noted that the arrangements for matters under clause 18 are different to other disputes in the return-to-work scheme, whereby the corporation bears the costs for both parties up until an appeal, and asked how this compares to cost arrangements in other jurisdictions.

I am advised that based on previous analysis done in 2013, apart from South Australia and Comcare, all other major workers compensation jurisdictions in Australia have costs at risk during dispute resolution processes. However, in New South Wales, the WorkCover Independent Review Office (known as WIRO) has established the Independent Legal Assistance and Review Service which provides free independent legal advice to injured workers in circumstances where there is a disagreement with insurers regarding entitlements.

To the best of the corporation's knowledge, arrangements in other jurisdictions have not changed since the analysis was undertaken in 2013. As referred to earlier today, these matters where a worker is applying to the tribunal for an order for the reinstatement of their employment are expected to occur only in exceptional circumstances. Before this point, the worker is able to apply to the corporation where the employer is not complying with their obligations to provide suitable employment for a review under clause 15. Furthermore, clause 18 provides for the worker to provide written notice to their employer expressly seeking suitable employment.

Where a worker has exhausted these options and applies to the tribunal for an order for suitable employment, it is because the employer is not meeting their obligations and has refused to meet them at several specific review points. It is therefore appropriate that the employer is exposed to the costs of such matters before the tribunal.

The Hon. Mr Lucas made reference to three examples WorkCover had provided to him about the lump sum entitlements of non seriously-injured workers. I can confirm my early advice that the examples were intended to reference the combined amount a worker would receive by way of a lump sum payment for economic loss and a lump sum payment for non-economic loss. There was no income support or medical services factored in to those examples.

I am advised that, during the break, WorkCover has reviewed the examples the honourable member referred to and has advised me that regrettably the calculations undertaken to create those

examples were incorrect. I would like to put on the record the same scenarios but with the correct combined lump sum entitlement amounts. I note these are each about $30,000 less than the figures the Hon. Mr Lucas has quoted.

The Hon. R.I. Lucas: It will change your whole position now.

The Hon. I.K. HUNTER: Perhaps I will stop here! A 25-year-old full-time worker with a 29 per cent permanent impairment (not eligible for serious injury) will receive a total lump sum of $457,449; a 30 year old with a 29 per cent permanent impairment (not eligible for serious injury) will receive a total lump sum of $439,949; a 55 year old with a 29 per cent permanent impairment (not eligible for serious injury) will receive a total lump sum of $317,449. These figures are based on the worker being full time at the time of the injury. The hours worked factor would reduce the economic loss lump sum amount if the worker was working part-time at the time of the injury.

Progress reported; committee to sit again.

At 23:09 the council adjourned until Thursday 30 October 2014 at 10:00.