

LEGISLATIVE COUNCIL**Wednesday, 3 December 2014**

The **PRESIDENT (Hon. R.P. Wortley)** took the chair at 11:00 and read prayers.

*Parliamentary Procedure***STANDING ORDERS SUSPENSION**

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, statements on matters of interest, notices of motion and orders of the day, private business to be taken into consideration at 2.15pm.

Motion carried.

*Bills***STATUTES AMENDMENT (ENERGY CONSUMERS AUSTRALIA) BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 18 November 2014.)

The Hon. R.I. LUCAS (11:03): The Liberal Party has indicated its support for the bill. The member for Stuart has had carriage, on behalf of the party, of the legislation and has placed on the public record in the House of Assembly debate the Liberal Party's reasons for supporting the legislation. In summary, the intention is that the bill provide a greater voice for a wider body of consumers in terms of putting points of view on the national electricity market, energy regulation and, obviously, the impact on energy consumers.

We are led to believe, and the views of governments were, that big businesses in particular were able to actively engage in the never-ending debates about regulation of the national energy market and that there was, in some way, a void or a vacuum that needed to be filled by a better-organised group to articulate the views of smaller consumers.

The member for Stuart has consulted broadly. He has placed on the record the fact that, in his discussions with SACOSS in South Australia, they have supported the establishment of Energy Consumers Australia, as the body is to be referred to. The Small Business Commissioner, we are advised, is broadly supportive of the proposal. The member for Stuart has not advised of any group that is actively opposing the formation of Energy Consumers Australia. I guess that, necessarily, in South Australia, the member for Stuart's consultation has concentrated on South Australian groups, so I have to place on the record that I am not aware as to whether, in other states in Australia, there are more organised groups which are or are not opposing the establishment of Energy Consumers Australia.

One of the issues is that, when one is talking about the National Electricity Market, there are inevitable costs of any bright idea that is pursued by ministers and governments. The member for Stuart has advised that the budget for ECA would be \$6.2 million, comprising of salaries and on-costs of \$2.2 million; capacity building and project contracts of \$2.5 million; and other costs of \$1.5 million. We are advised that, inevitably, that has to be paid for by somebody. The government's response, as I understand it, is that that will be just levied on retailers and, ultimately, consumers, although I guess we can tease out the details of that during the committee stage. The member for Stuart has quoted a figure which I assume the government has provided which says that this would then be passed on to consumers at a rate of less than 65 cents per residential customer per year.

Whilst in the context of the overall operations of the national market, the total figure of \$6.2 million would be seen to be small, the issue, frankly, is going to be that inevitably, with the national market, every bright idea adds additional costs which ultimately have to be paid for by somebody. Clearly, governments and ministers, of both political persuasions, as I am led to believe, have supported this proposal. As I have said, the member for Stuart has outlined that the Liberal parliamentary party room supports the position as well.

One of the questions which I do put to the minister and which we can tease out in the committee stage is: ultimately, is there any inbuilt agreement for a review of the operations of this to ensure that the value to consumers is greater than the cost of implementing the structure? That is, we are supporting currently \$6.2 million, and I am sure that over the years that figure will grow and, ultimately, if there is the benefit to consumers, which some of the advocacy groups, such as SACOSS and others, which support this are claiming, hopefully there is some inbuilt review mechanism arrangement for the Standing Council of Ministers on Energy and Resources to ensure that there is value in terms of expending this amount of money. With that, I indicate the Liberal Party's support for the second reading.

The Hon. G.A. KANDELAARS (11:09): I rise to support this important bill. The bill supports the establishment of a national advocacy body in the electricity market, to be named Energy Consumers Australia. Energy Consumers Australia will be established as a company limited by guarantee, governed by a constitution, with the Minister for Energy as the single member. I understand that the COAG energy ministers' group is in support of this proposal, and South Australia is the lead house in terms of this bill.

The establishment of Energy Consumers Australia is an important step towards increasing advocacy on national energy market matters of strategic importance and material consequences for energy consumers, in particular residential and small business consumers. Ensuring that small business owners and residential consumers have every protection available is a particularly important thing to me.

The functions of Energy Consumers Australia will include providing and enabling consumer advocacy on national energy market matters. Energy Consumers Australia will fund and administer a grant program to build knowledge and sectoral capacity supporting policy development and consumer education in the national energy market.

The proposed amendments contained in this bill will provide for the abolition of the existing Consumer Advocacy Panel whilst ensuring a smooth transition of grant funding from the Consumer Advocacy Panel to Energy Consumers Australia.

I encourage honourable members of this chamber to support the introduction of the Statutes Amendment (Energy Consumers Australia) Bill 2014 to amend the National Electricity (South Australia) Act 1996, the National Gas (South Australia) Act 2008 and the Australian Energy Market Commission Establishment Act 2004.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (11:11): I thank the two honourable speakers and their indicated support for the legislation, and look forward to a speedy passage through the committee stages.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.I. LUCAS: As I outlined in my second reading contribution, can the minister indicate what assurances he can give the chamber that the cost of the ECA, which we understand is to be \$6.2 million, will be controlled and there will not be, over coming years, a continued growth in that budget? What are the mechanisms for controlling the growth? Is that a decision that the South Australian minister has sole control over or is it, in some way, an arrangement entered into through the standing council in terms of the budget that is to be expended?

The Hon. I.K. HUNTER: I can advise the house as far as I have been advised so far that the Energy Consumers Australia Board will be responsible for putting together a budget and putting that to the South Australian Minister for Energy. The South Australian Minister for Energy will then take that budget to the COAG Energy Council for approval. He will then have to get approval from the collective group of energy ministers from around the country, and he will be able to take those comments back to the board.

I understand that that mechanism has been built into the constitution of the company already. Of course, there is already some allocation for the consumer advocacy panel, which is being abolished in this legislation, and I presume that any sums that are left over from that consumer advocacy panel budget will be rolled into this new organisation called the Energy Consumers Australia Council.

The Hon. R.I. LUCAS: Is it the minister's advice that on an annual basis the budget will be submitted to the South Australian minister, who will then take it to the ministerial council meeting, and that on an annual basis the ministerial council has the final say on the budget? For example, if the board of ECA comes back and says, 'We now need to spend \$9 million a year instead of \$6 million to do our good work,' that goes to the minister, the minister takes it on the board: is the final decision a decision for the ministerial council, or is the final decision ultimately just for the South Australian minister?

The Hon. I.K. HUNTER: My advice is that the ministerial council will have overall control of the budget process.

The Hon. R.I. LUCAS: The member for Stuart has advised us that, in the initial budget of \$6.2 million, something called capacity building and project grants comprised \$2.5 million in the first year. I am assuming that is approximately an ongoing budget expenditure. Can the minister provide advice as to, in broad terms, what is intended for the ECA in relation to capacity building and project grants?

The Hon. I.K. HUNTER: My advice is that this amount of money, approximately \$2.5 million, is based on the historical expense from the consumer advocacy panel. I am advised that in the first year that will essentially be continued, and the work that they currently do, but during that period of time they will be working with their stakeholders to work up guidelines for what will be needed by industry and stakeholders, mums and dads of course, and will then fund those sort of projects, and we can entertain ideas such that they may well be used by advocacy organisations, such as SACOSS here in South Australia, to build their capacity to engage with the energy industry to bring on a certain level of capacity and expertise. Those monies may also be utilised by companies who would seek a rule change in terms of the operations of the business market and that money could be used to fund the submission.

The Hon. R.I. LUCAS: I thank the minister for clarifying that. I was aware that organisations such as SACOSS were likely to be able to continue to be funded, but the minister is confirming, I am assuming, that employer organisations or, indeed, as he has put on the record, an individual employer or business, may well be able to seek grant funding from this particular \$2.5 million, so I just seek clarification of that.

The Hon. I.K. HUNTER: I need to correct the Hon. Mr Lucas. If I gave him the impression of that last statement, I apologise. It is not individual companies who will be able to seek funding through that funding stream, it will be, if you like, their representative bodies or their peak organisations.

The Hon. R.I. LUCAS: I thank the minister for that clarification. Can the minister outline to the house in broad terms what the minister in charge of the ECA has in mind in relation to a remuneration package for the CEO or the managing director of ECA?

The Hon. I.K. HUNTER: I do not have that advice.

The Hon. R.I. LUCAS: I do not wish to delay the proceedings of the bill, but is the minister prepared to give an undertaking to seek to get an answer and provide an answer by way of correspondence after the debate?

The Hon. I.K. HUNTER: I will take that on notice and seek to bring back a response by way of correspondence. My further advice is that, in fact, it will be the board responsible for determining the CEO, and presumably the CEO's remuneration, whereas the members, the energy ministers, will be in charge of the determination of who goes onto the board and perhaps their remuneration packages. But, nonetheless, I will seek that information and bring it back to him by way of correspondence.

The Hon. R.I. LUCAS: I thank the minister for that undertaking. Can the minister outline how many staff are intended to be employed? We are told that the total salary and on-costs are to be \$2.2 million. Has the South Australian government sought and received an undertaking that the location of the office of the ECA will be here in South Australia?

The Hon. I.K. HUNTER: I cannot advise at this point in time the number of staff that are likely to be engaged. I do not have the advice of the figure that the honourable member utilised. However, in terms of the location of the head office, I am told it is likely that the interim office will be provided probably by the commonwealth government to the company and is likely to be located in New South Wales for the interim period. It will then be a determination of the new board or the company where they will place their head office.

The Hon. R.I. LUCAS: Can the minister indicate whether the South Australian government has put a strong point of view to the ministerial council—I would imagine, given that our minister is the person in charge of the ECA, that his view should carry some weight—that the ECA should be located here in South Australia?

The Hon. I.K. HUNTER: My understanding is that the COAG Energy Council has not at this stage discussed where the head office of the board might be. I am told they have the view that it will be a matter for the company.

The Hon. R.I. LUCAS: What is the structure of this company? Is our minister the sole shareholder? Is that the correct arrangement?

The Hon. I.K. HUNTER: The South Australian minister is the sole member of the company, but agreement has been reached with the COAG Energy Council that all of his decisions will be approved through that body.

The Hon. R.I. LUCAS: The minister is indicating that the final decision will be taken by COAG or the ministerial council. I think he did say COAG, so just clarify that, but my question is: has the South Australian government, as a policy position, put the point of view that they will advocate that South Australia should be the head office for the ECA?

The Hon. I.K. HUNTER: My advice, as I said earlier, is that the decision on the head office will be made by the board. The board has not yet been appointed. If the South Australian minister was to put that position, he would need to put it to the board once appointed.

The Hon. R.I. LUCAS: The minister is saying clearly that the ministerial council or COAG will not have the final decision on where the head office is located, it will be a decision of the board members as to where they will be located. I am just clarifying that.

The Hon. I.K. HUNTER: That is my advice.

The Hon. R.I. LUCAS: This issue of the location of national regulatory bodies has had some history and prominent members of minister Hunter's own party have spoken loudly, strongly and often about the need for national regulatory bodies to be located here in South Australia. I do not want to delay the proceedings in this house unduly, but I could refer the minister to many statements made over the years in relation to debates as to where these particular bodies should be located and the argument that certainly Labor ministers and shadow ministers in particular put on the public record that it was essential that these bodies be located, wherever possible, in South Australia.

Other ministers will obviously fight for locations in the big cities, in the Sydneys and the Melbournes of this world, so I put on the record that I am disappointed that the South Australian government and the South Australian minister has not put on the public record a policy position that they would argue for the location of the ECA in Adelaide and in South Australia, and to take the battle up with New South Wales and Sydney, which appears to be the favoured location of the ECA.

I would hope that any interested members of the Labor caucus might be prepared to put a point of view to the minister to indicate, as I said, that Labor ministers and shadow ministers have spoken loudly and strongly on these sorts of issues in the past and that the South Australian government should take a policy position to have the ECA located here in Adelaide and in South Australia.

The other question I raised in the second reading was, essentially, whether the minister could clarify exactly who ends up paying the \$6.2 million a year for the cost of running the ECA. In the discussion in the House of Assembly there was a reference to industry levies from retailers. Is that to be the sole provider of the \$6.2 million? Clearly, if there is an industry levy on retailers then all consumers ultimately pay, I assume, because the retailers would obviously just pass the \$6.2 million cost on to all customers, whether they be residential or small, medium or large businesses. So can the minister clarify the actual mechanism for funding the \$6.2 million? Am I correct in assuming that ultimately all consumers would end up paying for the cost of the ECA?

The Hon. I.K. HUNTER: In relation to the Hon. Mr Lucas' comment earlier, I can say that I have every confidence in the minister in the other place in advocating for South Australia's best interests in this regard. I am sure he will take the best course he sees fit to getting an outcome in our interests. In terms of who will be funding Energy Consumers Australia, I am advised that Energy Consumers Australia will be funded equally by electricity and gas consumers, both residential and business, through fees collected by the Australian Energy Market Operator. My advice is that the current estimates for this will have an impact of approximately 64¢ per year per consumer for the recovery of these costs.

The Hon. R.I. LUCAS: Can the minister indicate the intended date of operation for the ECA, and when energy consumers would start feeling the additional cost of funding the ECA?

The Hon. I.K. HUNTER: My advice is that the expected commencement date is 30 January 2015. That is the date when we expect the funds to start being collected. I just remind honourable members that, of course, consumers are already paying a fee for the Consumer Advocacy Panel, which this legislation abolishes. The new fee will, if you like, be a replacement of that old fee.

The Hon. R.I. LUCAS: Can the minister indicate what the total cost of the Consumer Advocacy Panel is at the moment, on an annual basis?

The Hon. I.K. HUNTER: The advice I have is that the current cost, in terms of the Consumer Advocacy Panel, which we abolished under this legislation, is \$2.9 million per year.

The Hon. R.I. LUCAS: It would appear that the additional cost of the ECA then is approximately \$3.3 million a year. When the minister talks about, I cannot remember the exact number, but just over 60¢ per customer per year, is that the total cost that has been worked out in terms of the \$6.2 million budget or is that the net difference between the cost of the ECA and the Consumer Advocacy Panel?

The Hon. I.K. HUNTER: My advice is that that is the total cost.

Clause passed.

Remaining clauses (2 to 28) and title passed.

Bill reported without amendment.

Third 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) (11:35): I move:

That this bill be now read a third time.

Bill read a third time and passed.

**CRIMINAL LAW CONSOLIDATION (SEXUAL OFFENCES - COGNITIVE IMPAIRMENT)
AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 18 November 2014.)

The Hon. A.L. McLACHLAN (11:36): I rise to speak to the Criminal Law Consolidation (Sexual Offences—Cognitive Impairment) Amendment Bill 2014. I indicate that the position of the opposition is that we will be supporting the bill. The bill was introduced by the Attorney-General on 29 October, after having a lengthy period of discussion and development. There is a considerable weight of evidence which demonstrates that people with a cognitive impairment are particularly vulnerable to sexual exploitation and, indeed, other abuse, especially from those who are in a position of trust, power or authority. Indeed, it is always a challenge for us to protect those who are the most vulnerable in our community.

To this end, we already have offences under the Criminal Law Consolidation Act 1935 for those people in our community who are in a position of trust and engage in the abuse of children; for example, a teacher who abuses one of their own students. The bill expands on these principles by making provision for adults who are vulnerable as a result of their disability. The bill achieves this by introducing two new offences to the Criminal Law Consolidation Act. Firstly, it creates an offence of obtaining either sexual intercourse or indecent contact through undue influence between a service provider and a person with a cognitive impairment. Secondly, it also creates an offence of performing an indecent act (by a service provider) without the consent of a person with a cognitive impairment.

We welcome this bill as a way of protecting those people who are particularly vulnerable to sexual exploitation and, indeed, other forms of abuse, whilst also attempting to balance their desire to have sexual autonomy. I note that the penalties to be imposed will largely depend on the nature of the sexual activity, and in this respect I am pleased that the questions of fact and degree will be left to the courts to decide, based on the circumstances of each particular case.

The bill has excluded spouses and domestic partners. However, on my reading, it does not exclude someone from being able to make a claim that they have been raped within a marriage. I understand that this bill responds to consultation undertaken as part of the government's Disability Justice Plan, which was released in June of this year. The aim of the plan is to make the criminal justice system more accessible and responsive to the needs of people with a disability. I commend this initiative.

The bill also attempts to achieve the important balance between protecting the vulnerable while also respecting their sexual autonomy. This balancing issue was first raised by the Model Criminal Code Officers Committee in 2001 and many submissions were received, especially from the disability sector. The committee suggested that the bill be drafted using the undue influence model rather than the model used in New South Wales, which lists a number of prescribed service providers.

The government has adopted this recommendation and I am pleased to see that people working in the industry, such as the chief executive officer of the Julia Farr Association, are supportive of the undue influence model we now have before us today. I note that the Hon. Kelly Vincent has today filed some amendments, which appear, on their face, to be of a technical nature. We look forward to exploring the effect of those amendments in the committee stage. I commend the bill to the council and indicate the opposition will support the second reading.

The Hon. K.J. MAHER (11:39): I rise to support the bill. I note and thank the Hon. Andrew McLachlan for his valorous words on this bill. Access to justice is a key focus of this government. We firmly believe that all South Australians should be equal before our justice system. The Disability Justice Plan seeks to increase access to justice for people in this community living with a disability. It acknowledges the individual needs of members of our community and the differing needs of certain people based on individual circumstances.

The vision of the Disability Justice Plan is to uphold, protect and promote the rights of people with a disability, support vulnerable victims and witnesses in giving evidence and support people with

a disability who are accused or convicted of a crime. The Attorney-General's Department should be commended on the extensive consultation that took place in relation to this initiative. The chance to hear from people within the sector has led to the Disability Justice Plan being a foundation from which this government can effect significant change in the way people with a disability in our community interact with the justice system.

This bill represents the first legislative reform connected with the Disability Justice Plan that was released in the middle of this year. It is well known that people with a cognitive impairment may be vulnerable to sexual exploitation by certain people charged with their care. This bill deals with this sensitive topic and, because the removal of the issue of consent imposes an arbitrary limit on a person's sexual right, it needs to be dealt with with care.

The Attorney has made it clear in the promotion of this legislation and in the other place that there is no silver bullet in dealing with this issue. We are dealing with adult people who are entitled to enjoy their sexual rights. This bill seeks to strike the right balance and respects the sexual autonomy of people with cognitive impairment. People who abuse a position of power that they may hold to procure sexual contact with a person with a cognitive impairment will now be appropriately dealt with as a result of this important legislation.

As the Hon. Andrew McLachlan mentioned, the government has favoured this undue influence model over other more prescriptive models because the nature of the relationship between a complainant and an offender will be determined as a matter of fact—that is, did the person hold a position of trust, power or authority over the victim? This model is preferred because it will serve to capture all those who abuse a position of trust, not just those whose position of care is defined by legislation.

I welcome this legislative initiative to protect vulnerable people within our community from sexual abuse by those charged with caring for them, and look forward to this place receiving further legislation in the not too distant future connected with the Disability Justice Plan.

The Hon. K.L. VINCENT (11:42): I will just briefly indicate that Dignity for Disability strongly supports this bill. We have been very pleased to work constructively with the government on this issue and other issues pertaining to the Disability Justice Plan for some time now, but I also indicate that we understand that this is something of a vexed issue.

As other members have illustrated, we have a very difficult tightrope to walk in terms of protecting those who are potentially vulnerable due to their disability and subsequent reliance on services and those who are, as has been said, adults who should reserve the right to participate in consensual, meaningful sexual relationships.

We will support the bill and I will later move a minor amendment to do with the wording as to who is covered by the bill. It is a very minor amendment that I vow to circulate to members. I urge their consideration and, with that, commend the bill to the chamber.

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) (11:43): I wish to thank members for their second reading contributions and support for this bill. I particularly wish to highlight the valuable contribution made to the formulation and progress of this bill by the Hon. Kelly Vincent. As the Attorney-General made clear in the other place, it is a credit to the parliament that we can all speak with one voice on such a sensitive and important area as this.

As the Hon. Kelly Vincent just stated, it is indeed a very finely-balanced path that we walk in ensuring that we get everyone's rights and responsibilities in the right balance. It is especially fitting that this bill will pass parliament this week, given that today is the International Day of People with Disability. There are strong concerns about the vulnerability of persons with a cognitive impairment to sexual exploitation and abuse, especially from those in a position of power, trust and authority. Disturbing recent revelations in Victoria highlight just how acute this problem is. The government is committed to the Disability Justice Plan and linked legislative and other changes to improve the position of persons with an intellectual disability throughout the justice system, and the Criminal Consolidation (Sexual Offences—Cognitive Impairment) Amendment Bill is part of that process.

The bill introduces two new offences to deter predators and to protect a person with cognitive impairment from sexual exploitation and abuse. The bill aims to strike that elusive balance between protection and paternalism, namely, to protect persons with a cognitive impairment from undue influence and sexual exploitation, especially where the other party occupies a position of trust, power or authority over them, but crucially to respect the sexual autonomy of persons with a cognitive impairment.

The bill draws on both the suggested approach of the Model Criminal Code Offences Committee 2001 and the approach in Canada. The Model Criminal Code Officers Committee identified the focus of any offence as the presence of undue influence. This is consistent with the Canadian model. The bill uses the concept of undue influence from a wide Canadian definition of rape and applies it not to alter the scope or definition of rape in South Australia but to the specific situation of sexual conduct between providers of a service and persons with a cognitive impairment.

The bill defines 'undue influence' as including the exercise and abuse of a position of trust, power or authority. Where a person who is a service provider is found to be in a position of trust, power or authority, there is a presumption in the bill that this person exercised undue influence to obtain the relevant consent to sexual conduct from a person with a cognitive impairment. This presumption can be displaced on the balance of probability, with consent as a defence, but only where 'the consent of the person was not obtained by reason of undue influence by the defendant'.

The presumption is consistent with other statutory presumptions, such as under the Controlled Substances Act 1984 where, as here, the means to rebut the presumption particularly lie within the knowledge of the accused. Service providers who occupy a position of trust, power or authority in relation to a person with a cognitive impairment should be held to higher levels of accountability than other service providers. In a relationship of trust, power or authority, vulnerability is inherent to the relationship itself, and any purported consent needs to be carefully scrutinised. The bill fairly balances the conflicting interests in this sensitive area and is an important and welcome step forward.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. K.L. VINCENT: I move:

Amendment No 1 [Vincent-1]—

Page 3, line 29 [clause 4, inserted section 51(5), definition of cognitive impairment, (e)]—

Delete paragraph (e) and substitute:

(e) mental impairment;

As I said to members earlier, this amendment is very simple in its intent. It is really, on the surface, a linguistic change, I guess you could say, in changing the context of clause 4 talking about 'severe mental illness' (I think it was) in the original copy of the bill, to 'mental impairment', or order to signify that there are certain vulnerabilities which exist outside of mental illness but also to talk about conditions, I guess you could say, which make people potentially vulnerable even when an illness is not present.

I believe that this is quite simple and noncontroversial in its intent. I thank the government for its indication of support for this amendment to remove the stigmatising term of 'severe mental illness' and use a broader term of 'mental impairment', both to indicate that there are potential vulnerabilities which exist outside of mental illness and to remove the stigma of saying that those living with mental illness or with other mental health conditions are something of a special case. It is a simple amendment; it is important in terms of removing a stigma, and I urge honourable members to support it.

The Hon. S.G. WADE: I wonder if the government might, through its advisers, clarify the extent of the term. I certainly agree with the point the Hon. Kelly Vincent is making about the need to move away from 'mental illness' towards 'mental impairment'. One can easily think of people such as those with an acquired brain injury or people with intellectual disability who might not be regarded as having a mental illness but certainly have a mental impairment. I wonder if there is the potential for, shall we say, episodic mental impairment to be captured. Let's say you are over-intoxicated, whether through alcohol or drugs, and you are impaired, could you be seen to be mentally impaired?

The Hon. G.E. GAGO: I am advised that that would be most unlikely because it would be considered in regard to the context of the legislation, so it would be considered in the way that the Hon. Kelly Vincent has proposed rather than the example that you gave.

The Hon. S.G. WADE: I certainly accept the answer that the definition will be considered in the context of the statute. With all due respect I do not think the courts will look at what the Hon. Kelly Vincent said; the Acts Interpretation Act does not permit that. Be that as it may, with all due respect, it applies to all of us and, in fact, it even applies to ministerial second reading speeches.

This might be a touch cheeky but considering the Hon. Kelly Vincent has raised the issue of mental impairment I wonder if the government might be able to give us an update on the progress of the government's review of the mental impairment defence, section 269, which I think is Kevin Duggan and the Sentencing Advisory Council. Feel free to take that on notice; it is just that now we are talking about mental impairment it would be interesting to get an update on that.

The Hon. G.E. GAGO: It is a different issue completely, but I am happy to take it on notice and bring it back.

The CHAIR: Are there any other contributions?

The Hon. G.E. GAGO: The government rises to support this amendment. The Hon. Kelly Vincent proposes to amend clause 4 to clarify the definition of cognitive impairment and to substitute the reference to 'severe mental illness' with 'mental impairment'. This amendment makes sense and it supports the rationale and operation of the bill to protect persons with a cognitive impairment from undue influence and sexual exploitation whilst preserving their sexual autonomy and not casting the scope of the bill too wide. It is for those reasons that we support this amendment.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

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) (11:57): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 November 2014.)

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) (11:59): There are no further second reading contributions. By way of summing up, I thank members for their second reading contributions. Members have raised concerns about part 7 of the bill, which deals with the appointment of an acting chief magistrate during the prolonged absence of the chief magistrate.

The government wishes to take this opportunity to clarify the effect of amendments made in 2013 by the Statutes Amendment (Attorney-General's Portfolio) (No. 2) Act 2013 to both the District Court Act and the Supreme Court Act. Those amendments were in response to concerns that there was no provision in either act to allow the appointment of an acting chief judge or acting chief justice in the event either the office of chief judge or chief justice became vacant.

Before that there was a convention that the senior judge or justice would act as the acting chief judge or acting chief justice, but that arrangement was uncertain and ill-suited for prolonged absences where the senior judge or justice was unwilling or unable to act as the chief judge or chief justice.

The 2013 amendments left an omission in the Magistrates Act of 1983. For consistency the relevant clause in this bill will replicate in the Magistrates Act 1983 a provision in identical terms as those provisions inserted into the District Court Act 1991 and the Supreme Court Act 1935 in 2013.

The amendment deals with the situation where there is a prolonged absence of the chief magistrate or where the office becomes vacant. The deputy chief magistrate may well be the acting chief magistrate in such circumstances. It may be either that she is unable or unwilling to act as chief magistrate or may be affected by other factors, such as workload or resources.

Finally, the bill amends the prohibited weapons provision in the Summary Offences Act 1953 by extending the current capacity of the Attorney-General to exempt persons from the prohibited weapons provision. The amendment will allow the Attorney-General to exempt a class of persons for a period of up to one month. This would allow for the Attorney to grant an exemption for a one-off event where it was uncertain whether the event was covered by an existing exemption or whilst a permanent exemption is being made for the event or activity under the act.

On that point, the Attorney-General in the other place undertook to provide the opposition with details of the group that had approached him with respect to the prohibited offences exemption. He also undertook to obtain information on the exemption applications received by him to date under the existing exemption provisions. It should be noted that in practice it has been SAPOL that has dealt with the prohibited weapons exemption under the Summary Offences Act 1953 pursuant to a delegation provided for in the legislation.

The requested information was therefore sought from SAPOL. SAPOL has advised that the re-enactment group the Attorney spoke about in the other place is called Re-enact SA, a World War II re-enactment group who promote historical re-enactments in South Australia through the use of pyrotechnics, blank firing, firearm replicas and associated props, including bayonets.

On the question of exemption applications, the Attorney-General has received one exemption application and although this application was resolved without need for an exemption, the case highlighted the lack of ability to exempt a class of persons and gave rise to this amendment. SAPOL advises:

SAPOL has directly received, through police stations, a number of exemption applications. Most are related to martial arts. One relates to entertainment and five to collectors/collections. Some have been resolved as they are covered by Schedule 2 with the applicants advised accordingly.

In its contributions, in both this and the other place, the opposition has referred to the existing regime for individual prohibited weapons exemptions, specifically that the process involves consultation with the police. The government's amendments would extend the same regime to temporary class exemptions, that is, the same requirement to consult the commissioner for police in section 21F(6) of the act will apply to temporary class exemptions as currently applies to individual exemptions. Again, I thank members for their contributions during the second reading stage of this bill and commend the bill to you.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. S.G. WADE: The minister kindly mentioned in her summing up, if I understood her correctly, that the Attorney had received queries in relation to one event that might be covered by the legislation, if the amendments are made in relation to weapons. I was wondering if the minister might be able to explain the nature of that event.

The Hon. G.E. GAGO: I am just clarifying the question—you want to know more about the Re-enact SA World War II group?

The Hon. S.G. WADE: Sorry, I might have missed a part of the presentation. This is a clause for temporary events. I thought you said that the need for this clause was identified by a particular event. It is that event, is it, the event you just named?

The Hon. G.E. GAGO: I have been advised that the one exemption application received was from a group of officials who were thought not to have been covered by schedule 2, but when it was looked at it in more detail it was discovered that they were in fact covered by schedule 2, so they would not require an exemption.

The Hon. A.L. McLACHLAN: Could the minister give some clarity around why the period of one month was chosen, given that I suspect these re-enactments are more a day, or one or two days?

The Hon. G.E. GAGO: The short answer is that there are two types of events that this is aimed at covering. One is a once-off event; it might be a day or a week, but we might not need a full month. The second is where it is an ongoing event and it is appropriate that the event continues whilst a request for a permanent exemption is processed. The advice I have received is that that would probably take a month to make a regulation to provide a permanent exemption.

The Hon. A.L. McLACHLAN: Just another point of clarification: when the exemption is given, is the minister able to exempt only certain activities? For example, the Summary Offences Act permits possessing, using, manufacturing and selling; can the minister give an exemption, for example, on possessing only, rather than on manufacturing?

The Hon. G.E. GAGO: I am advised that under section 21F(4) 'The declaration by the minister under subsection (3) may be conditional or unconditional.' So it could be conditional around the element of possession that, I think, was cited.

Clause passed.

Clauses 2 to 12 passed.

Clause 13.

The CHAIR: We have an amendment proposed by the Hon. Andrew McLachlan.

The Hon. M.C. PARNELL: My amendment is exactly the same.

The CHAIR: It is the same? Alright; the Hon. Mr Parnell.

The Hon. M.C. PARNELL: I move:

Amendment No 1 [Parnell-1]—

Page 5, lines 1 to 23—'Delete Clauses 13 and 14'

I am sorry if there is confusion, but I understood that my amendments had been distributed on 18 November. In any event, they are identical to those of the Hon. Andrew McLachlan and no doubt we will both speak to them. They are identical, so I do not think there is a problem.

As I said in my second reading contribution, the Greens are proposing to delete these two clauses, 13 and 14, which relate to the appointment of an acting chief magistrate. These clauses are alternative to the status quo, which is that the deputy chief magistrate would step in and fill that role in the absence of the chief magistrate. I understand that the government's position is that these clauses would provide for consistency in the approach between the appointments to this position that also apply in the District Court and the Supreme Court.

I also understand that the government has made it very clear, from its perspective, that there is no relationship at all between this clause and the legal dispute between the former attorney-general and the deputy chief magistrate, whereby the deputy sued the former attorney for defamation. According to media reports he was successful and taxpayers are now some \$300,000 the poorer as a result of the former attorney-general's loose lips.

We are assured that there is no relationship between that legal action and this move, which would have the effect of making sure that the current deputy chief magistrate does not act in the position of chief magistrate during the absence of the incumbent. I did say in my second reading contribution that I did not believe that particular analysis. I want to make it clear that I was not not believing what the officers told me they believed was the situation, I just do not believe that, for the government, this is not payback for Deputy Chief Magistrate Andrew Cannon.

The Hon. S.G. Wade interjecting:

The Hon. M.C. PARNELL: The Hon. Stephen Wade interjects that I am being cynical. What I can say is that certainly the word on the street, meaning King William Street in front of the Sir Samuel Way Building, the word is that that is how most members of the legal profession are seeing this. My invitation to the government would be that if they say it has nothing to do with the incumbents, then let us come back in a couple of years' time when perhaps Deputy Chief Magistrate Cannon has retired and we might consider the amendments then in the absence of any confusion surrounding the personalities involved, but for the present the Greens' proposal is that we oppose clauses 13 and 14.

As I have said, the Liberal Party, as I understand it, has exactly the same provision and I understand that other members of the crossbench are supportive as well. So, I do not need to go on any more about it. I think the remainder of the bill can probably stand. We will have a look at clause 15 when we get to that, but the remainder of the bill can stand and go through. No great harm is done by the removal of these two clauses, which really should have no work to do because there is currently a provision in the statute books for the replacement of the chief magistrate and that is the provision that the Greens would like to see continue until we come back perhaps and look at this in some years' time.

The Hon. G.E. GAGO: There was a deep level of cynicism running through some of those comments that I was disappointed to hear. The Attorney-General has made it quite clear that he has refuted those claims that this provision is any form of payback and he is on the record as clearly addressing those things. I am disappointed the Hon. Mark Parnell has resorted to listening to rumours and gossip on the street. He usually rises above that sort of gossip, but obviously he is tired and worn out today.

Nevertheless, the government rises to oppose this amendment. The amendment would delete part 7 of the bill, which amends the Magistrates Act to provide for the appointment of an acting chief magistrate, consistent with the provisions for appointing an acting chief justice or an acting chief judge. The government notes that the opposition opposes these provisions, and the Hon. Mark Parnell, as they would relate to the office of chief magistrate. However, the government maintains that the amendments are required, consistent with the Supreme Court Act and District Court Act, to address the circumstances where the deputy chief magistrate may be unable or unwilling to act for a prolonged term as acting chief magistrate.

The deputy chief magistrate may well be the best person to be the acting chief magistrate in such circumstances, but it may be that either he or she is unable or unwilling to act as the acting chief magistrate, or other factors, as I said, such as workload or resources mitigate against the appointment of a deputy to act. For these reasons, a provision consistent with that for the acting chief justice or the acting chief judge is required. However, we are obviously very keen to see this bill passed in this current session of parliament and therefore we will not be insisting, if the council does accept the amendment.

The Hon. A.L. McLACHLAN: I should formally put on the record the Liberal Party's opposition to this amendment. I will not re-articulate much of what I said in my second reading contribution. We are not convinced by the need for this amendment, in particular, in relation to the arguments around consistency. The Magistrates Court and the acts relating to the Magistrates Court

are very different in many aspects to the District Court and the Supreme Court, so we remain unconvinced and will be opposing this part of the bill.

Clause negatived.

Clause 14 negatived.

Remaining clause (15) and title passed.

Bill reported with amendment.

Third Reading

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) (12:22): I move:

That this bill be now read a third time.

Bill read a third time and passed.

ROMAN CATHOLIC ARCHDIOCESE OF ADELAIDE CHARITABLE TRUST (MEMBERSHIP OF TRUST) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 November 2014.)

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (12:25): I thank honourable members for their indication of support for this bill, and I look forward to the speedy passage of the bill through the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. I.K. HUNTER: I need to put on the record some information in regard to the contribution of the Hon. Mr Parnell and in relation to some amendments which he has filed to this bill which would remove the requirement that the property and income of the trust corporation be used only to further existing charitable undertaking purposes of the trust. Mr Parnell's amendments would provide instead that the assets held by the trust corporation must be used, firstly, to satisfy any damages award or agreed compensation in relation to past sexual abuse by a member of the church. The government acknowledges the noble views of Mr Parnell and his attempt to put that into effect through his amendments.

The ongoing national Royal Commission into Institutional Responses to Child Sexual Abuse is considering the issue of the difficulty that claimants have experienced in the past in taking legal action against the Catholic Church and recovering damages for past sexual abuse. The Attorney-General has sent a copy of Mr Parnell's amendments, I am advised, to the church's legal adviser, who has taken instruction from the Archdiocese and representatives of the other trustee entities. The church's interim response to the amendments sent to the Attorney-General in a letter dated 20 November 2014 is, I am advised, as follows:

1. The proposed amendments are inconsistent with the purpose of the act and the objects of the trust.
2. The amendments are not required because, unlike the situation with the church in some other states, both the Archdiocese of Adelaide and the Diocese of Port Pirie do have incorporated bodies which can already be sued and which are insured to meet compensation and damages claims.

I will read quotes from the letter, dated 20 November 2014, from the church's solicitor to the Attorney-General. It states:

With the utmost respect to [the Hon.] Mr Parnell, the clearly articulated purpose of the amendments proposed by him (i.e. to divert assets of the Trust to victims of child sex abuse) is not in any material way consistent with Objects of the Trust as established under the Roman Catholic Archdiocese of Adelaide Charitable Trust Act 1980. Those objects are, generally, to conduct charitable undertakings for the benefit of children who are deprived of a parent or parents, who need counselling, accommodation, sustenance, care and control and to provide assistance to those who care for children in those circumstances and for families in need of Christian charity.

Further on, it states:

In any event, and again with the utmost respect to Mr Parnell, his amendments are entirely superfluous to the extent that they are aimed at providing a resource capable of being attached by successful litigants to settle their claims which may not otherwise be settled. In that respect, the Archdiocese of Adelaide is simply the name by which the legal corporate entity Catholic Church Endowment Society Inc. (CCES) conducts its ministry and administrative affairs. The Diocese of Port Pirie is simply the name by which the legal corporate entity The Catholic Diocese of Port Pirie Inc. (CDP) conducts its ministry and administrative affairs. The CCES and CDP are entities capable of being sued (and have been sued) by numerous litigants claiming to be victims of sexual abuse at the hands of church personnel.

In addition, CCES and CDP are indemnified in respect of claims for sexual abuse under their policies of insurance with Catholic Church Insurances Ltd. Successful claims (i.e. those which have been the subject of judgments or negotiated settlements) have been paid out by the insurer. No claims for sexual abuse against the Archdiocese of Adelaide or against the Diocese of Port Pirie have been frustrated because of any lack of a legal entity to sue or because of any inability to meet the compensation in respect of those claims.

In summary, the Archdiocese and the other Trustees of the Trust submit that the amendments proposed by Mr Parnell:

1. Are inconsistent with the Objects of the Trust;
2. Would create an unfair discrimination to the detriment of the intended needy beneficiaries under the Trust; and
3. Are entirely superfluous in that they purport to provide a resource for recovery of compensation which will never be required.

On behalf of the Archdiocese and the other Trustees we urge you to oppose the amendments proposed by Mr Parnell.

That ends the quote. In summary, this bill is not an appropriate vehicle to address issues under consideration by the royal commission. The Roman Catholic Archdiocese of Adelaide Charitable Trust is a longstanding corporation formed to hold assets used to further the many charitable undertakings of the church. The purposes of these trusts should not be overturned by this bill. In view of the select committee process in the other place, I look forward to members dealing with this bill through the committee stages, and we will not be supporting the amendments filed by the Hon. Mr Parnell.

The Hon. M.C. PARNELL: On clause 1, the minister has read extracts from a letter from lawyers on behalf of the Catholic Church. Did the minister read the entire letter and, if not, could he make that letter available by tabling it and by providing me with a copy?

The Hon. I.K. HUNTER: In response to the Hon. Mr Parnell's question, no, I did not quote from the entire letter but, yes, I am advised that I can, and I table that correspondence.

The Hon. M.C. PARNELL: I thank the minister for his response and for tabling that correspondence. Can I also get the minister's clarification that the position of the government is that it fully accepts the legal position as stated by the Catholic Church's lawyers?

The Hon. I.K. HUNTER: My advice is that we accept, on the face of it, the church's claims and I can advise that we have had no counter position put to the government to challenge those claims.

The Hon. M.C. PARNELL: I thank the minister for his response. There are a number of reasons why the government would have had no counter position put, the first of which is that no-one knew about the advice so no-one else had the chance to second-guess it. My question to the minister is: has the minister obtained independent legal advice that either corroborates or disagrees with any part of the Catholic Church's legal advice?

The Hon. I.K. HUNTER: No, my advice is that we have not and, as I said, we accept the advice of the church on its face.

The Hon. M.C. PARNELL: I thank the minister. There was one sentence in the extract that the minister read which I found quite remarkable. I wrote it down, and we will check with *Hansard* as to whether I got the words right. The words I wrote down were that it would be unfair and discriminatory against the beneficiaries of the trust if trust funds were to be applied to the satisfaction of successful claims of child sexual abuse.

The reason I find that to be a remarkable statement is that if having to pay the victims of child sexual abuse compensation somehow means that the beneficiaries of the trust cannot be paid, then that tells me that there is a serious problem with the church's assets and their ability to be applied to compensation for victims.

If the church is saying, 'Well, we've got plenty of insurance, we've got plenty of vehicles that be sued,' how can it possibly be the case that the money is coming out of the pockets out of charitable recipients if it goes into the pockets of the victims of child sexual abuse? For that statement to be correct, it means that what the church, as I understand it, has said in this letter is that the amendments that I have filed would somehow create additional liability, which they do not do.

No-one under the regime I have been suggesting is entitled to compensation who would otherwise not be entitled. They have to get an order, or they have to reach a settlement. So my question of the minister is: how can it be that trustee beneficiaries miss out if victims of child sexual abuse get compensation from this fund? I add to it, if that was the case at some technical level, surely the church would prop up the funds from some other source.

The Hon. I.K. HUNTER: I am in no position whatsoever (the honourable member knows this) to articulate or argue the views that have been put to the government in this letter.

The Hon. M.C. PARNELL: I certainly understand the minister's position on that. I will move on to a slightly different topic on clause 1. As members would know, this is a hybrid bill. It is a bill for the exclusive benefit of the Catholic Church and the charitable trust that it controls. I have received a report of the select committee on the bill tabled in the House of Assembly on Remembrance Day, 11 November 2014. I understand that an advertisement was placed in *The Advertiser* calling for people to make submissions to that inquiry.

I understand that, apart from the church, on whose behalf the bill was introduced, no-one else made a submission. My question of the minister: what steps were taken, other than the insertion of a newspaper ad (and I cannot recall the page number—page 19 sticks in my head, but it might have been later)? Was any step taken other than putting a formal advertisement in a newspaper to alert the South Australian community that this bill was the subject of a parliamentary select committee?

The Hon. I.K. HUNTER: My advice is this no other steps were taken.

The Hon. M.C. PARNELL: My question of the minister, therefore, is: in the 21st century, does the minister accept that it is a sufficient and appropriate practice for important parliamentary business, including a call for submissions to select committees of this place, to be so narrowly confined to a medium that is of small and declining significance in the community? Why did not the government or the parliament, the House of Assembly in particular, cast their net wider? Why did they not publish this on a website, for example? Why did not they circulate the call for submissions amongst groups in society known to have an interest in matters such as this?

The Hon. I.K. HUNTER: I remind the honourable member (he knows this too) that the processes of a select committee are run by the parliament, not by a minister and not by the government but by the parliament. We have had hybrid bills before this place; it is a procedure of this place that deals with them and a similar situation applies in the other place. If the honourable member wants to change standing practices, then he is quite at liberty to raise them through the normal processes of this chamber.

The Hon. M.C. PARNELL: I thank the minister and I accept his challenge or his dare, as it were. I am just putting on the record now that this is a very poor way for the parliament—and I am

not blaming anyone in this chamber, or certainly not the staff of the Legislative Council; this is a matter that was handled by the Assembly. And I have to say that this is so 19th century, that the way that the parliament chooses to communicate with the people of this state is via formal advertisements in a newspaper, of limited distribution and declining significance in this state. I do make the point that parliament is slowly entering the 20th century; the 21st century might be around the corner.

The Hon. K.L. Vincent: We have wi-fi. What else do you want?

The Hon. M.C. PARNELL: What have we got?

The Hon. S.G. Wade: Wi-fi.

The Hon. M.C. PARNELL: I am reminded that the building now has wi-fi, which I think is some technical device that enables us to communicate with the rest of the world. I know I am challenging the minister's technological grasp here, but I make the point that the parliamentary standing committees, as I understand it—either all or most of them—now have Twitter accounts where they can advertise to the—

The Hon. K.L. Vincent interjecting:

The Hon. M.C. PARNELL: The Hon. Kelly Vincent might not be familiar with Twitter—it is a technique for communicating with large numbers of people!

The Hon. S.G. Wade: She's a Facebook girl.

The Hon. M.C. PARNELL: The parliamentary standing committees are advertising the fact that they have inquiries, they are advertising upcoming meetings, the fact that those meetings are public, and they are providing lists of witnesses who are attending those meetings. I think that really what this bill is showing us—it is a bit of a wake-up call to both houses of parliament—is that we can no longer hide behind very limited forms of communication if we are serious about making our work relevant to the people of South Australia. I will leave that point there.

If the minister is itching to technologically respond to the practice of the parliament he can, but I do accept his invitation. I do not think that it is necessarily in the standing orders. I will double-check that. I do not think the form of communication is limited by standing orders. I think the parliament can communicate with the world as it sees fit, and I am urging the parliament to see fit to advertise in more inclusive ways in the future. I have no more contribution on clause 1, but I do have a contribution on clause 3.

The Hon. S.G. WADE: I do not disagree with the minister's point that in this case the House of Assembly did the select committee on the hybrid bill and it is the practice of this house to accept it, but I think the Hon. Mark Parnell's points are well made. I certainly know that in some committees, under the presiding member Gerry Kandelaars, we have certainly been exploring new ways to communicate, and I think Mr Parnell is right that across all of our committees the parliament should be looking to refresh our communications.

For the record I would also like to make the point that I think committees should be thinking not just of, shall we say, broadcast modes, but also proactively trying to identify stakeholders who might have an interest. Certainly in this context I would have thought that the Commissioner for Victims' Rights, the Victim Support Service and, I am presuming, post care services in the Department for Communities and Social Inclusion, might also have contact with people who might be relevant.

I think it is our responsibility not just to broadcast, shall we say, in a scattering the seeds sort of way, about inquiries that we have carriage of, but also to seek to identify stakeholders who might have a legitimate interest. Having said that, I think the minister is right that we are duty bound to accept the report of the House of Assembly, even if we believe the Legislative Council might have done a better job, but I just make the point it is not just broadcasting, it is also direct approaches.

Clause passed.

Clause 2 passed.

Clause 3.

The Hon. M.C. PARNELL: It is my understanding that when I move amendments to clause 3 I may well be ruled out of order, so I will not yet move those amendments, but I do want to talk to clause 3 before I do so. I want to make sure that the *Hansard* record shows what I believe are deficiencies in the current clause 3 of the bill, so that my intent is made very clear on the public record.

Clause 3 of the bill amends section 4 of the act, and that is the interpretation section. What I believe clause 3 ought to do is to include a number of different definitions that actually go to the intent of a further amendment that I have tabled in relation to clause 5. Basically, I think the clause should include a reference to abuse or neglect in relation to a child. I think that definition should mean the sexual abuse of the child, or physical or emotional abuse of the child, or neglect of the child, reasonably likely to either cause the child to suffer physical or psychological injury detrimental to the child's wellbeing, or place the child's physical or psychological development in jeopardy.

I think the clause would also be improved by an additional definition that relates to who representatives of the church are. I go back to the minister's comments in relation to my questioning under clause 1, where he says that the church has avenues where people can sue the church; they have insurance policies. Again, paraphrasing what the minister said, no-one has missed out for want of a bucket of money and someone to pay the compensation. That is something that we will, I think, explore.

Whilst I can only accept at face value what the minister has said, in my second reading contribution I referred to the fact that around Australia, and I have no doubt in South Australia as well, when people have attended the Catholic Church looking for compensation (they have participated in the Towards Healing process) they have been told by the church's representatives that if they push too hard they will miss out because there is not the ability legally to sue the church.

The types of people who may or may not be covered by any insurance policy that the church has is unknown to us. The minister will not have seen that policy. I have not seen that policy. What I think is clearly required in this legislation is a reference to the range of people who are put in charge of children through the auspices of the Catholic Church. I think that is a definition that would be worth adding.

I would be adding a definition of the representative of the church and it would include: a member of the clergy, including the archbishop, a bishop, vicar, priest, deacon, sister, nun, brother, monk and any other member of a Roman Catholic religious order in the archdiocese or the diocese; an official or officer of, or a member of staff of or a volunteer at, the archdiocese or a parish in the archdiocese; or an official or officer of, or a member of staff of or a volunteer at, the diocese or a parish in the diocese; or a teacher, member of staff or volunteer at a Roman Catholic school in the archdiocese or the diocese.

We would also need to make sure that we were clear that the diocese and archdiocese refer both to the Roman Catholic Archdiocese of Adelaide and also the Roman Catholic Diocese of Port Pirie. Those are amendments that I think would be beneficial to the bill and I wanted to put them on the record, because I would now propose to move the amendments that I have filed and, if they are ruled out of order, so be it.

However, before we get to that point I will make the comment that anyone who has been paying attention to the Senate in recent days would have seen that the practice of that place is to be very liberal with how it allows amendments to be made that go beyond the actual title of legislation that is before the parliament. The classic example—and members would have heard this on the news the other day—is a bill that was being debated about, I think, the abolition of outdated regulations, but the Senate added to it a motion about submarines being built in South Australia.

I do not think, on any analysis, it bore a great deal of resemblance to the subject matter of the legislation that was before the Senate; in fact, it was a matter of some controversy. Nevertheless, the attitude there was that I guess they had the numbers and they got away with it, and they had a debate on submarines in time that had been allocated for a different purpose. So whilst I am disappointed that we will not be having a clause by clause debate in relation to these amendments I do move the amendments, and will accept whatever ruling the Chairperson might offer. I move:

Amendment No 1 [Parnell-1]—

Page 2, after line 10—Insert:

- (a1) Section 4—before the definition of *appointed day* insert:
abuse or neglect, in relation to a child, means—
- (a) sexual abuse of the child; or
 - (b) physical or emotional abuse of the child, or neglect of the child, reasonably likely to—
 - (i) cause the child to suffer physical or psychological injury detrimental to the child's wellbeing; or
 - (ii) place the child's physical or psychological development in jeopardy;

Amendment No 2 [Parnell-1]—

Page 2, after line 15 [clause 3(2)]—After the definition of *designated ministry* insert:

Diocese means the Roman Catholic Diocese of Port Pirie;

Amendment No 3 [Parnell-1]—

Page 2, after line 18—After subclause (3) insert:

- (4) Section 4—after its present contents as amended by this section (now to be designated as subsection (1)) insert:
- (2) For the purposes of this Act, a reference to a *representative of the Church* is a reference to—
- (a) a member of the clergy, including the Archbishop, a Bishop, vicar, priest, deacon, sister, nun, brother, monk and any other member of a Roman Catholic religious order in the Archdiocese or the Diocese; or
 - (b) an official or officer of, or a member of staff of or a volunteer at, the Archdiocese or a parish in the Archdiocese; or
 - (c) an official or officer of, or a member of staff of or a volunteer at, the Diocese or a parish in the Diocese; or
 - (d) a teacher, member of staff or volunteer at a Roman Catholic school in the Archdiocese or the Diocese.

The CHAIR: This bill has been drafted to make changes to the Roman Catholic Archdiocese of Adelaide Charitable Trust Act for a particular purpose. One of the trustees has restructured, and therefore the legislation provides for the new entity to continue to participate in the administration of the trust and also makes provision for any future restructures of any of the trustee entities.

The Hon. Mr Parnell's amendments do not come within the order of reference in that they deal with the application of the property and income of the trust, which is not the purpose of the bill before this council. I therefore rule that these amendments cannot be considered in this legislation. Not even a prior instruction would give the power of the committee of the whole to consider these amendments, as an instruction must be relevant to the subject matter of the bill and does not allow amendments to the title to introduce a subject matter which is different from that of the bill in question.

Erskine May (22nd edition) states on page 515 that for such instruction to be in order the objects must be cognate to the general purposes of the bill. Instructions are out of order if they attempt to embody in a bill principles that are foreign or not cognate to it. In this instance these amendments are attempting to introduce into the bill a subject which should properly constitute a distinct measure.

The Hon. M.C. PARNELL: I reluctantly accept the Chair's ruling. I am conscious that on the one occasion in the last nine years where I have objected to a ruling of the Chairperson, I recall being told at the time that, had I been successful, there would have been no alternative but for the President to resign. I am not looking for that outcome on this occasion, so I will accept that ruling for now. However, I do put on the record that adding to my list of parliamentary reform for next year when we come back, in addition to the invitation minister Hunter has offered me to attempt to fix up the

communication channels of the various organs of parliament, I would like to have a look at some of these rules as well. I will not pursue that clause any further, but I do have a contribution on clause 5.

Clause passed.

Clause 4 passed.

Clause 5.

The Hon. M.C. PARNELL: My intention would have been to have included an additional component to clause 5, and I do note that often when what is thought of as novel material is introduced into a bill it very often involves entire new clauses or new parts or new divisions. I note that section 5 in the act is a clause in relation to the objects of the trust. That clause having been opened up, my expectation would have been that if I had amendments that related to the objects of the trust, which my tabled amendment certainly does, I should have been allowed to at least put that and test the will of the committee.

That is not to be today, but I want to put on the record that what I think does need to be included in this section, in relation the objects of the trust, is that the property and the income of the trust should be applied, in fact must be applied, firstly—if the claim has been made against a representative of the church that the representative abused or neglected the claimant when the claimant was a child—to satisfy the payment of any damages awarded or compensation agreed as a result of the abuse and neglect, and, secondly, to further the objects of the trust.

That is the reform that I believe is necessary. It makes it clear that no-one who has proved their claim or reached a settlement should miss out for want of access to funds because here we have the repository of vast funds owned by the Catholic Church. So, again, I do want to move the amendment. I accept that the ruling will be exactly the same as before and I do not require the Chairperson to read that out again. I just express that I am disappointed we cannot test the will of the council on this amendment but I do formally move amendment No. 4 standing in my name. I move:

Amendment No 4 [Parnell-1]—

Page 3, after line 32—Insert:

(2) Section 5(2)—delete subsection (2) and substitute:

(2) The property and income of the Trust must be applied as follows:

- (a) firstly—if a claim has been made against a representative of the Church that the representative abused or neglected the claimant when the claimant was a child—to satisfy the payment of any damages awarded or compensation agreed as a result of the abuse or neglect; and
- (b) secondly—to further the objects of the Trust.

The CHAIR: As I said in clause 3, the ruling is the same.

Clause passed.

Remaining clause (6) and title passed.

Bill reported without amendment.

Third 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) (12:56): I move:

That this bill be now read a third time.

Bill read a third time and passed.

*Resolutions***OMBUDSMAN**

The House of Assembly agreed to the Legislative Council's resolution.

Sitting suspended from 12:57 to 14:17.

*Parliament House Matters***CHAMBER FILMING**

The PRESIDENT: Can I just say to the cameraman up there, I know some cameramen like it big, but just remember, only take a photo of those who are on their feet. I am not on my feet, so I don't know why you are pointing it at me. Do you understand that? Thanks.

*Bills***STATUTES AMENDMENT (SUPERANNUATION) BILL***Assent*

His Excellency the Governor assented to the bill.

CIVIL LIABILITY (DISCLOSURE OF INFORMATION) AMENDMENT BILL*Assent*

His Excellency the Governor assented to the bill.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (MISCELLANEOUS) AMENDMENT BILL*Assent*

His Excellency the Governor assented to the bill.

*Parliamentary Procedure***PAPERS**

The following papers were laid on the table:

By the Minister for Employment, Higher Education and Skills (Hon. G.E. Gago)—

Reports, 2013-14—
TAFE SA
Torrens University

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

Reports, 2013-14—
Coast Protection Board
Marine Parks Scientific Working Group
Regulations under National Schemes—
Heavy Vehicles (Mass, Dimension and Loading) National Amendment
Regulations
South Australian Forestry Corporation Charter

*Parliamentary Committees***LEGISLATIVE REVIEW COMMITTEE**

The Hon. G.A. KANDELAARS (14:20): I bring up the 16th report of the committee.

Report received.

*Ministerial Statement***WORK HEALTH AND SAFETY ACT**

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) (14:20): I table a copy of a ministerial statement relating to SafeWork prosecutions made earlier today in another place by my colleague the Deputy Premier John Rau.

*Parliamentary Procedure***ANSWERS TABLED**

The PRESIDENT: I direct that the following written answers to questions be distributed and printed in *Hansard*.

Question Time

The PRESIDENT: It is now time for questions without notice.

The Hon. K.J. Maher: Come on, Ridgy, bring the government down.

The PRESIDENT: The Hon. Mr Maher, just cool down. The Hon. Mr Ridgway has the floor.

SOUTH AUSTRALIAN RESEARCH AND DEVELOPMENT INSTITUTE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): Chuck him out! Thank you, Mr President. I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Hon. Mr Maher, please! The honourable opposition leader has the floor.

The Hon. D.W. RIDGWAY: Mr President, one red macaroon and the food colouring and he's out of control. Please, can you monitor his diet?

The PRESIDENT: I want to make it quite clear that the standards in this chamber have deteriorated somewhat, and it is really incumbent on me to ensure some sort of discipline. At the end of the day, I won't tolerate people interjecting while people are on their feet, so be sure that, regardless of what happened yesterday, I will not be intimidated: I will take it further if I need to.

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation, representing the Minister for Agriculture, Food and Fisheries, a question about future plans for SARDI.

Leave granted.

The Hon. D.W. RIDGWAY: At a recent industry function, I spoke to some industry representatives, where they informed me that the Minister for Investment and Trade, the Hon. Martin Hamilton-Smith, had advised them that in February the government would be making an announcement about the future of SARDI. As members would know, there were some discussions when, I think, minister Gago was minister for agriculture, food and fisheries around SARDI being transferred to the University of Adelaide. Minister Hamilton-Smith would not confirm with these particular industry stakeholders whether it would be the University of Adelaide or Flinders University.

He also went on to say that this would be a way of clearing some 400 public servants off the government's books. Interestingly, I have spoken to some of the key stakeholders. As members would know, Primary Producers SA put together an eminent persons group with people like Don Plowman, Mr Dennis Mutton and others who are retired but were happy to give advice. That eminent persons group and Primary Producers SA have had no contact from the government. My questions are:

1. Will the government be announcing the transfer of SARDI to the University in February?

2. Which university will SARDI be transferred to?
3. Why have the key stakeholders not been consulted in this process?
4. Is the Minister for Agriculture happy with the Minister for Investment and Trade talking about his portfolio with industry stakeholders?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:25): I thank the honourable Leader of the Opposition for his most important questions, directed to the Minister for Agriculture, Food and Fisheries in the other place, about SARDI. I undertake to take the questions, minus the opinion evident in his questions, and seek a response on his behalf.

WATER PRICING

The Hon. J.M.A. LENSINK (14:25): I seek leave to make an explanation before directing a question to the Minister for Water and the River Murray about water pricing.

Leave granted.

The Hon. J.M.A. LENSINK: On 10 November 2011 the minister who was representing the then water minister in this place made the following comments in his second reading contribution on the water industry bill, and I quote:

ESCOSA will also be empowered to make final price determinations on retail prices for water and sewerage services, with the first determination for SA Water to be applied from 1 July 2013.

We now know that as a result of political interference and ministers misleading the public that the first pricing range for 2013-16 was altered and did not follow that regime. However, there had been indications that the subsequent pricing orders would follow more closely under ESCOSA's recommendations, including when Premier Weatherill was on radio on 28 May 2013 when Leon Byner asked him:

...are you going to give ESCOSA the true independence to set the price of water, not SA Water and when are you going to do this?

The Premier replied, 'I think that's contemplated for the next pricing round.' My questions to the minister are:

1. Was the Premier misleading the house when he made those remarks about final price determinations?
2. Why has the government adopted the same set of parameters for the upcoming price setting as it did in the initial one?

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 reject, of course, out of hand the leading of opinion in the honourable member's brief statement. It is wrong, it is erroneous. The whole process around the pricing of water is transparent. It is a public process and pricing directions are made public, and we will adhere to that regime.

WATER PRICING

The Hon. J.M.A. LENSINK (14:27): I have a supplementary question. Does the minister understand the difference between ESCOSA setting prices and setting revenue caps?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:28): As I understand it, ESCOSA sets the revenue that SA Water can actually obtain. That has been the process that we have adopted and that is the process that we will keep for the foreseeable future, until such time as there is a better system that we may want to think about.

The important thing is this: the system we have now has reduced water prices by 6.4 per cent. What does the Liberal Party of this state have to offer to SA Water consumers? Nothing but privatisation and cost increases, when their mates in the big end of town—

Members interjecting:

The PRESIDENT: Order! The minister has the floor. If you want to waste question time, that is your choice, but the minister has the floor and we want to hear his answer.

The Hon. I.K. HUNTER: As I said in this place yesterday, that mob on the other side have form in this regard. Over there is a former—

Members interjecting:

The PRESIDENT: Honourable members, the minister has the floor.

The Hon. I.K. HUNTER: Over there is a former Liberal treasurer responsible for selling off—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: The Hon. Mr Stephens!

The Hon. I.K. HUNTER: —our Electricity Trust of South Australia. Over there, Mr President, over there on the other side of the chamber is the person responsible for selling off ETSA. Do you really think anyone in South Australia believes that, if the Liberal Party of South Australia ever got their hands on SA Water, they would be—

Members interjecting:

The PRESIDENT: Order! Have we got the clock fixed yet? We have already wasted a few minutes of the time. The minister has the floor: just as those who ask the questions expect silence when asking a question, the minister has the right to silence when he is answering it. Minister.

The Hon. I.K. HUNTER: They must be sensitive to this topic, of course, because, as I said, because they have form. Their Liberal Party confederates in other states—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Hon. Mr Maher, don't engage, just listen to the minister.

The Hon. I.K. HUNTER: Their Liberal Party confederates in other states are lining up to take the money on offer from the commonwealth government to privatise assets. We have said consistently before the election, in the lead-up to the election, that we will not be privatising SA Water assets. We know that those opposite had a secret plan in their back pocket; they would not take it to the election, but everybody in South Australia knows you cannot trust the Liberal Party with public assets.

The PRESIDENT: Supplementary, Hon. Ms Lensink.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lensink has the floor.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order! The Hon. Mr Maher, the Hon. Ms Lensink has the floor.

WATER PRICING

The Hon. J.M.A. LENSINK (14:30): I had to write the water policy, so I might know what is in it.

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Hon. Mr Maher, the Hon. Ms Lensink has the floor.

The Hon. J.M.A. LENSINK: Does the minister accept that the Essential Services Act provides a range of options for pricing and that, if the government had any mind to do it, it could provide a lot more independence to ESCOSA?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:31): If ESCOSA had total independent control and could actually put in place some of its pure economic programs for efficiency, then the outcome of that would be that SA Water customers would

be paying more. We know that is what the Liberal Party has endorsed. We know that that is what their fellow travellers in the Institute of Public Affairs want—

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Hon. Mr Maher, the minister has the floor.

The Hon. I.K. HUNTER: —and we know for sure that that is what this mob opposite would stand for. They would stand idly by—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: The Hon. Mr Lucas!

The Hon. I.K. HUNTER: —while hard ideological economic winds blew through the system of SA Water and made the people of South Australia, SA Water customers, pay more for their water. That is what they stand for.

WATER PRICING

The Hon. J.M.A. LENSINK (14:32): By way of supplementary question, will the minister avail himself of the advice from ESCOSA, which talked about reducing tier 1 prices, which would have assisted vulnerable customers?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:32): The advice from ESCOSA from time to time is taken into consideration by the government, but we do not make decisions based just on economic theory. We look after people in hardship, we look after people who are on low incomes—

Members interjecting:

The PRESIDENT: The minister has the floor.

The Hon. I.K. HUNTER: —and we look after people in rural and regional South Australia, knowing that they will get a cheaper price from water from postage-stamp pricing, and we will adhere to that policy.

WATER PRICING

The Hon. K.J. MAHER (14:32): By way of supplementary question, is the minister aware that the most recent ESCOSA report, in its appendix on consumer water pricing, stated that if we went to full supply charge, as they recommended, we would have nearly 90 per cent of SA Water residential customers paying more than \$50 a year more? Is the minister aware?

Members interjecting:

The PRESIDENT: Order! Minister, sit down please. This is just totally unacceptable.

The Hon. R.I. Lucas: You've lost control.

The PRESIDENT: No lost control.

The Hon. R.I. Lucas: You've lost control.

The PRESIDENT: No, it's rudeness from people like you, who have no regard for the standards of this chamber, that is the problem. The Hon. Mr Maher, that was a supplementary, is that right?

The Hon. K.J. Maher: Arising out of the original answer.

The Hon. S.G. WADE: On a point of order, how can it be a supplementary arising out of the original answer when he is giving us new material from the appendix of a report? It is not a supplementary.

The Hon. K.J. Maher interjecting:

The PRESIDENT: The Hon. Mr Maher, just cool it down. Minister, if you want to answer it, you can answer it.

Members interjecting:

The PRESIDENT: The minister has the floor.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:33): The Hon. Mr Maher is on top of things, as usual, unlike the Liberal Party. The other key point to make in this respect is that, if we followed some of the recommendations of ESCOSA, country rural regional customers of SA Water could be facing increases of up to 200 per cent in some regions. That is what this mob want—200 per cent on their water bills. That is what this mob opposite want to support with their hard ideological, economic-only approach to SA Water.

Members interjecting:

The PRESIDENT: The Hon. Mr Wade, if I called every supplementary question that did not have new material or something outside the normal bounds, most of them would be put out of order. So there is a little bit of tolerance and a little bit of flexibility.

APPRENTICES AND TRAINEES

The Hon. S.G. WADE (14:34): I seek leave to make a brief explanation before asking the Minister for Employment, Education and Skills a question relating to apprentice and trainee commencements.

Leave granted.

The Hon. S.G. WADE: Data from the National Centre for Vocational Education Research released this week showed that South Australia recorded a 21.5 per cent decline in apprentice and trainee commencements over the 12 months ending June 2014 compared to the previous 12 months. This equates to the lowest number of commencements in South Australia since 2009. Despite numerous federal government incentives of up to \$3,000 on offer for employers and businesses, declining trainee apprenticeship commencements put South Australia well behind other states.

My question to the minister is: can the minister explain why South Australia has had a 21.5 per cent decline in apprentice and trainee commencements over the 12 months ending June 2014 compared with the previous 12 months, while Western Australia, Tasmania, the ACT and the Northern Territory have all shown increases in apprentice and trainee commencements over the same period?

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) (14:35): I thank the honourable member for his question and, indeed, this is yet another example of the Liberal opposition coming into this place, day after day, wanting to talk down South Australia, wanting to create doom and gloom, and wanting to shake business confidence, and we see this as yet another example.

The recent NCVET June quarter report showed a mixed result for South Australia, and what the Hon. Stephen Wade neglects to mention is that the data shows very pleasingly that South Australia had the highest number on record of completions in the technical and trade workers occupational group—very selective in the way they look at these reports. They go on and on about completion so here we finally produce an extremely good result and what do we hear? The bit of the report that is all doom and gloom.

We also see that the report shows that certificate II qualifications also recorded rises and they were bucking the national trend, I was very pleased to see, with in-training increasing by 9.6 per cent. What was disappointing to see was that both the commencement rates and the in-service rates for apprentices and trainees dropped for South Australia. It is not surprising, given that every jurisdiction throughout the nation dropped as well. It is not surprising, given that the fall in apprenticeships and trainee activity no doubt has been influenced by the commonwealth government's decision from July 2012 to stop incentive payments for existing workers, and we know that this has had a significant impact on apprenticeship and trainee uptake.

Nationally, the commonwealth has ripped out \$1 billion around the nation; this is the federal liberal government. One billion dollars has been removed from Australian apprenticeship incentive programs over the four years until 2016, and the Hon. Stephen Wade has the audacity to come into this house and ask me why our figures are down.

I challenge him: what on earth has he done about contacting his federal Liberal colleagues to insist that the federal government reintroduce these billion dollars' worth of initiatives? The impact on South Australia: \$95 million worth of Liberal federal government incentives being removed from our apprentices and trainees. As I said, the Hon. Stephen Wade has the audacity to come into this place and ask me why our numbers are down. The other thing is that it was also—

The Hon. T.J. Stephens interjecting:

The PRESIDENT: The Hon. Mr Stephens, the minister has the floor.

The Hon. G.E. GAGO: —interesting to note that the decline also pretty much mirrors our employment activity during that time. It was a time in South Australia when our employment figures were pretty much at their lowest. It is very pleasing to see that we have reversed that trend. In the last couple of months at least we have seen improvements in our employment rates here in South Australia, and we see a number of other really important economic signals of improvement on the horizon. We see new business investments up.

We see new capital expenditure 14 per cent higher than a year ago. We see record resource production and, as I have alluded to, we have seen some pleasing trends in employment activity. As I said, I challenge the honourable member to confront his Liberal federal colleagues and insist on the return of those incentive payments.

The PRESIDENT: Supplementary, the Hon. Mr Wade.

APPRENTICES AND TRAINEES

The Hon. S.G. WADE (14:40): I ask the minister: how can the federal budget explain the decline in commencements when the commencements are down to the lowest level since 2009?

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) (14:40): I have already answered that question. I have indicated that the trends were across the nation in the June quarter, that every jurisdiction resulted in a decline. As I said, we have had—

The Hon. S.G. Wade: I am not talking about June quarter stats, I am talking about 12-year stats.

The PRESIDENT: The Hon. Mr Wade, let her answer.

The Hon. G.E. GAGO: —a billion dollars of apprenticeship incentives ripped out of our system.

The PRESIDENT: The Hon. Mr Brokenshire, supplementary.

APPRENTICES AND TRAINEES

The Hon. R.L. BROKENSHERE (14:41): Given the minister's answer to the Hon. Mr Wade, has the minister written to the Prime Minister or the relevant minister asking when the money that has allegedly not been provided will be provided? What action has the minister taken to try to procure the money?

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) (14:41): I challenge the Hon. Robert Brokenshire, who comes in this place as well. I challenge him.

Members interjecting:

The PRESIDENT: Let the minister answer.

The Hon. G.E. GAGO: This government has—

The Hon. R.L. Brokenshire: You haven't written a letter; you're too lazy.

The PRESIDENT: The Hon. Mr Brokenshire.

The Hon. G.E. GAGO: This government has written—

Members interjecting:

The PRESIDENT: Minister, sit down.

The Hon. R.L. Brokenshire: No letter; lazy as!

The PRESIDENT: The Hon. Mr Brokenshire, please have a little bit of respect for those people on their feet who are trying to answer your question.

The Hon. G.E. GAGO: Yes, I challenge Robert Brokenshire in terms of—

The PRESIDENT: Just answer the question, minister.

The Hon. G.E. GAGO: —what support is needed. He comes into this place full of hypocrisy. This government has approached the federal government on a number of occasions, challenging the federal government to reverse its budget cuts that will have a drastic impact on this state.

PATHWAYS TO EMPLOYMENT

The Hon. J.M. GAZZOLA (14:42): I seek leave to make a brief—

Members interjecting:

The PRESIDENT: The honourable minister.

Members interjecting:

The PRESIDENT: Minister.

Members interjecting:

The PRESIDENT: No, this is what happens when members sit there and interject; it then gets out of control. The Hon. Mr Gazzola has the floor.

The Hon. J.M. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about support to people who are disengaged from community.

Leave granted.

The Hon. J.M. GAZZOLA: Unfortunately, there are many people who for various reasons, some of them not of their own doing, are disengaged—

The Hon. R.L. Brokenshire interjecting:

The PRESIDENT: The Hon. Mr Brokenshire, there is a member asking a question.

The Hon. J.M. GAZZOLA: —from community life. This disengagement in turn makes it very difficult, if not impossible, for them to gain the basic skills necessary to connect with education, training and/or employment. Can the minister inform us of any recent announcements about support to people who find themselves in this position?

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) (14:43): I thank the honourable member for his most important question. As the honourable member stated, there are people in our communities who do struggle to find work, often due to circumstances that may be beyond their control. This struggle can be due to a wide range of different factors, such as literacy difficulties, lack of personal and social confidence, and/or learning disabilities as well. These may have become issues for them because of poor experiences in the schooling system.

We are all very well aware of the class clown who often uses humour to hide the fact that they have a learning difficulty. It is that person who often, the first chance they can, leaves school because it is such a difficult experience for them. We also see people coming from difficult and/or dysfunctional families or because of issues relating to alcohol and substance abuse. For some, these barriers prevent them from connecting with or accessing local services such as community centres.

Officers from the Department of State Development have worked very closely with Community Centres SA staff to design a pilot project that looks to engage with those who have more or less completely disengaged. The aim of this new \$1.14 million-odd personal support program is to work with people who have never done any study or who may have been out of the workforce for a very long period of time, or even those people have never, ever had a job.

This government knows the impact that a lack of education, a lack of confidence and a lack of skills can have on a person's ability to get a job and, just as importantly, to participate in community life. For the people experiencing these impacts, these obstacles can seem insurmountable. Their confidence could be at its lowest ever, and the thought of being around others or trying to do new things can be incredibly confronting and quite paralysing. This work will help provide those really important first steps for these people towards a new confidence and a new level of engagement in their local communities.

We are piloting in three community centres: Hackham West, Gawler and Glandore. The staff will work with people to develop individual support plans that identify their individual needs and goals. Obviously, these plans will vary from person to person in order to meet their own personal needs and address their own individual challenges. For some, their needs could be really basic things such as having a reason to get up in the morning. Some of these people have very little structure to their life and just having a reason to get up, get dressed and have a shower, to actually leave the house, could be an all important first step for those people. For others it may be being able to make an appointment and then attend that appointment with someone to help them with health issues, for instance.

Staff will work with clients to build their confidence and trust, which will ultimately help them deal with their immediate and personal obstacles. From there they will build on existing strengths and gain other strengths to then attend a course, for instance, that might be able to help them with foundation skills like literacy and numeracy, as well as digital literacy and using computers. We hope this will lead them to pathways to further formal education or training and eventually employment.

It is a program of a lot of small steps, but the pathway is to eventually try to achieve employment. Last week I was able to see and hear how the community gardening and cooking classes were assisting participants with language and listening skills, with how to take notes and follow tasks, and, importantly, with how to work as part of a team.

I was very pleased to launch the program, which offers one-on-one mentoring and support to those who have previously found it extremely difficult to study or find work. I congratulate Community Centres SA and their staff. They are a very passionate, committed and hard-working group of people who have a very strong reputation and solid credentials in that area. They will be responsible for managing these pilots, and I wish them all the very best. I congratulate them on their efforts and look forward to hearing about the future progress of these important pilots.

APY LANDS

The Hon. K.L. VINCENT (14:49): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question regarding the APY Land Rights (Miscellaneous) Amendment Bill 2014.

Leave granted.

The Hon. K.L. VINCENT: Last night this chamber rushed through a piece of legislation, the APY Land Rights (Miscellaneous) Amendment Bill, giving the Minister for Aboriginal Affairs and Reconciliation unfettered power over the executive of the APY and unprecedented power over the APY people, the people who live on the lands. At around noon on Thursday 27 November (I believe it was), I, along with a member of my staff, met with minister Hunter and his adviser in the House of Assembly lounge regarding this bill. During that meeting, my staff member and I asked who had been

consulted in regard to this bill and what their thoughts were about it being rushed through the parliament as a matter of urgency.

I quite clearly recall, if my memory is correct, asking the minister whether he had consulted the Commissioner for Aboriginal Engagement and he said that, yes, he had. He gave the impression that pretty much everybody he had spoken to was quite happy with the bill and yet in the debate on this bill last evening, during the committee stage, the Hon. Ms Tammy Franks asked the minister if he had consulted with Khatija Thomas as the Commissioner for Aboriginal Engagement. The minister replied, 'No, I have not.' So, my question to the minister is: why did the minister tell me and my staff, and I assume other members of this chamber, in the presence of his staff member, that he had consulted Khatija Thomas as the Commissioner for Aboriginal Engagement on this bill if it is not the case?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:51): Mr President, I—

The Hon. R.I. Lucas: Wriggle your way out of this one.

The Hon. I.K. HUNTER: Well, I am not going to wriggle my way out of this, Mr President. I actually reject—

The PRESIDENT: Honourable members, the minister has the floor.

The Hon. I.K. HUNTER: —the premise of the question. I did not at any time advise the Hon. Ms Kelly Vincent that I had discussed the bill with the Commissioner for Aboriginal Engagement; I did not, because I had not discussed that bill with anyone other than members of this place and members of the other place up until that point in time. I discussed this legislation with the Hon. Mr Mark Parnell and the Hon. Tammy Franks, I discussed this legislation with members of the Liberal Party from this chamber and the other place, I discussed this legislation with the Hon. Kelly Vincent, I discussed this legislation over the phone (as was made quite plain yesterday) with the Hon. Mr Hood and I discussed this legislation with a staff member of the Hon. Mr Darley. So, I could not have actually discussed it with the Commissioner for Aboriginal Engagement because I made a point of discussing it with members of this place and the other place first before I engaged with anybody else.

APY LANDS

The Hon. K.L. VINCENT (14:52): Did the minister then make contact with the commissioner after he spoke to members of parliament?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:52): Mr President, I answered that question yesterday.

APY LANDS

The Hon. T.A. FRANKS (14:52): Supplementary arising from the original answer. Why did the minister inform myself and the Hon. Mark Parnell that he had discussed this with the APY Executive, and yet he has just said that he had discussed it with no-one other than elected MLCs and MPs?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:52): I can quite categorically say that I did not say that to the Hon. Mr Parnell and the Hon. Ms Tammy Franks. What I said is I had a meeting with the APY Executive. What I made plain to both of them at the time was that legal representatives from APY asked me for a no surprises promise and I said I would not give one. I said that in this instance, in this issue with the APY, legislation would be my prerogative to bring to the parliament. That's what I said to them, Mr President. I did not tell them anything else.

APY LANDS

The Hon. T.A. FRANKS (14:53): Supplementary. Who did the minister talk to before he came up with this bill to strip powers from Aboriginal people? Which Aboriginal groups did the minister consult with?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:53): Mr President, I answered those questions yesterday in this place.

NATURAL RESOURCES MANAGEMENT COMMITTEES

The Hon. J.S.L. DAWKINS (14:53): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation questions regarding the abolition of the North Para, South Para and Northern Foothills NRM committees.

Leave granted.

The Hon. J.S.L. DAWKINS: In a letter to committee members of 7 November from Adelaide and Mount Lofty Ranges NRM Board presiding member Professor Chris Daniels, longstanding committee members were informed that the board will 'discontinue the North Para, South Para and Northern Foothills NRM committees as formal subcommittees of the board'. The abolition of these committees, which was discussed by the local NRM board at a meeting on 23 October of this year, was a direct result of the Premier's announced axing of state government boards and committees and the subsequent request for the local NRM board to review its underlying committee structure.

The process for this abolition originally started from a letter sent by the minister to the committee chairs asking them to justify their existence. Each committee responded with substantial submissions highlighting the significant grassroots community work and consultation they do for the local NRM board. However, no further consultation or reasoning was given prior to, or following, their abolition. My questions are:

1. Will the minister advise the council who will assume the work and effort conducted by the three abolished committees?

2. Have the members of those committees been thanked for their efforts and advised how their expertise and experience can best be harnessed within the NRM system?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (14:55): I thank the honourable member for his most important question. However, I need to advise him that neither I, nor anyone else, has the power to abolish those committees except for the NRM boards themselves. My agency is undertaking a process with NRM boards to review their boards and committees. We have requested them to do that and they are cooperating with us.

The powers that will be given to abolish boards and committees, should the parliament determine to do so, will be in the omnibus bill. The committees and boards that we would have some ability to make some decision over would be the NRM boards themselves, but my position and the present position of the government is that the NRM boards are doing good work in their local communities and should be supported to continue.

The Hon. T.A. FRANKS: Point of order, Mr President.

The PRESIDENT: Point of order.

The Hon. T.A. FRANKS: I am just inquiring for your guidance: given that the clock has just started and we are on 54 minutes and 12 seconds, does that mean that that is how long we have to go in question time?

The PRESIDENT: No, when it gets to 28, that is when the time is limited.

KEEP AUSTRALIA BEAUTIFUL SUSTAINABLE CITIES AWARDS

The Hon. K.J. MAHER (14:56): My question is to the Minister for Aboriginal Affairs and Reconciliation.

The Hon. I.K. Hunter: No.

The Hon. K.J. MAHER: No. My question is to the minister in another capacity, as Minister for Sustainability, Environment and Conservation, although he holds those ministries as well. Will the minister inform the chamber about the winners of this year's KAB Sustainable Cities 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) (14:56): Thank you, Mr President; we should highlight the appropriate ministry, I think. When the Hon. Mr Maher is writing these questions, Mr President, we might highlight the appropriate portfolio responsibility.

Members interjecting:

The PRESIDENT: The honourable member has the floor.

The Hon. I.K. HUNTER: I thank the honourable member for his very important question. It was a very great pleasure to attend the KAB Sustainable Cities Awards at the new Tonsley TAFE on Friday 28 November. Keep Australia Beautiful is a not-for-profit organisation, as we all know, that runs a series of programs to promote awareness and behavioural change regarding the environment and sustainability.

The Keep Australia Beautiful Sustainable Cities Awards is a celebration of the outstanding achievements of councils and community groups across Australia. The 2014 awards event was hosted by the City of Marion, which was last year's national winner. One of the clearest impressions that I took away from the awards ceremony, when I was there for a short time—and I understand my colleagues the Hon. Michelle Lensink and the member for Bright were there as well—was the obvious community spirit and the obvious partnership approach that these cities and organisations have.

I mentioned, of course, in my opening remarks at the function, President Barack Obama talking to an audience at Queensland University in Brisbane during his recent G20 Leaders Summit, when he said, particularly addressing young people, 'But let me say particularly...to the young people here, combating climate change cannot be the work of governments alone.'

I use that as my major refrain, because he was echoing something that we in South Australia just know intrinsically and have long understood and have made one of our strong suits. That is, we know we must work together if we are to combat many of the challenges that face our state and, in particular, in this instance, if we are to combat the environmental threats that are facing our state, our nation and our world.

Thanks to that approach, South Australia has become a national and, in some cases, a world leader in areas such as climate change adaptation, renewable energy infrastructure, recycling rates and stormwater capture. This government, of course, time and time again, particularly when we are asked in this chamber, can demonstrate that we are not afraid of setting ambitious targets and consistently putting environmental issues on the agenda. We can achieve these impressive results, however, only because local government, industry and the community have been willing to play their part alongside the state government. It is this great collaboration, if you like, that we celebrated during the Sustainable Cities Awards.

It was particularly fitting that the awards event was held at the new Sustainable Industries Education Centre at Tonsley TAFE. The Tonsley development is integrating high-value manufacturing, education and research alongside residential and community spaces. It will create much needed industry, infrastructure and opportunities for South Australians but, in particular, for the south of Adelaide and, as a great example of smart partnership and collaboration, it will have significant flow-on benefits for all of the surrounding areas as well as for the environment.

The state government, for example, has invested around \$250 million into the redevelopment, and this is expected to attract around \$1 billion of private investment, I am told. In addition, the City of Marion's strong commitment to the Tonsley redevelopment has played an important role in this success.

There are many examples, of course, of our state having effective partnerships across many areas which achieve great results. We can only think, for example, of the state government's

partnership with KESAB over many years, which has led to a project addressing the recycling of soft plastics, which have traditionally presented problems in the recycling chain. Members would probably know that they need to bundle up their soft plastics and take them to a certain supermarket (Coles, I think) and deposit them in those bins they provide near their checkouts. That plastic is taken and refined and used to make, I understand, outdoor plastic furniture, which is often donated to communities and schools.

Of course, local government is a very important player in this partnership model, and they, working with their communities, play a very important leadership role when it comes to championing effective change. I congratulate all the winners and finalists of the 2014 Sustainable Cities Awards. The City of Holdfast Bay won the 2014 heritage and cultural award category in a tie, I understand, with the City of Bunbury in Western Australia; it couldn't have been much closer.

KAB, which judged the South Australian entries, commended the outstanding features of Holdfast Bay's entry, including simultaneously embracing and celebrating its original Indigenous and post-colonisation heritage. The judges remarked that, in doing so, the local council is enhancing natural areas of significance and beautifying and repurposing existing structures from a built environment.

In particular, the judges were impressed by the rollout of kitchen organic baskets to 17,000 homes to help reduce waste; coastal dune and gully restoration activities; the establishment of a community garden at Glenelg North; and an indigenous water-wise garden. Congratulations must go to all the award applicants and winners from around the state and around the country for their outstanding contributions.

I sincerely thank KAB not only for organising such a wonderful awards event but also for their continued partnership and commitment to creating positive change through grassroots engagement and strong industry and local government alliances. I am confident that, if we continue to work together in this manner, we will be in a much stronger position to address the challenges facing our environment, where all of us in the community work together.

KEEP AUSTRALIA BEAUTIFUL SUSTAINABLE CITIES AWARDS

The Hon. T.A. FRANKS (15:03): Supplementary.

The PRESIDENT: Supplementary, the Hon. Ms Franks.

The Hon. T.A. FRANKS: Since the minister clearly wanted the honourable member to deliver a Dorothy Dixier, will he next time make sure that he gets his title correct, and keeps the Dorothy Dixier answer shorter?

GREEN POWER

The Hon. M.C. PARNELL (15:03): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about the purchasing of green power in the State Strategic Plan.

Leave granted.

The Hon. M.C. PARNELL: On 31 December this year, the last vestiges of government commitment to purchasing electricity from renewable sources will disappear. Through the State Strategic Plan, target No. 65, the government committed to purchasing 50 per cent of electricity needs from renewable sources by 2014. This was then deferred in the 2012-13 Mid-Year Budget Review. Given that this purchasing of green power was always designed to be additional to the carbon price, the state and national renewable energy targets and other national initiatives, stakeholders remain perplexed that the government would abandon this crucial promise when it had been identified as a strategic priority.

Furthermore, the government appears to have made no effort over the last five years to increase the green power purchased, and the percentage has not lifted above 20 per cent, which was the amount in place when the Strategic Plan was written. I know of at least one businessperson who, as recently as September this year, moved his project (a concentrated solar thermal project) to Western Australia. I am told they were ready to build in South Australia but they just needed the certainty of government commitment to purchasing green power from renewable generators.

I am advised that the loss of this company and the plant build in regional South Australia is an opportunity cost to this state of some 2,000 high-tech jobs in construction and 75 ongoing jobs for the next 30 years, and that does not include flow-on jobs and other opportunities for South Australians. Finally, I understand that, despite the fact that renewable energy forms about 40 per cent of the overall energy generation mix, the South Australian government could still only ever manage purchasing 18.3 per cent green power for the 2013-14 financial year. My questions to the minister are:

1. Why did the government break the strategic commitment to purchasing 50 per cent of green power by 2014?
2. Why should South Australians believe this government when it says it is committed to action on climate change if, at the same time, it is breaking its own promises?
3. Does the government believe that the homeowners of South Australia and not the government should be doing the heavy lifting when it comes to transforming our energy sector and taking action on climate change?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:06): I thank the honourable member for his important questions, although I do take issue with the premise of his questions and will come to that in a moment. In 2008 the former premier announced that the South Australian government would become carbon neutral by 2020 by purchasing a combination of certified green energy and other carbon offsets. The carbon neutral government commitment was made at a time when there was an expectation that there would be a carbon price in the national economy.

The state government subsequently deferred its commitment to purchase green power, I am advised, in the 2013 Mid-Year Budget Review. Since then there have been significant changes in the national climate change policy with the repeal of the carbon pricing mechanism and the current review of the federal renewable energy target.

In recognition of the significant changes to national policy settings and the budgetary pressure on the state government, the Premier asked the Premier's Climate Change Council to lead a review of the climate change policies and programs. KPMG was contracted to work with the council to undertake that review. I am pleased to report that the review confirmed that South Australia has been a leader in climate change. The KPMG review indicated that future purchases of green power would not provide a good value for money approach to emissions reduction and that future climate change action should be designed to be eligible for funding under the commonwealth Emissions Reduction Fund.

The Department of Environment, Water and Natural Resources will review that carbon-neutral government initiative as part of the development of a new strategy for climate change action, taking into account the KPMG review and its recommendation, and we will come back with a decision about that in due course. For the honourable member to say that decisions have been taken already is not correct; we are reviewing the process in the light of new information and the changed climate (forgive the pun)—or the changed situation and the circumstances that we find arising out of changes to federal policy.

APY EXECUTIVE

The Hon. T.J. STEPHENS (15:08): My question is to the Minister for Aboriginal Affairs. What powers will the administrator have to suspend payments to a suspended or sacked APY Executive?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:08): I thank the honourable member for his important question. I guess he is foreshadowing the passage of the legislation in the lower house. I will refrain from commenting on that until the legislation has passed.

NATIONAL INDIGENOUS CONSUMER STRATEGY

The Hon. T.T. NGO (15:08): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers a question about the National Indigenous Consumer Strategy.

Leave granted.

The Hon. T.T. NGO: I understand that the government recently launched the National Indigenous Consumer Strategy (NICS) Action Plan 2014-16 in South Australia. Can the minister tell the chamber about the development and purpose of the action plan?

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) (15:09): I thank the honourable member for his important question. The National Indigenous Consumer Strategy (NICS) Action Plan has been developed to ensure that Australia's performance in Indigenous consumer affairs is continually improved, and that beneficial outcomes for Indigenous consumers are achieved.

The 2014-16 action plan has been developed by the National Indigenous Consumer Strategy's Reference Group, and that comprises representatives from the commonwealth, state and territory consumer protection agencies. This is the third NICS action plan that has been developed since the first plan, which was released in 2003. Consumer agencies, including Consumer and Business Services (CBS), recognise that such issues as the rules regulating traders and service providers need to be fair and responsive to the needs of Indigenous people.

Cultural and operational changes are required within consumer agencies to respond to inquires from Aboriginal consumers in the most effective way, and it is important for consumer agencies to continue to advocate on behalf of Aboriginal consumers and empower them and the community. Although jurisdictions have differing priorities, the action plan will be a template for action to improve Aboriginal consumer awareness.

The launch of the 2014-16 action plan in South Australia comes shortly after the release of the *Deadly Dollars, Something for Nothing* DVD by the South Australian government in August. The DVD was specifically designed for consumers living on the APY lands and warns of sharp, unscrupulous business practices that target particularly members of remote communities, and also follows the national launch by consumer protection agencies of the *Be smart—buy smart* booklet in March, which provides helpful tips and information for Aboriginal consumers about their shopping rights and responsibilities under the Australian Consumer Law.

The action plan for 2014-16 identifies four national priorities, the first being trading practices, things like unsolicited sales, misleading promotional activities and book up. The second is housing, things like tenancy rights and responsibilities. The third is consumer awareness, consumer rights, financial literacy, knowledge of consumer services and things like complaint processes, and the fourth relates to contracts, so understanding things like terms and conditions and the implications of entering into a contract.

CBS will be conducting a number of activities over the next couple of years to support each of the four priority areas, including visits to the APY lands, hosting information stalls at events for Aboriginal consumers and working with community organisations to deliver consumer education programs. I am advised that CBS will provide a copy of the 2014-16 action plan to relevant stakeholders to assure them of CBS' support and commitment to Indigenous consumers and also to invite them to partner with CBS in implementing specific consumer protection programs.

I commend the consumer affairs agencies on producing this latest national consumer strategy action plan. This initiative demonstrates Australia's commitment to ensure that all consumers understand their rights and are protected from unfair business practices. Every consumer, as we know, has the right to be protected equally under the Australian Consumer Law.

NATIONAL INDIGENOUS CONSUMER STRATEGY

The Hon. T.A. FRANKS (15:13): By way of supplementary question, does the project or the resource have any information about humbugging?

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) (15:13): That would come under things like consumer awareness and also trading practices. Humbugging, as we know, is a difficult issue that some Aboriginal families have to deal with, just as we know that book up is another practice that is common in some communities. So, these are particular practices that will be addressed and, as I outlined, the activities are closely aligned, in consultation with Aboriginal communities, making sure that their needs are understood and that the sorts of initiatives we put in place are relevant and suitable to meet the community's needs.

CHILD BRIDES

The Hon. D.G.E. HOOD (15:14): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about child brides in Australia.

Leave granted.

The Hon. D.G.E. HOOD: The issue of child brides has increasingly become an issue in Australia, especially in more recent times, where young girls are being married to, in some cases, older men in Australia, but in most cases they are being sent from Australia to international locations to be married, and one would expect against their will, given their very young age.

The AFP is currently investigating yet another report of a nine-year-old girl being sent to a Middle Eastern country for a suspected arranged marriage. Thankfully, the AFP has extensive powers to prevent children and young people from being forcibly removed from the country providing they have advance notice of a potential issue.

Whilst the primary mode of investigation is at a federal level, there is no doubt that the state level plays a significant role in the protection and education of these women and very young vulnerable children. My questions to the minister are:

1. What training, if any, has been provided for schools, local agencies, women's networks and the police force to ensure early identification and potential identification and intervention where necessary of potential child bride victims?
2. What education programs, if any, are planned or currently being provided to women, children and young people so they are aware of their rights and the systems in place that are available to protect them should they become aware of these instances around them?

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) (15:16): I thank the honourable member for his most important question. Child marriage, as we know, robs girls of their childhood. It can have severe health implications and, of course, can really crush their hopes and dreams and severely impact their access to education and other opportunities. We know that when a girl is married young the data shows that she is more likely to experience violence, physical and sexual abuse, and poor sexual and reproductive health.

Plan International defines child marriage as 'any marriage—whether under civil, religious or customary law, and with or without formal registration—where either one or both spouses are children under the age of 18'. Unlike many countries, Australia has laws in place to protect children from forced marriage; however, we know that there are many cases of child marriage that are unofficial and therefore not registered and hidden from authorities.

As marriage is enshrined in the Australian constitution, offences related to child and forced marriage are legislated by the Australian government and obviously apply right across the country. In February of this year the Australian parliament passed the Crimes Legislation Amendment (Slavery, Slavery-like Conditions and People Trafficking) Act of 2013 which amended the commonwealth Criminal Code to recognise forced marriage as a serious form of exploitation and crime. The offences apply to a range of marriage and marriage-like relationships, including things like registered relationships and those formed by cultural and religious ceremonies.

In terms of some of the protections that are in place, the commonwealth Criminal Code obviously is in place that prohibits child marriage. The Marriage Act permits a marriage where a person is aged between 16 and 18 where there is both parental consent, obviously, and an Australian court order is in force from a judge or magistrate authorising marriage.

Australia also has in place civil measures to help prevent children being taken overseas for the purposes of exploitation, and the Australian Federal Circuit Court can make orders to prevent a passport being issued or require a person to deliver a child or accompanying adult's passport to the court, and that restrains the removal of a child from Australia and places the child's name on an airport watch list.

In South Australia, although we do not have legislation that currently refers specifically to forced child marriage, a victim of forced or civil marriage may be subject to specific conduct that could be covered by an existing offence in South Australia. For example, a forced marriage may involve child abuse, domestic violence, rape, abduction or kidnap.

Physical restrictions may also be imposed on the victim that may amount to an offence of false imprisonment. Situations may also include confiscation, destruction or theft of a passport or other belongings of the victim. Obviously, it is an offence in South Australia to take away or detain a person against their will, and we have legislation that makes it an offence for a person to employ, engage, cause or permit a child to provide or to continue to provide commercial sexual services, and that offence carries a maximum penalty of life imprisonment.

The law, though, is just one part of a broader social response. The Red Cross in South Australia has established a human trafficking and forced marriage SA agencies network to discuss how agencies can continue to work together to address the issue of human trafficking and forced marriage in South Australia. The Australian government also provides funding to the Australian Red Cross for the Support for Trafficked People Program. That program provides a range of information and advice to the general public, and it provides comprehensive and intensive support to any person identified by a law enforcement agency as a potential victim of forced marriage.

In 2014, Anti Slavery Australia received Australian government funding for an e-learning course on human trafficking, slavery and slavery-like practices, including forced labour and forced marriage. The course is designed for the wider Australian community and frontline workers, including teachers, counsellors, healthcare workers, child protection officers and law enforcement. In addition, the Australian government's National Roundtable on Human Trafficking and Slavery has established a specific working group to develop best practice standards in awareness-raising materials for Australian communities.

FRUIT FLY

The Hon. J.S. LEE (15:21): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation, representing a minister in the other place, a question about biosecurity and fruit fly.

Leave granted.

The Hon. J.S. LEE: A number of constituents living in the Oakden and Hillcrest areas have reported that they have recently received a pamphlet distributed by Biosecurity SA. The pamphlet said:

Dear Householder,

A fruit fly has been caught in one of our surveillance traps located near your property. Additional traps have been placed around the site and will be regularly monitored.

It also said:

Plant Health inspectors are examining ripe, ripening and recently fallen home grown fruit in the area for maggot infestations.

My questions to the minister are:

1. Can the minister inform the council when the fruit fly was first discovered?
2. How long after the discovery of the fruit fly did Biosecurity SA advise householders?

3. How many suburbs has Biosecurity SA distributed the pamphlet to?
4. What areas have been affected and how many incidents of maggot infestation have been reported since?
5. What is the latest update on this matter?
6. What strategies have the minister and Biosecurity SA put in place to prevent the spread of fruit fly to other areas?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (15:23): I thank the honourable member for her most important questions and I undertake to take those questions to the minister in the other place and seek a response on her behalf.

Matters of Interest

WORLD AIDS DAY

The Hon. G.A. KANDELAARS (15:23): I rise to speak about World AIDS Day, which was observed on Monday of this week. Starting in 1988, World AIDS Day was the first ever global health day and is held on 1 December each year. It is recognised and observed by millions of people in more than 190 countries around the world. People around the world show their support for people living with HIV AIDS on World AIDS Day by wearing a red ribbon, the international symbol of HIV awareness and support.

Events are held around the world, including in South Australia, to encourage all to be aware of HIV, to take action to reduce the transmission of HIV by promoting safe sex practices, and to ensure that people living with HIV can participate fully in the life of the community, free of stigma and discrimination. There were over 20 events of a wide variety hosted in South Australia for World AIDS Day this year. These included events like barbecues, workshops and advertising campaigns to increase AIDS awareness. I understand that Adelaide Oval has been going red in honour of those who have died of AIDS.

I recently hosted a World AIDS Day forum in Parliament House, with representatives of Positive Life SA. It was attended by the Minister for Health and a number of other members of parliament from Labor, Liberal, the Greens, Dignity for Disability and the Hon. John Darley's staff. Established in 1995, Positive Life SA provides programs, activities and services that promote, expand and maintain accessibility, community education, connectivity, personal education and positive health. It opens its doors to people with HIV AIDS who need advice or who just want to have a chat.

During the forum, Positive Life SA discussed how HIV impacts people in South Australia and the issues that HIV persons face, not only medical issues but issues of discrimination and homophobia as well. It was also a great opportunity for members to discuss with representatives from Positive Life the issues they faced, and how Positive Life helps the community.

The global World AIDS Day theme for this year continues on from last year's theme, Getting to Zero: zero new HIV infections, zero discrimination, zero AIDS-related deaths. This theme is as important now as ever. HIV rates are at a 20-year high in Australia, with 1,236 new diagnoses in Australia in 2013. Increased awareness and action is needed if the trend of HIV infection rates is to be reversed.

An estimated 26,800 people were living with HIV infection in Australia at the end of 2013. In South Australia there are up to 1,200 people diagnosed with HIV, and it is estimated that there may be another 1,000 people living with HIV who are undiagnosed, many of whom have been living with undiagnosed HIV for several years. Without treatment, human immunodeficiency virus infections will usually result in acquired immunodeficiency syndrome, or AIDS. New HIV therapies developed in the mid-1990s have resulted in much fewer AIDS-related illnesses and death; however, HIV remains a lifelong infection requiring lifelong treatment.

HIV is preventable. By being informed about HIV transmission and how to protect ourselves and others we can prevent the spread of HIV. We can encourage others to understand how the virus

is transmitted, we can support people to access testing and treatment, and, as we know, getting treatment at an early stage of infection results in better health outcomes being achieved. We can raise awareness that HIV positive people have the right to participate in the community free of stigma and discrimination.

World AIDS Day is the day for increased awareness. I commend Positive Life for its hard work. It was encouraging to see many people participating in one of the many events on World AIDS Day and showing their support for people infected with HIV AIDS.

WHITE RIBBON DAY

The Hon. J.S.L. DAWKINS (15:28): I rise today to speak about a number of events that I have attended recently to celebrate White Ribbon, and the campaign to stop violence against women. First, on the evening of 20 November I was pleased to join the member for Mount Gambier, Mr Troy Bell, at a special event in the Mount Gambier Town Hall and to speak during that evening. It was a terrific event encompassing people from all across the Mount Gambier and Limestone Coast community, and particularly across age ranges. I think we were entertained by young people from the three secondary schools in that city.

I give great credit to the 13 local White Ribbon ambassadors, who also played a significant role in organising several other events around the campaign to stop violence against women, particularly through the White Ribbon organisation. I was very pleased to see the new Mayor of Mount Gambier, Mr Andrew Lee, at that event.

I was also pleased to be aware that this year on White Ribbon Day, as well as the major breakfast in Adelaide which I will speak about in a moment, many regional centres in South Australia held their own events, whether it be breakfasts or walks or whatever, and also that a number of my lower house colleagues from regional areas were involved in those events, even swearing the White Ribbon oath.

On 23 November, I was pleased to participate in the Soroptimist International South Australia Walk the Talk Community Walk, Stop Violence Against Women. On that occasion, the Hon. Mr Kandelaars, the Hon. Ms Vincent and the member for Ashford from another place helped me in providing parliamentary support for something that is growing in support amongst the range of events around the White Ribbon campaign.

The biggest event on the program in South Australia, and I am told in the whole country, is the Adelaide White Ribbon breakfast. This year it was moved to the Convention Centre and was attended by over 700 people. There were many members of both houses of this parliament there, including the Hon. Mr Kandelaars, and the Hon. Mr Maher had the privilege of speaking to us. It was a great event.

I think we have come a long way in the fact that the White Ribbon campaign, of which I am proud to have been an ambassador for some eight years (I think it is), was very much driven, as the Hon. Mr Gazzola would know, by women's organisations such as Zonta and Soroptimists. It is pleasing now to see so many men taking leadership roles and I am delighted that Mr Paul Edginton of the Service to Youth Council has taken on the role of South Australian chair of the White Ribbon committee.

I am also very pleased to learn that across this country there is now a waiting list for men who have been nominated to be ambassadors. Unlike when the Hon. Mr Gazzola and I rolled in, we were just accepted, now they have to go through an interview process. The Hon. Mr Gazzola and certainly I might struggle with the interview process. I think it is a wonderful thing. It is also terrific to see the number of younger people getting involved in the White Ribbon campaign. The more younger men who we get involved who can provide a role model and an example for their own colleagues is something to be commended.

The absolute message is that we must never encourage anybody to not say something about domestic violence that they are aware of. I commend the White Ribbon organisation for all the events that have been held in South Australia in the last week or so.

SOLAR ENERGY

The Hon. M.C. PARNELL (15:34): I wish to speak today about the difficulties being faced by small and medium sized enterprises and by non-profit organisations in their desire to install solar panels as part of a strategy to reduce their energy costs. Members who followed this debate over the last little while might have come across a number of articles in the specialist energy media describing the various tactics used by distribution and retail companies to discourage and discriminate against people who either have solar panels or want to install them.

One such article, by Mr Nigel Morris, who is the proprietor of Solar Business Services, is entitled 'How the electricity industry is blocking solar in Australia'. It is a lengthy article in two parts, and he raises a number of issues that are directly relevant to South Australia. I just want to focus on two issues. The first issue is the practice of SA Power Networks of moving some small to medium business customers onto a new tariff known as a demand tariff when they seek to install solar panels.

Whilst this has happened to a number of companies, a large number have also seen the writing on the wall and realised that if they go solar then SA Power Networks will penalise them by moving them onto a different tariff. This demand tariff means that charges are calculated according to the maximum expected rather than the actual demand for electricity, and there is less reliance on actual electricity consumed and a higher reliance on fixed charges.

This is also known as a fixed kVA charge. In effect, this means that a business or not-for-profit organisation that has intermittent consumption, but low average consumption, will be charged at a higher rate as if they consumed a high amount of electricity for the entire year when in fact their actual consumption over a period of a year might be quite low. A classic example would be a sporting club that uses a lot of electricity on the day of their Christmas party and hardly any electricity for the remainder of the year.

Businesses that might otherwise have been able to afford to put solar PV panels on their roof find that they are unable to do so unless they get taxpayer-funded grants, and that is assistance that, as members know, has been evaporating over the last several years. It makes no sense that small businesses and not-for-profit organisations that want to embrace the solar energy revolution are dissuaded from doing so because of the tariff structures imposed by SA Power Networks. One constituent who wrote to me said:

I would appreciate any assistance you may be able to offer in instigating a change in policy to prevent [SA Power Networks] from charging [small and medium-size enterprises] who have power boards of 100 amps or greater to Fixed KVA Charging upon the installation of PV.

Another constituent who had similar experiences of discrimination was a tennis club in South Australia. They used the following metaphor:

What [SA Power Networks] is doing is like raising the height of the ocean to preserve the height of the waves.

Next week, I will be convening a meeting of solar energy stakeholders, and we will be looking at what options are available to us to try to end this discrimination against solar. Another area of discrimination is in relation to the increasing number of people who want to supplement their home or small business solar power supplies with battery storage. As members know, for the early adopters of solar power, there was a feed-in tariff of 44¢. For those who came in after 2011, there was a lower feed-in tariff of 16¢, and new installations today do not attract any feed-in tariff. But those who are eligible for the feed-in tariff can lose that tariff if they upgrade the size of their system.

That might seem a fair thing, but what is happening is that SA Power Networks is telling people that if they add batteries to their system, they will also lose their feed-in tariff. This makes no sense, I think, either in law or in policy, because those people who are adding batteries to their solar systems are, in fact, storing the energy that they have already produced with their solar panels. They have not increased the capacity of their system to generate electricity. They are simply being a bit smarter about how they use that electricity, so I do not believe that it is at all right in law or in policy for them to be taken off their feed-in tariff.

SA Power Networks says, in its defence, that they are only complying with the legislation, but I make the point that they choose to interpret that legislation in a way that makes it as difficult as possible for people to innovate. Going back to the article by Nigel Morris of Solar Business Services,

his description of the problem in South Australia (he identifies it as problem No. 8 on his list of about 14) is, 'Don't get clever,' and he nominates South Australia as the worst example of utilities stopping people from innovating. I think that the task is now before us as legislators to revisit the Electricity Act next year. I certainly put on notice now my intention to come back to this place to try to make sure that we have laws which are fair to everyone and which allow all manner of individuals and businesses to embrace the solar revolution.

AUSTRALIAN DEFENCE FORCE

The Hon. T.T. NGO (15:41): I rise today to condemn the Abbott government's harsh pay offer to Australian Defence Force personnel. Despite assurances to the contrary, the Prime Minister is set to slash funding to education, health, the ABC, SBS and many other important services. The Prime Minister has also pledged to cut the pay of our Australian Defence Force personnel. He is cutting the real living wage of the men and women bravely putting their life on the line for the good of Australia.

The Prime Minister seems to be partially backing down from other harsh measures he intended to enforce; however, he refuses to change his stance on his government's below inflation pay rise offer of just 1.5 per cent. While I welcome the Prime Minister backing down on other cuts he wished to impose on soldiers' Christmas leave, their driving allowance and leave to make up for overtime, these cuts should never have been considered in the first place.

The Prime Minister continues to back his most draconian measure: cutting the real pay of our soldiers over the next few years. In the words of Australian Defence Association Executive Director Mr Neil James, a very good man, 'ADF members' pay will continue to run down.' Mr James went on further to say that the government had used the 1.5 per cent pay increase, a cut in real terms, to set a benchmark for its broader pay battles with public sector unions. He went on further to say:

...the government should not use an apolitical institution like the ADF as part of a 'bargaining strategy' with the public sector.

I could not agree more. It is unprofessional, un-prime ministerial and un-Australian. I place on the record my condemnation of this measure. No-one is more valued in our community than the ADF, and to use their living standards as a political football is shameful and wrong. A grassroots petition condemning the cuts, which circulated recently, has already gathered over 60,000 signatures not just from Australians but also from people from around the world who value, honour and have reason to be thankful for the Australian military. Mr Quan Ha Dong, a Vietnamese citizen, posted on the petition a message, which reads:

During the war the Australian soldiers protected my family. I would not be alive today if they did not save us.

I can concur with those comments. In my first speech in this chamber I thanked the Vietnam veterans and their families for the sacrifices they made, and I therefore support the ADF personnel in their fight for a fair pay rise.

AUSTRALIAN HOTELS ASSOCIATION

The Hon. T.J. STEPHENS (15:45): I rise to talk today about the Australian Hotels Association, South Australian division. Many members of parliament paid their respects to the South Australian division of the Australian Hotels Association at its annual lunch yesterday, the Tuesday just passed. It is always a well-attended event; well attended by members of parliament and very much so out of respect for that particular industry.

Yesterday, again, we heard a most enlightening address from the President of the South Australian division, Mr Peter Hurley, who was most entertaining but extremely pointed and talked about many things that are wrong when trying to do business in South Australia. I note that normally the government is the wearer of Mr Hurley's attacks, and there were a number of jibes yesterday that were very well made about this state government, but the local government also copped a fair whack yesterday, and rightly so. Some of the draconian rules and regulations that some people who get a bit carried away with themselves in local government have decided to enact really makes trying to do business in this state almost untenable.

The following are a few facts about the hotel industry, and members would know that I have championed the hotel industry from the time I was elected. I am a great believer in the social intercourse that takes place in hotels and I believe that South Australia punches well above its weight on a national level with regard to the quality and the environment that our hotels provide.

The Hon. R.I. Lucas: Some of your best work has been done in hotels!

The Hon. T.J. STEPHENS: The Hon. Mr Lucas interjects and says some of my best work has been done in hotels. I think, sir, that is an outrageous slur and I seek your protection from those vicious attacks!

The AHA has 24,000 employees under its membership and the annual payroll that goes into the South Australian economy is more than \$480 million; 75 per cent of live music venue expenditure; it provides more than 12,000 hotel rooms in this state; it contributes \$288 million in state gaming tax plus \$66.5 million in gaming GST; 87 per cent remains family and small and medium enterprise based and I think that is a very important statistic. I am a great supporter of family businesses. Yesterday I spent quite a bit of time with many AHA members and heard from the President and, again, I congratulate him on his excellent address.

I have spoken in this place on many occasions about excessive government charges, taxes and red tape. One example I will use is the recent announcement by the Minister for Health on smoking regulations. In the life of this government, restrictions on smoking have gone from one metre from the bar, to outside, and now to designated areas outside and, eventually, if the minister gets his way, there will no longer be smoking at licensed venues at all.

For those of us who are non-smokers it may not be much of a concern and it might even be relief and the changes may be welcome. But what about the business owners, many of whom have spent millions of dollars on designated smoking areas outside in the past few years only to be told now that they cannot be used for such a purpose if there is food being served?

We all know that in the winter months these areas will remain empty and, therefore, become redundant. Beautiful and modern outdoor areas, many of which have won design awards, will become white elephants all as a result of the minister's crusade. This is completely unfair and, of course, hoteliers will not be compensated. This government continues to take and take from small businesses in this state.

It is as ridiculous as the following example, and I did check with the health minister on this, so I am not making this up. I questioned him on whether he would deem a bowl of nuts or a packet of crisps that somebody was taking into a smoking area outdoors to be food. His answer shocked me at time: yes, it could. So there is absolutely no sympathy for the hotel industry at all. Yesterday the Premier talked about how he wants to work with business, how he wants to help business grow, how fond he is of the hotel industry. Can I say: talk is cheap. This government has been talking for more than a dozen years and has delivered nothing. Let us see them walk the walk.

SOUTHERN ROADS

The Hon. R.L. BROKENSHIRE (15:50): I rise this afternoon to put on the public record some comments further to a petition that I tabled here last week, signed by 402 people calling for an urgent assessment of road safety upgrades to the Pages Flat Road from the Victor Harbor Road near Willunga Hill through to Myponga.

I particularly want to put on the record my thanks to Mr and Mrs Pentelow, who actually spearheaded the petition and initiative after a very tragic recent fatality, where a highly respected and good man from Willunga, with a loving wife and three beautiful children, tragically lost his life after swerving to miss a kangaroo and unfortunately veering across the road and hitting a truck. Our farm is not far from the Pages Flat Road, and in fact one of our farms actually fronts the Pages Flat Road, and I travel along it regularly.

This road was originally built by local government. It did its best at the time, but the road is not structured for the heavy volumes of traffic it now gets. It has a lot of bike riders on it as well because it is part of the Tour Down Under route, and people go up there from this time of the year right through training. It carries heavy B-double loads of livestock, particularly from Kangaroo Island

to Thomas Farms at Murray Bridge. It has the quarry trucks on it and milk tankers, and carries a lot of heavy vehicles because it is a semi-arterial road.

The trees are too close to the road, there is no road shouldering, no audio line marking to alert people if they drop off, and because of the narrowness of the roads (probably just meeting specifications) the semis cannot help but blow away the rubble from the edge of the road, and when you drop off that road you have a 75 millimetre drop, and you struggle to pull the vehicle back on to the road. I am sick of the blame game; I am sick of the nonsense about Abbott government cuts. This government has a budget and has to prioritise that budget.

Apart from the Southern Expressway, which I am happy to see duplicated (but that was done after some urgent polling in the 2010 election which said they had to do it, and of course that is accumulated core debt now and is not paid for, but I accept and acknowledge that it has been done) and apart from some money from the Motor Accident Commission, little money is being spent in the South.

I am lobbying for work along the Sellicks section of the Yankalilla Road; I am lobbying for work on the Malpas Road to the South Road Aldinga section from McLaren Vale to Willunga, where the old road needs serious, long-term, permanent work done on it. But over and above that I agree with the 402 constituents who have signed the petition saying that they want an urgent review. I will be writing to the minister.

I appeal to the minister to try to prioritise within a difficult budget—and I acknowledge that the minister has that difficult budget, but that is part of being a minister—to look urgently at road shouldering and to get serious about proper trimming of the trees. If a kangaroo comes out of a paddock you have no chance of seeing it with the way the trees are now. Hundreds of kangaroos would cross that road every week.

They are almost in plague proportions at the moment, and the Department of Environment and Natural Resources acknowledges that because you can get a permit very quickly now to reduce kangaroo numbers. Notwithstanding that, in all my life this is the most kangaroos I have ever seen, and they have now caused at least two fatalities in and around the proximity of the Pages Flat Road, a very tragic situation.

I also would like to see a staged redevelopment, as that is what our constituents want, and we do need some serious money spent there. I drive a truck along that road from time to time and I said to the minister, the Hon. Trish White, at the time, and I say to the Hon. Mr Mullighan, come out with me in my truck and I will drive you along there and that is when you know whether you have a reasonable road or not.

When you are bouncing all over the road in a truck, you have a problem and that can lead to road tragedy or trauma. I strongly recommend that the government take notice of this and, on behalf of all the people using that road, somehow make serious upgrades of that road an urgent priority in the interests of road safety and in the interests of giving southern people a fair slice of the budget when it comes to road transport.

The PRESIDENT: Thank you, Hon. Mr Brokenshire. I would be happy to go along on the trip with you if you like.

The Hon. R.L. BROKENSHERE: I will take you for a drive in my truck.

CHINA-AUSTRALIA FREE TRADE AGREEMENT

The Hon. J.S. LEE (15:55): Today it is my pleasure to speak about the benefits of the Australia-China free trade agreement to South Australia. As the shadow parliamentary secretary for trade and investment, small business, as well as multicultural affairs, I was delighted to learn that, after a decade of intense and comprehensive negotiations, China will open the doors to its \$10 trillion economy through an historic free trade deal signed by Australian Prime Minister Tony Abbott and President Xi Jinping in Canberra on 17 November this year.

It was a very successful and high-profile visit by President Xi Jinping and Madame Peng to Australia. Chinese migrants in Australia have strong affections for their motherland, China, and the presence of President Xi on Australian soil gives them joy and pride in being Chinese. Therefore it

is no surprise that President Xi and his wife were given a movie star welcome reception in the cities that they visited.

China is Australia's largest two-way trading partner in goods and services, valued at more than \$150 billion in 2013. President Xi's visit to Australia produced the historic free trade agreement signed by the Australian Prime Minister which will cement the comprehensive strategic partnership between China and Australia. Under the agreement, 95 per cent of Australian goods exported to China will be tariff free. Tariffs on dairy, beef, sheep, wine, horticulture and seafood will be phased out. Tariffs will also be scrapped in the resources and energy sector.

All of this is great news for South Australia. In particular, winemakers are set to benefit significantly over the coming years due to tariffs of between 14 and 30 per cent on Australian bottled and bulk wine being phased out within four years. South Australian beef producers are also set to profit due to the FTA. Tariffs ranging from 12 to 25 per cent on beef and live animal exports to China will be scrapped in the coming years.

China has a big appetite for our products. Australia exported 153,000 tonnes worth \$722 million in 2013, four times the amount of beef that was exported to China in 2012. Australian beef has a reputation for high quality in China and will only continue to grow under the FTA arrangement. South Australian fisheries can also expect to prosper as a result of the deal. Australian premium seafood products, such as abalone and rock lobster, are already the leading exports to China, worth \$90 million and \$4 million respectively in 2013.

Furthermore, there is also great news in the service industries. Australian companies will also be free to open private hospitals, nursing homes and hotels in China and offer legal, construction and other services. South Australia will be able to promote professional expertise to China in these sectors. With the increased demand from China, local companies will provide employment to professionals with good understanding of Chinese markets and those with bilingual skills. This will create more jobs and wealth to the economy.

It is expected that the FTA will deliver a strong flow of tourism and educational exchange between South Australia and China. Other exciting news is the establishment of a Chinese consulate-general office in Adelaide as part of Australia's free trade deal with China. This will further enhance the diplomatic relations and trade links between China and South Australia.

I would like to pay tribute to the important contributions made by the Chinese community in South Australia, particularly those business chambers and associations working really hard to promote trade between South Australia and China. Their connections with China will assist local companies to increase South Australian accessibility to a multitude of Chinese markets and investors.

As a member of parliament with a proud Chinese heritage, it is a great privilege and honour for me to serve our community and promote South Australia to China. This important win-win agreement will unlock new opportunities and further open the door of prosperity for all of us.

The Hon. S.G. WADE: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

Motions

ABC AND SBS FUNDING

The Hon. T.A. FRANKS (16:02): I move:

That this council notes—

1. The importance of Australia's public broadcaster;
2. The promise made by Prime Minister Tony Abbott ahead of the 2013 federal election that there would be no cuts to the ABC or SBS;
3. That following the election, the Prime Minister said the ABC was on 'everyone's side but our own' in reference to his government;

4. That the federal government has indicated it will make cuts to the ABC's budget, estimated at about 9 per cent over the next five years;
5. That more than 500 jobs could be lost before Christmas, including the axing of local 7.30 programs, and cuts to *Lateline* and foreign bureaus because of federal government cuts to the ABC;
6. That local TV production is under threat as a result of the cuts with more than 150 jobs at risk in South Australia; and
7. Calls on the federal government to reverse its decision to make cuts to the ABC and SBS.

I rise to speak to this motion and I note that the Hon. Tung Ngo will be addressing the cuts, with more attention given to SBS, so I commend him for that and look forward to cross-party support for our public broadcasters and the important role that they play. I move this motion knowing that the ABC and SBS were slated for cuts by the Abbott federal government, yet the night before the poll date of the federal election the then leader of the opposition, Tony Abbott, now Prime Minister Tony Abbott, stated that there would be no cuts to the ABC or to SBS.

It is clearly a broken promise. It is one of a litany of broken promises, but it is one that South Australia can ill afford, because the budget cuts here will have far more of an impact not only on our local jobs and economy but indeed on our public discourse and on the fourth estate, which is so important to a civil society and so important to a nation like Australia. The role of the ABC and SBS in our community cannot be underestimated. I have seen, as have other members of this place, the devastating impact on the staff—be they the reception staff or the local production teams of the *7.30 Report*—who are going to lose their jobs, and lose their jobs before Christmas.

These cuts are a broken promise, and they rub salt into the wounds of a state which, this very week, had its ability to build canoes questioned. This state can not only build canoes, it can make great television, as anyone who saw the tribute to the *Countdown* program in the last few weeks will know. It was an outstanding production made here in Adelaide.

The role of the *7.30 Report* to expose stories and educate the South Australian community, and tell that South Australian community South Australian stories, to have places like this, the *7.30 Report* local program, that is what is being cut here. We are not losing the national Sydney-centric *7.30 Report* programs; we are losing the local content. Whether it is New South Wales, Tasmania South Australia, Western Australia or any of the other regions, we are losing local content, local stories and local information, and nowhere does that have more of an impact than in a state parliament. State parliaments are held to account by their local *7.30 Report* for in-depth coverage.

Local film production, with the skills, industry support, and the general add-ons to a state that hopes to have and keep a vibrant (to use that much overused word) film community and to be able to make our own stories in these formats, will be impacted. That will be the flow on effect of these cuts, and we have seen people losing their jobs.

We will also see local sport go. I am not sure whether or not SANFL has received protection; I eagerly wait to see whether, in the future, with these cuts to local production, we will see SANFL games under threat, despite the fact that there was an agreement only about a year ago to preserve that. We certainly will see cuts to the coverage of women's sport, and anyone who cares about the status of women in this society should care about that. It is said that the netball may be picked up by pay TV but other coverage, and certainly the W-League and the Women's National Basketball League, look in doubt to ever receive television coverage. What that says to a young girl who consumes media is that women's sport is not important, and that says that women and girls are not important. That is the message given by that.

This lie of a cut will also hurt programs that South Australians love, iconic programs such as *The Cook and the Chef* and *Poh's Kitchen*. These are iconic South Australian productions which are now lost. Indeed, it has been said that the South Australian executive producer, Margot Phillipson, told *InDaily* that programs like *The Cook and the Chef* and *Poh's Kitchen* will not and could not be made under an independent production model because that model currently sees the ABC pay a licence fee to an independent production company to make a production or series.

She said it is very much a regional production, made only because there is a local person who can work on it and present it. Both *The Cook and the Chef* and *Poh's Kitchen* are South Australian icons that we will lose. The impact this will have on our tourism, on our cultural democracy,

will be profound. These cuts will hurt South Australia and hit South Australia harder than they will the eastern seaboard states. They will particularly hit Port Augusta, which is losing its local production capacity as well.

These cuts were lies to the South Australian people and the Australian people. I would say that they are being borne more by South Australian people for political reasons within the ABC, and that is to the detriment of this federal Abbott government and its strategy. Minister Christopher Pyne's petition to save the South Australian components of the ABC is something worthy of *Shaun Micallef's Mad as Hell*.

It is the height of hypocrisy to start a petition to save local programs from cuts that you yourself sat in a cabinet and oversaw being made, that you yourself were part of a team that told the South Australian people would not happen. It is little wonder that the managing director, Mark Scott, is making these cuts in the places that they are most visible. That is the politically powerful thing to do; it is just that between these two political games it will be South Australians who lose out, it will be us as a community who do not have our local stories told and it will be this state parliament that will not be held to account by local production.

The Hon. T.T. NGO (16:10): I thank the Hon. Ms Franks for moving this motion to the council to condemn the cuts to the ABC and SBS. A few weeks ago, on a matter of interest, I spoke about the termination of the Australia Network, Australia's international television service, by the federal Liberal government. The Australia Network is a division of ABC International, which, along with ABC International Development and Radio Australia, were created to: one, encourage communication across cultures; two, establish and foster partnership within the regions; and, three, build awareness of Australia as a friendly neighbour.

The network successfully broadcasts our contents, our ideas, our language and our world view 24 hours a day, seven days a week, into more than 46 countries in the Asia-Pacific region, including India. With the cooperation of nearly 700 re-broadcast partners, the Australia Network reached up to 130 million people. It was a \$220 million contract over 10 years (roughly \$20 million a year) with the Department of Foreign Affairs and Trade (DFAT). When the Abbott Liberal government was elected the contract was cut, one year into a 10-year contract. So, the very first year into the contract they cut it.

I found the decision really strange as everybody, including the current government, talks about the importance of engaging with Asia. They also say that we should encourage kids to study Asian languages. So, this decision is even more shocking when we consider that the ABC had worked with leaders of Asian countries for decades to get a licence for Network Australia to show Australian news and culture content to these countries. These countries have very strict media laws. Foreign countries cannot just rock up to these countries and demand that their news content be shown on their TVs.

Honourable members may also know that in doing business in Asia it may take years to cultivate a solid working relationship. The Abbott Liberal government has shut down a key avenue for a mere \$22 million a year, when we consider what Australia got in return with tourists, relationships and trust that money cannot buy. Thousands of Australian companies and people go to these countries to do business every year. It is a very odd decision indeed and so far no-one can explain to me why.

Recently, Australia signed a free trade agreement with China, as the Hon. Jing Lee spoke about in her MOI. The government is talking about how it will result in Australia's prosperity for decades to come. As the Hon. Jing Lee said, China is a \$10 trillion economy. It is our biggest trading partner, worth about \$150 billion per year. Australia's goods and services exports to China amount to around \$100 billion a year. China accounts for about a third of Australia's total exports. We import about \$50 billion from China.

If we include other countries in the South-East Asia region, Australia exports about \$219 billion or 69 per cent of Australia's total exports—nearly 70 per cent. If you combine China and other countries in the South-East Asia region, you have an economy that accounts for 69 per cent of Australia's exports. I have not included India in my figures. India has a population similar in size to

China, and it is one of the emerging world economies. If you include India in the calculation too, then the potential for Australia is endless.

That is why everybody has been saying for years that Australia's future and standard of living lie in this region. In my humble opinion, the decision of the federal Liberal government to cut the Australia Network, which broadcasts Australia's culture and language into 46 countries in these regions, including India, is the dumbest decision that has ever been made by this government, just to save \$22 million a year. That decision, I believe, will cost Australia dearly in the future.

Recently the government announced \$308 million in funding cuts from SBS and the ABC over the next five years. Of that figure, SBS will lose \$25.2 million or 1.7 per cent over a five-year period and the ABC will lose \$254 million or roughly 4.6 per cent. These cuts are in addition to cuts announced in the May 2014 budget of \$43.5 million to both the ABC and SBS. It was about a 1 per cent efficiency dividend in the May budget, which is around \$10.5 million for SBS.

Many people are stunned by these cuts, especially given, as the Hon. Ms Franks says, Tony Abbott's promise just on the eve of the last federal election that he would not cut funding to the ABC or SBS. Tony Abbott wanted to be known as the prime minister who keeps his promises and to restore the public's view of politicians. The general public thought, 'Well, finally, we have a politician, a leader, who will keep his word and won't treat us like idiots.'

The Prime Minister has broken a number of promises since the election and now he is breaking another one. It is safe to say that he is not a prime minister who keeps his promises. I feel very sad for those ABC and SBS staff (and their families) who will be losing their jobs in the coming weeks, just before Christmas and into the New Year. I do hope that they find alternative employment soon to support their families.

I would now like to talk a little bit about SBS and the impact of funding cuts to its budget. SBS stands for Special Broadcasting Service. SBS was established in 1978 to provide special multilingual broadcasting services for ethnic communities. The SBS Radio network began in 1975 with two experimental radio stations—2EA in Sydney and 3EA in Melbourne—broadcasting four hours a day in seven and eight languages respectively. It was a three-month experiment in multilingual broadcasting, confined to Australia's two biggest cities.

SBS Radio today broadcasts 24 hours a day, seven days a week on AM and FM frequencies in Sydney, Canberra, Wollongong and Melbourne and is heard Australia-wide on a national signal that reaches all capital cities and many regional centres, as well as on digital radio and digital television, where available, and also online.

SBS TV made its official debut on 28 October 1980. It too started first in Sydney and Melbourne. Gradually, other cities, as well as regional and rural centres, joined the network. Today, the SBS's digital service, which began in 2001, reaches an estimated 96.8 per cent of Australians.

What services does SBS provide? SBS provides media through three platforms (television, radio and online) in more languages than any other broadcaster in the world: 74 languages on radio, more than 60 on television and more than 50 online. The broadcaster also has a dedicated national free-to-air Indigenous television channel, NITV. As a national broadcaster of multicultural and multilingual programming, with an unmatched quality and breadth of service, SBS is unique. SBS television broadcasts in more than 100 languages and is watched by more than seven million Australians each week.

SBS Radio is the world's most linguistically diverse radio network, broadcasting 68 language programs to a potential audience of more than three million Australians who speak a language other than English in their home. I know that many elderly migrants tune into SBS Radio each day to get their daily news in their own language. It is the only source of daily information for many migrant communities.

When I was elected to parliament in March, many elderly Vietnamese here and interstate found out by SBS radio broadcasting in the Vietnamese language. I had friends of my parents who live in Melbourne and Sydney ringing my mum and dad in the US to congratulate them because they had heard the news on SBS Radio. SBS Online also provides audio streaming of all its language

programs more than any other website in the world. It includes the popular The World Game football—or soccer—website and our comprehensive—

The Hon. S.G. Wade: It's not The World Game—Aussie Rules.

The Hon. T.T. NGO: Well, they have more players and audience—World News website. SBS now has a second channel called SBS2, which was launched on 1 June 2009. SBS2 complements the main SBS television channel, now known as SBS1. SBS2 provides more of the world's best stories, more in-language and first-run films and extra coverage of sporting events, including football.

The bulk of SBS funding, previously about 80 per cent, now 75 per cent, comes from the government's appropriation. The remainder of the SBS operating budget comes from SBS's commercial activities, which include advertising, sponsorship and sales of goods and services.

Some interesting statistics about SBS in 2013-14 are as follows: 95 per cent of radio programs were in languages other than English; 45 per cent of television content on SBS1 was in a language other than English; 65 per cent of television content on SBS2 was in a language other than English; 3,200 hours of free-to-air television programs were subtitled; and more than two million Australians watched NITV each month.

I have many memories of SBS TV growing up in Australia. It is still one of my favourite TV networks, when I have a chance to watch. As you know, I have a little baby boy now and that seems to be taking up a lot of my time at home. As a child I liked SBS and the ABC because they did not have advertising. I loved to stay up late at night to watch kung fu movies and, when I got a bit older, I started to enjoy the European movies on Friday and Saturday nights.

When I watch SBS it gives me a different perspective of the world, including how different societies and people live. The world is a lot closer now. It reminds me of my roots and furthers my understanding of the many people I represent here in South Australia.

The funding cuts really shocked the staff at SBS. This is what the managing director of SBS, Michael Ebeib, said:

SBS is really an extremely lean organisation and the funding cut of \$53.7 million over five years...is sizeable and will naturally be felt by our organisation.

The government will provide \$287 million to SBS in 2014-15 which represents 75 per cent of our organisation's total funding, with 25 per cent generated from our commercial revenues. SBS operates on one-fifth of the average budget of other free-to-air broadcasters.

National efforts to unify Australia's diverse communities go directly to the reasons SBS was established, and it is at a time when our social cohesion is being tested, that having a multicultural broadcaster is more important than ever.

SBS's dedicated role to reflect the changing face of our nation is our point of difference in the Australian media. It is SBS's unique insights and links to multicultural communities that means we are perfectly positioned to help shape a cohesive multicultural future and to explore and celebrate what it means to be Australian today.

Through the ABC and SBS Efficiency Study the SBS board and I have sought to demonstrate SBS is lean and agile with creative employees that are, by necessity, highly-skilled at delivering on our Charter obligations on very tight budgets.

Ordinarily, SBS is funded within a triennial model and this cut has come in the middle of that cycle which is disappointing, as our preferred outcome would have been to retain the stability the triennial model provides, given our long-term supplier agreements.

The managing director's comments that I have just recited could not have been better put. SBS operates under the Special Broadcasting Service Act 1991 (SBS Act) and has a board of directors appointed by the government. Responsibility for SBS lies within the portfolio of the Minister for Broadband, Communications and Digital Economy. However, the SBS Act provides SBS with editorial independence from the government.

Minister Turnbull announced that he will be introducing legislation to amend the SBS Act 1991 some time next year to enable SBS to run up to 10 minutes of advertising in any given hour, so long as it maintains an average of about five minutes per hour per day. It is hoped that this change will give SBS the opportunity to raise some advertising dollars to soften the cut. This sounds very

promising. However, with the cut in funding, before SBS is allowed to seek advertising dollars it will figuratively leave SBS operating with one hand behind its back.

The minister should be making changes to the legislation before cutting the funding. If that was the case this would allow SBS to seek other income before the funding is cut. The way the minister is doing it now is really forcing SBS to cut its programs, cut its staff, without having the ability to seek different funding. So, the government's method will force SBS to operate with less funds.

We do not know whether the minister will make these amendments a priority. As members would know, the upper house in the federal system is not like our upper house here, where we could move urgent legislation with a few hours' notice. It could be a year or more before the legislation is passed and comes into operation for SBS. When private commercial media need money they can raise funds by attracting more revenue. They do not face the restrictions that SBS does.

To me, this decision is an attack on public broadcasting. By the time SBS is allowed to seek more advertising dollars, it will be behind the eight ball, so to speak. It is a sneaky way for the federal Liberal government to slowly destroy public broadcasting, as I said before. It is purposely cutting the funding before moving legislation to allow SBS to seek more funding from somewhere else. Before I finish, I would like to quote from the former Liberal Prime Minister, Malcolm Fraser, who has criticised these cuts:

[This] is part of a whole ideological approach which, to me, is to ultimately to get rid of publicly funded broadcasting. The government does not believe in government activity. They're not prepared to say so, straight out, in relation to ABC and SBS because both are too popular.

I hope the former Liberal MP Malcolm Fraser is wrong about the Liberals' intention to completely privatise the two public networks, although he has been proven correct in many matters before. With the cancellation of Australia's network television into Asia, for no apparent reason as I outlined before, to me it is all about an ideology to weaken and silence the ABC and SBS.

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

LIVE MUSIC INDUSTRY

The Hon. T.A. FRANKS (16:34): I move:

That this council notes—

1. The diverse and extraordinary talents of South Australia's musicians and the importance of South Australia's live music industry;
2. Congratulates all of the winners and nominees in the 2014 Fowler's Live Music Awards; and
3. Commends Fowler's Live for hosting the event each year.

I start by acknowledging the Hon. John Gazzola's attendance and my own at the recent Fowler's Live SA Music Awards. He is a strong supporter of live music and, as members know, I am too and certainly our commitment to this bridges our political divide at times. I want to commend the winners of this year's live music awards and I want to particularly pay tribute to the work of Peter Darwin and Fowler's Live in not only starting up these awards and running them out of their own pockets each year, but honouring and paying tribute and respect to the live music industry. I want to take particular note in this speech of the contribution that Peter Darwin and Fowler's Live make in our music industry.

The winners of the awards this year were: best acoustic artist, Timberwolf; best electronica artist, Tkay Maidza; best hip hop artist, Allday; best indie artist, Sparkspitter; best metal artist, Truth Corroded; best music initiative, The Porch Sessions; best music manager, Jason North and Greg Shaw; best music organisation or individual, The Jam Room and the fabulous Alice from The Jam Room; best music video, Grace (Timberwolf); best pop artist, The Beards, who have just come back from international tour triumph; best punk artist, Paper Arms; best rock artist, Bad//Dreems, who are doing wonders around the country and who were the hit of the BIGSOUND conference in Queensland this year; best roots artist, Shaolin Afronauts; and best South Australian songwriter(s) of the year, Bad//Dreems.

The winners of the music association genre awards were: best blues artists, Lazy Eye; best country artist, Sandra Humphries; and best jazz artist, Ross McHenry. The winners of the publicly voted categories were: South Australian song of the year, Tempest—Julia Henning; favourite South

Australian band, Julia Henning; favourite SA live music venue was, yet again, The Governor Hindmarsh Hotel; favourite SA live music event, WOMADelaide; favourite SA music media source, *Rip It Up*; and the achievement award went to Ross McHenry.

Those were the winners on the night. The Hon. John Gazzola and I attended that night, but I would say there were many more nominations and the public votes were certainly hotly contested. This was an awards night that was a celebration of a music industry in this state that is going from strength to strength.

We have just seen in the ARIAs our very own South Australian Sia Furler take out four ARIAs and, while she did not turn up for the show, she did record four videos, even though only one was shown. Sia Furler used to play here in local venues. I remember her being in a band called Crisp and playing at the Crown & Sceptre and from those roots she has gone to worldwide success. There would be very few people in the music industry who would not know who Sia Furler is and those ARIAs are just the tip of the iceberg with the recognition that Sia has achieved.

That achievement would not be possible, of course, without venues, which is where Fowler's Live plays such an important role and where the role of venues is so crucial. Peter Darwin of Fowler's Live announced at those awards that he was not sure what the future held for Fowler's Live, and that has been further reported in the music press in *Rip It Up*. Fowler's Live may be forced, and I imagine will be forced, to relocate in the near future as the state government contemplates shifting the State Theatre Company of South Australia's facilities into the venue currently known as Music SA and Fowler's Live in that North Terrace site.

This reshuffling, of course, is of some concern to the music industry and certainly caused some uncertainty to Peter Darwin himself. He knows that he has a current lease of six months. He is not sure how much further beyond 2015 that lease will be extended. I do not want to misquote him, but I think he said on the night that the state government has offered him a reduction in the rent as a consequence, for these next six months or so, but what is vitally important is that we find another home for Fowler's Live and that range of music venue to ensure that touring artists can tour and to ensure that we have the whole suite.

The Unibar is also under threat. We have seen the difficulties that the Jade Monkey, for example, has had in relocating. It is fantastic that it has now finally found a home in the St Paul's creative complex around the back there on Flinders Street, but we have seen Format unable to find a new venue and that home of not only live music but indeed a variety of contemporary arts lost to South Australians.

This government had a live music Thinker in Residence. That report holds a lot of opportunity for South Australia, but those opportunities are nothing if there are no venues. If there are no sticky carpets to start from, we will never see the Sia Furler's of the world.

With that, I commend this motion to the house and look forward not only to further liquor licensing reform to remove the entertainment consents from liquor licensing in this state but better reforms to ensure that venues can be found. Indeed, I am looking forward to celebrating the Fowler's Live Music Awards next year in its new home, a home of contemporary music in South Australia.

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

Parliamentary Committees

SOCIAL DEVELOPMENT COMMITTEE: RECIDIVIST YOUNG OFFENDERS AND YOUTH PAROLE BOARD ACT REVIEW

The Hon. G.A. KANDELAARS (16:41): I move:

That the report of the committee on its review of the Statutes Amendment (Recidivist Young Offenders and Youth Parole Board) Act 2009 be noted.

The Social Development Committee commenced its inquiry in August 2014. We received a total number of seven submissions and the SA Police presented verbal evidence. Hearings were concluded on 13 October 2014. In part 5 of the Statutes Amendment (Recidivist Young Offenders and Youth Parole Board) Act 2009 there is a significant requirement that the Social Development

Committee, in consultation with the Attorney-General, inquire into and report on the operation of the act and on the effect the operation of the act has had on the criminal justice system in South Australia.

In 2003, amendments were made to the Criminal Law (Sentencing) Act to provide South Australian courts with the discretion to declare an adult offender to be a serious repeat offender. The introduction of the Statutes Amendment (Recidivist Young Offenders and Youth Parole Board) Act allows for this same principle and provides South Australian courts with discretionary power to declare a young offender to be a recidivist young offender.

The act came into operation on 27 June 2010. It was initiated as a response to perceived community concerns about the harm done by young offenders who engaged in repeat offending of a serious nature, to consider community safety in sentencing and to allow young offenders to be tried as adults where a pattern of serious repeat offending was alleged to have occurred. It was intended to apply to a small number of particularly serious repeat young offenders who seemingly refused to learn from previous experiences within the youth criminal justice system.

The act made amendments to both the Criminal Law (Sentencing) Act and the Young Offenders Act. The key changes to the Criminal Law (Sentencing) Act are:

- the provision to declare a young person a recidivist young offender;
- a provision for judicial discretion to make such a declaration;
- that the court is not bound by the rule of proportional sentencing; and
- a nonparole period that is handed down must be at least four-fifths of the sentencing period and not at least two-thirds, as it is under the provisions of the Young Offenders Act.

The key changes to the Young Offenders Act are:

- a provision to establish a victims register;
- a provision to keep a register of informal cautions (a provision that did not previously exist);
- a provision to impose a custodial sentence where there has been a declaration of a recidivist young offender; and
- a provision for the review board to be reconstituted as the youth parole board.

During the four years of operation of the act, six offenders were eligible to be declared a recidivist young offender. Of these, four were brought before the Youth Court and, of those, three had been declared recidivist young offenders.

A number of submissions the committee received proposed that, given the small number of declarations, the operation of the act and its effect on the criminal justice system has been minimal, because the legislation mirrors provisions that were already addressed in the existing legislation. Under pre-existing legislation, the Youth Court has jurisdiction to sentence young offenders to a term of incarceration of up to three years. All three of the young people who had been declared recidivist young offenders were sentenced to terms of incarceration well within the three-year maximum period. This may indicate that the introduction of the amendments has not meaningfully impacted on substantive sentences imposed upon serious repeat offenders.

The committee heard from SA Police that judicial discretion is a significant hurdle for the declaration under the Criminal Law (Sentencing) Act. It holds the view that any young offender who satisfies the criteria under the act should automatically be declared to be a recidivist young offender. SA Police proposes that judicial discretion, as opposed to mandatory requirements, presented a significant hurdle. This position was not agreed by the committee.

The provision in the amended act to increase sentencing periods for young people is based upon the notion of providing increased community safety. The premise has been that while a young person is incarcerated they are not able to commit any further crime. It is not clear that current evidence-based research supports that view. Some evidence presented to the committee suggested that introducing explicit measures to declare a young person a recidivist offender, imposing longer

sentences and longer periods of incarceration, by extending the period of time they are eligible for conditional release, may be counterproductive measures.

Young people who spend longer periods in detention may become more entrenched in offending and find community integration increasingly challenging. Further, it is unclear if evidence-based research supports the view that more punitive measures for young people who offend will increase community safety. Regardless, provisions already existed under section 16 of the Young Offenders Act for the Director of Public Prosecutions to bypass the Youth Court and lay charges against a young person in the adult jurisdiction if the charge were a substantial indictable offence or there was an appreciable risk to the safety of the community.

The object of the Young Offenders Act is to secure care, correction and guidance for young people who commit offences. Clearly, this must be balanced against the need for them to understand their obligations under the law and the fact that the community should be protected against violent or wrongful acts. Insofar as the Statutes Amendment (Recidivist Young Offenders and Youth Parole Board) Act was aimed at personal deterrence of serious repeat offenders, and protecting the public from them, the committee heard that those provisions appear to have been available in existing legislation. Whilst the provisions in the act strengthen the requirement for the consideration of community safety, they are silent on how a stronger emphasis for rehabilitation might be achieved.

In the four years since the introduction of the Statutes Amendment (Recidivist Young Offenders and Youth Parole Board) Act, there have been only three declarations of young people as a recidivist young offender. All three were sentenced to terms of detention well within the three-year prescribed maximum in pre-existing legislation. Therefore, the recidivist young offender legislation has not significantly impacted upon the substantive sentences imposed upon serious repeat offenders to date.

Based on evidence presented during the course of deliberation, the committee considered that the operation of the act, which was intended to be directed at a small number of offenders who refused to learn from their experience, has been minimal to date and its effect on the South Australian criminal justice system has also been minimal. Given this conclusion, the committee recommends a further review be conducted three years from now.

I would like to acknowledge the valuable contributions of individuals and organisations who gave up their time to forward and give information to the committee. We thank all those who presented evidence to this inquiry, either in writing or by appearing before the committee.

In conclusion, I take this opportunity to thank members from the other place who provided valuable input into the inquiry: Ms Dana Wortley, member for Torrens, Ms Katrine Hildyard, member for Reynell and Mr Adrian Pederick, member for Hammond. From this chamber I would like to thank the Hon. Kelly Vincent and the Hon. Jing Lee. I would also like to acknowledge the work of the committee's secretariat: the committee's secretary, Ms Robyn Schutte, and the committee's research officer, Ms Carmel O'Connell, who provide invaluable support to the work of the committee. Thank you, Mr President.

The Hon. J.S. LEE (16:51): I rise to speak as the opposition member on the Social Development Committee to endorse the final report tabled by the Hon. Gerry Kandelaars into the review of the Statutes Amendment (Recidivist Young Offenders and Youth Parole Board) Act 2009. As honourable members would know, in South Australia criminal law applies to all people 10 years of age and above who commit breaches of law. Young people between the ages of 10 and 18 who are suspected of committing a criminal offence are dealt with under youth justice statute.

The youth justice system in South Australia comprises a number of agencies with distinct but interrelated functions. They are: SA Police, Courts Administration Authority, Youth Court and Department for Communities and Social Inclusion, Youth Justice. No single piece of legislation regulates juvenile justice in South Australia. Some legislation applies to young people only, while other legislation applies to both young people and adults. The key pieces of legislation concerning youth justice matters are: the Young Offenders Act 1993, the Youth Court Act 1993, the Family and Community Services Act 1972, the Criminal Law (Sentencing) Act 1988 and the Bail Act 1985.

In 2003, amendments were made to the Criminal Law (Sentencing) Act 1988 to provide courts with discretionary powers to declare an adult offender to be a serious repeat offender. The introduction of part 3 of the Statutes Amendment (Recidivist Young Offenders and Youth Parole Board) Act allows for this same principle and provides courts with the discretionary power to declare a young offender a recidivist young offender, as mentioned by the Hon. Mr Kandelaars earlier.

The Statutes Amendment (Recidivist Young Offenders and Youth Parole Board) Act 2009 came into operation on 27 June 2010. The act was intended to apply to a small group of particularly serious repeat young offenders who seemingly refuse to learn from previous experience within the youth criminal justice system. It enables the courts to judge young offenders as adults where a pattern of serious repeat offending is alleged to have occurred.

Under part 5 of the act, the Social Development Committee has been tasked to inquire into the operation of parts 3 and 4 and to provide a report on the current operational status of the act and if it has had any impact on South Australia's criminal justice system. The act allows young repeat offenders to be tried as adults especially when they have a strong history of recurring serious offending.

In addition to the sentencing of recidivist young offenders, the act was established to deter serious offenders from committing wrongdoings, as well as protecting the public from such crimes. From August to October this year, the committee received a total of seven submissions from important stakeholders. I would like to thank the individuals and organisations for their valuable contributions to the inquiry. The key findings presented to the committee include:

- applying the same legal process to adults and young people alike, when young people are developmentally less capable than their adult counterparts, equates to a harsher application of the law;
- introducing explicit measures to declare a young person a recidivist young offender and imposing longer sentences and a longer period of incarceration by extending the period of time they are eligible for parole/conditional release may be a counterproductive measure;
- young people who spend longer periods in detention may become more entrenched in offending and find community integration increasingly challenging; and
- it is unclear if evidence-based research supports the view that more punitive measures for young people who offend will increase community safety.

In the last four years since the introduction of the act, there have only been three declarations of young people as recidivist young offenders. All three were sentenced to terms of detention well within the three-year maximum prescribed in pre-existing legislation, namely the Young Offenders Act 1993. During the review, it was found that the legislation imposed by the act has not significantly impacted upon the sentencing imposed on serious repeat offenders. Based on the information provided to the committee by witnesses, we concluded that further review of the act will be conducted in three years' time.

The Social Development Committee has been very productive this year. I would like to acknowledge the work and contributions of the Presiding Member of the committee (Hon. Gerry Kandelaars), the Hon. Kelly Vincent in this house and, from the other place, Mr Adrian Pederick MP, Ms Katrine Hildyard MP and Ms Dana Wortley MP. I would also take this opportunity to thank the hardworking secretary, Robyn Schutte, and Ms Carmel O'Connell, the committee's research officer, for their professional and valuable support throughout the year. I am pleased to support the tabling of this report.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE: PARTIAL DEFENCE OF PROVOCATION

The Hon. G.A. KANDELAARS (16:57): I move:

That the report of the committee into the Partial Defence of Provocation be noted.

On 1 May 2013, the Hon. Tammy Franks introduced the Criminal Law Consolidation (Provocation) Amendment Bill 2013 into the Legislative Council. The bill proposed to amend the Criminal Law Consolidation Act 1935 by way of insertion of new section 11A to limit the partial defence of provocation, which I will otherwise simply refer to as 'the provocation defence'. The proposed new section 11A would read as follows:

For the purposes of proceedings in which the defence of provocation may be raised, conduct of a sexual nature by a person does not constitute provocation merely because the person was the same sex as the defendant.

The provocation defence, if established, allows a court to reduce a charge of murder to the offence of manslaughter. It is referred to as a partial defence because it only lessens the charge and the potential consequences. By way of comparison, self-defence can provide a complete defence to the charge of murder, entitling the accused to a full acquittal without further penalty.

The bill seeks to address the possibility that a non-violent homosexual advance can be pursued to establish a provocation defence or what has often been termed the 'gay panic defence'. The honourable member, in her second reading explanation, referred to Australian society's increased acceptance of homosexuality and her desire to ensure that homophobic violence will not be tolerated. Also noted were the considerable reforms which had taken place in other Australian jurisdictions.

The committee strongly agrees with the honourable member's desire to ensure that homophobic violence should not be tolerated. I repeat: the committee strongly agrees with the honourable member's desire to ensure that homophobic violence should not be tolerated. The committee condemns all forms of unlawful violence and considers that it should be an obligation of the law to effectively deter such behaviour.

On 30 October 2013, following debate in respect of the bill, the Legislative Council resolved that the bill would be withdrawn and referred to the Legislative Review Committee for inquiry and report, pursuant to section 16(1)(a) of the Parliamentary Committees Act 1991. On 7 June 2014, an invitation to make submissions to the inquiry was advertised both in *The Advertiser* and *The Australian*, and 12 submissions were received.

Despite the fact that it was clear from the submissions received that the majority of community members supported the intent of the bill, the submissions received by the committee appeared to be divided into three camps, being those who supported the bill; those who supported the bill but sought broader reforms; and those who considered the issue the bill seeks to address to be settled at common law, thus making the bill unnecessary.

A number of submissions referred to the recent judgement of the South Australian Supreme Court of Criminal Appeal, *R v Lindsay* 2014, a case involving an accused who had sought to establish a provocation defence following the killing of a homosexual male after that male had made a homosexual advance to the accused. The judgement of the Hon. Justice Peek in *Lindsay*, with which Chief Justice Kourakis agreed, appears to clearly contemplate that homosexuality is now largely accepted as part of contemporary Australian society and certainly that it is no longer unlawful for consenting adults to engage in homosexual activity.

Justice Peek did not allow the defence of provocation to be put to the jury in the circumstances of *Lindsay* and, in light of the judgement, it is now considered by the legal community that it is highly unlikely that a nonviolent homosexual advance will ever be sufficient of itself to establish a provocation defence. This view is accepted by the committee.

R v Lindsay must also be considered in the context of the previous High Court of Australia judgement, *Green v The Queen* (1997). *Green* involved a number of factors argued as relevant to a provocation defence at trial, one being a homosexual advance. However, other factors included the experiences of the accused involving sexual abuse as a child, and another factor involved the deceased sneaking into a bed occupied by the accused and touching his genitals.

In *Green*, as part of the entire circumstances of the matter, the homosexual advance was accepted at trial as one of the circumstances relevant to provocation. As a result, other submissions considered that a nonviolent homosexual or even heterosexual advance may still be considered as

a relevant factor, amongst any number of further relevant factors, when seeking to establish the provocation defence in circumstances such as those found in Green.

Due to the range of issues addressed within the submissions to the inquiry, on 6 August 2014 the committee formally resolved that the inquiry would involve a broader examination of a provocation defence, and it would not be limited to the bill presented by the Hon. Tammy Franks.

The committee took evidence in respect of a range of issues which were considered relevant to the provocation defence. The committee has resolved, following evidence in respect of the legal effect of *R v Lindsay and Green v The Queen*, that the bill will not achieve meaningful legal reform of a provocation defence. The committee further resolved that the balance of evidence suggests that introducing provisions to limit the conduct which may be considered by the court as relevant to the provocation defence at trial will also provide for ineffective reform, particularly given the complex evidential matrix which often accompanies the use of the defence.

It was submitted to the committee that parliament could, through enacting the bill into law, provide leadership regarding the issue of violence directed at the gay and lesbian community. It is however, the committee's view that it is not the role of parliament to enact laws of no meaningful legal effect aimed solely at conveying a message to the community. There are other mechanisms at the disposal of parliament to achieve that end.

The committee was also unable to agree with submissions in favour of the abolition of the provocation defence and takes the view that it may serve as an important function in certain instances such as those involving high levels of provocation. Although the committee supports the position that a non-violent homosexual advance should not of itself give rise to a potential defence of provocation, the committee is satisfied that the common law has already addressed this issue, and that the bill should not be supported.

In particular, the committee formed the view that the wording of the bill, especially the term 'merely because' could have unintended consequences regarding the now settled common law position. The committee's further finding is that it has been unable to identify other suitable options for reform of the provocation defence. Consequently, it is of the view that the defence should be retained.

I need to just quickly comment on the Hon. John Darley's dissenting statement. The committee did give consideration to the total abolition of the partial defence of provocation but the view of the majority of the committee was that such a recommendation would have required a more thorough examination of the criminal law in relation to murder and, in particular, the sentencing options available in relation to a murder conviction. This was considered to be outside the scope of the committee's referral from this council.

The committee did, however, recommend that if any review or reform of the provocation defence is to be pursued in future, such a review or reform should only take place in conjunction with a wholesale review of any mandatory sentencing provisions that may also apply in South Australia to a person convicted of murder.

In conclusion, on behalf of the committee I thank all those who made submissions and gave evidence to it. I thank the members of the committee, the Hon. John Darley MLC, the Hon. Andrew McLachlan MLC, Ms Annabel Digance, member for Elder, Mr Lee Odenwalder, member for Little Para, and Ms Isobel Redmond, member for Heysen. I also thank the committee Secretariat, Ms Jennifer Fitzgerald, the committee secretary, and Mr Ben Cranwell, the committee research officer, who did a sterling job in providing support for the committee throughout this inquiry and regarding this report. I commend the report to the council.

Motion carried.

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (17:09): I move:

That the report on the operations of the committee, 2013-14, be noted.

In speaking to the motion I note that it is of similar nature to previous annual reports of the Budget and Finance Committee. I therefore do not propose to speak to it in any detail, other than to note that

the committee has continued its decision to monitor progress on the biggest PPP in the state's history, the new Royal Adelaide Hospital, and will continue to take evidence on that.

It has also recently taken a decision to take evidence on the vexed and controversial issue of water pricing policy in South Australia, and only last month commenced taking evidence on that and will continue through this financial year taking evidence on that important issue as well.

I thank members of the committee for their diligence in applying themselves to many and varied tasks through the year. In particular, I thank the hard-working secretary of the committee, Guy Dickson, for all his contribution to the work of the Budget and Finance Committee.

Motion carried.

The Hon. J.S.L. DAWKINS: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

Motions

UNIVERSITY OF ADELAIDE

Adjourned debate on motion of the Hon. A.L. McLachlan:

That this council—

1. Notes that 2014 is the 140th anniversary of the University of Adelaide;
2. Acknowledges the significant achievements of the university, past and present; and
3. Promotes the future of the university as a world-class institution.

(Continued from 19 November 2014.)

The Hon. T.T. NGO (17:12): I rise to congratulate the University of Adelaide on its 140th anniversary. I also acknowledge the significant achievements of the university and to promote its future as a world-class institution. Like many other honourable members in the Legislative Council, I studied for four years at the University of Adelaide. In 1995 I completed my Graduate Diploma of Education. The university's founding goal was to 'prepare the leaders of tomorrow through education rather than birth or wealth'. To help achieve this goal the university has a history of providing scholarships to students from disadvantaged backgrounds.

The university also encourages and enables students from disadvantaged backgrounds to attend, through it is Fairway Access and Fairway Equity schemes. It also continues to offer support programs for students from disadvantaged backgrounds. I believe the university should continue to strive to achieve this goal.

The range of courses offered by the university has dramatically expanded over the years. When the university began teaching in 1878 it only offered a Bachelor of Arts. In 1882 it became the first university in Australia to offer a Bachelor of Science. It now offers a range of courses, including computer science and media, and I am sure that even the university's first vice-chancellor, Dr Augustus Short, who pushed the university to teach more than classics, could not have imagined the range of courses that are available at the university today.

Since its beginning the University of Adelaide has had an international element. In 1876 it gave courtesy degrees to 70 international graduates. Dr Augustus Short recruited professors from around the world. For the last 20 years we have heard our political leaders talk about Australia's need to enter the Asian century. The University of Adelaide was certainly ahead of the times in that respect.

In the 1950s the university developed strong links with Asia. Many students came to study at the University of Adelaide on Colombo Plan scholarships, including Francis Wong, Senator Penny Wong's father. Francis Wong studied a Bachelor of Architecture and received Honours. Since then Francis Wong has spent the majority of his life helping to build up educational institutions in Malaysia to train future architecture professionals. Upon returning home, countless other students made a great contribution to their communities throughout Asia.

The number of international students studying in the university has grown over the years. In 1952 there were 93 overseas students, including 52 from Malaya, 15 from Singapore, 10 from India, two from Indonesia, four from Ceylon, three from Hong Kong and one each from Pakistan, Cyprus, Malta, Lebanon, Sumatra, Siam and Palestine. Compare that to 2013 when 7,003 international students were studying at the university. They have gone from 52 to 7,000.

With around 3,000 students from China, 1,000 from Singapore, 700 from Malaysia, 350 from Hong Kong, 200 each from Vietnam, the Republic of Korea and Indonesia, and around 1,000 students from other countries, the university has had many significant achievements over that past 140 years, including being the first university in Australia to admit women and only the second university in the world, after Oxford University, to admit women. Recently it achieved its highest ever world ranking (100th) this year. It has also had many notable scholars, including:

- Edith Emily Dornwell, the university's first female and science graduate;
- Sir Howard Walter Florey, Nobel Prize winner for his great work with penicillin;
- former prime minister, Julia Gillard;
- a number of other members of parliament at the state and federal level. There are too many to name individually, so I will not do so; and
- Rebecca Richards, the first Indigenous student to receive a Rhodes Scholarship.

Its latest international rankings suggest that the University of Adelaide has a promising future as a world-class institution. Whilst I am talking about the future of the University of Adelaide, I would like to congratulate the recently appointed chancellor and former governor, Mr Kevin Scarce. I hope that under his leadership the university will continue to strive to achieve its founding goal of preparing South Australian leaders through education, not through birth or wealth. Kevin Scarce recently spoke about the importance of maintaining world links to the University of Adelaide through international students. He said:

They give our own students a sense of what's happening in the region and different parts in the world and I think that is valuable...And maybe their children and their parents will come back and either do business here or come and visit.

The University of Adelaide must continue to build strong links with the rest of the world. This is of great importance to South Australia, because it helps us to create relationships with future international business leaders. I would again like to congratulate the University of Adelaide on its 140th anniversary. The university has had many achievements and notable scholars over this period, and I am sure it will continue to do so in the future. I would also like to congratulate the Hon. Mr McLachlan on bringing this motion to the house.

The Hon. A.L. McLACHLAN (17:21): I thank the Hon. Tung Ngo for his contribution to the debate on this motion. The university is a jewel in the crown of the state's institutions and has played a key part in many of the state's successes, and it will play a critical part going forward to ensure the state's future. I commend the motion to the chamber.

Motion carried.

Bills

FAMILY RELATIONSHIPS (SURROGACY) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 November 2014.)

The Hon. T.T. NGO (17:22): I would like to recognise the contribution that the Hon. John Dawkins has made on this very important issue. Mr President, as you well know, I have not been in this chamber for a long period of time. It would be remiss of me not to recognise the important legislation that passed this parliament four years ago to legalise surrogacy in this state. It is my understanding that, with this amendment, the Hon. John Dawkins is seeking to address some of the

barriers which he believes are forcing couples to search overseas instead of here in South Australia for a surrogacy arrangement.

Having looked very closely at what has been proposed, there are a number of issues I wish to raise. I hope I can get answers from the Hon. Mr Dawkins at a later stage as this bill progresses. This amendment bill proposes the formation of a surrogate register. My understanding is that a major reason that South Australian families seek international surrogacy is because they do not know anyone who is willing to be a surrogate mother and they are unable or unwilling to advertise their need for the service.

My question is whether surrogacy should only be recognised if it is sought through this register. It would seem to me that doing this would clear up any potential future ambiguity over whether a particular agreement constituted legal surrogacy. This may mean that those surrogate mothers who only choose to be a surrogate for a specific person they may trust would need specific recognition within the register.

Another question I would like a response to is whether this amendment bill is effectively setting up an industry, whether altruistic or not, which needs adequate safeguards built in to provide certain protections for all parties involved. Even if a surrogate acts out of altruism, she would still expect that the necessary expenses she has incurred throughout pregnancy would be accounted for by the commissioning parents. If this does not occur, what protections are available in this bill? What if there are unexpected complications in the pregnancy, and this changes the attitudes of commissioning parents? Do these matters become a purely civil issue with no protections available to the surrogate mother?

Likewise, Mr President, as a man I will never be able to understand the emotional bond that develops between a mother and her baby during pregnancy, but I can foresee a scenario where surrogate mothers who have previously come to an agreement with commissioning parents then decide that they want to keep the baby. How is this issue dealt with? I would also like to know what information will be available to women who are considering placing themselves on the register. It is a very big decision to make.

I bring this form of discussion, particularly, to the chamber because the primary factor that facilitates altruistic surrogacy is trust. My guess is that surrogacies currently being undertaken in South Australia are between people who know each other quite well and, therefore, a fair element of trust already exists.

Whilst I acknowledge the Hon. Mr Dawkins' belief that couples who do not know anyone they can go to should have access to a register to stop them from going overseas, I believe this brings out some of the very issues I have mentioned here—namely, that there is a high likelihood of disputes occurring between parties. Because of this, I need to be satisfied that there are adequate safeguards in place to prevent any potential exploitation of either party.

Altruistic or not, what we are talking about here is a provider and a consumer of a service and, just like in any other contractual agreement, there should be protections in place to safeguard the vulnerable in scenarios where these arrangements are broken. I will support the second reading of this bill to allow some of the issues that I have raised recently to be further discussed, so I am happy to go to the second reading stage if the Hon. Mr Dawkins allows.

The Hon. K.L. VINCENT (17:29): I thank you, Mr President, and the chamber for the indulgence of allowing me to change the speaking order somewhat. Dignity for Disability is pleased to support the amendments, as it considers it important that we keep with the times as legislators, which we have the opportunity to do in this case. The bill envisages a follow-up process to review the framework and see that it remains in line with community expectations over time.

As members would be aware, the international media focus on the story of 'baby Gammy', as he is known, highlighted a range of moral and ethical concerns surrounding the issue of international surrogacy. There are a multitude of human rights issues too, of course, when Australians choose to go overseas and enter into an arrangement with an agency and ultimately with a woman who may be living in extreme poverty and is willing, therefore, to carry a child to have the opportunity to escape that poverty. Such arrangements are clearly exploitative, even though for that

woman and her family their lives could be dramatically improved by the money earned through surrogacy.

The number of intended parents heading overseas instead of using domestic surrogacy services or adoption indicates that our policy in this area is failing. Although aspects of these matters fall well outside our jurisdiction, human rights matter whether at home or abroad. Altruistic surrogacy is not new and the provision before us to allow for reimbursement of reasonable costs therefore makes sense. We need to acknowledge that for many couples surrogacy is their best option of having a child. Bringing the practice into the open and allowing regulation protects all parties involved. It is important that appropriate preparatory counselling is available to all parties.

Rather than moving to criminalise overseas compensated surrogacy, the bill seeks to impose regulation on such arrangements. This makes sense but it is difficult to see how it will work in practice because the exploitative nature of overseas practices will not change. All that being said, Dignity for Disability commends the work of the Hon. Mr Dawkins in this area and in bringing these issues before us and thank him for his diligence in consulting with people affected. With those words, I indicate that we will support the bill.

The Hon. R.I. LUCAS (17:32): I rise to speak to the second reading of the bill. I indicate that, on reflection, I will support the second reading of the bill but will reserve my position during the committee stages and at the third reading and leave open, obviously, the option of either supporting amendments that might be moved and, ultimately, either supporting or opposing the third reading of the bill. I think the Hon. Tung Ngo has articulated some of the questions that are being asked about the details in relation to how the registry arrangement will work.

There are other questions being raised about issues of reasonableness of costs. I note the recent paper produced by the parliamentary library and other commentary in relation to arrangements in other states. My understanding is, from the mover of the legislation, that the intention today is to seek a second reading vote and I am happy to support the second reading, with the intention that when the parliament resumes some time next year we can explore in greater detail the provisions of the legislation.

The Hon. T.A. FRANKS (17:33): I rise to indicate that the Greens will be supporting the Family Relationships (Surrogacy) Amendment Bill second reading. We look forward to the committee stage where we will have questions and will possibly seek to make amendments. I commend the Hon. John Dawkins for his work in the area of surrogacy. I know he has had constituents over the years, well before my time in this place, who he has fought very long and hard to support, and that is an incredibly admirable thing.

Another incredibly admirable thing is anyone who is willing to be a surrogate, to give other people the ability to have children. I think that is a really noble cause. I do not think it is a modern cause. I do not think it is getting with the times. I think it is something that has happened for a very long time—time immemorial even. There have been surrogate arrangements in our society for millennia. This is not a new thing.

What is perhaps a new thing is the fact that we have legal systems and we have situations such as baby Gammy and international movements where people travel overseas or from far afield. In this day and age, there is the ability for people to go further afield than their own close circles to find somebody to be a surrogate and, certainly, that does raise a range of measures.

Of course, members would be well aware that I will be advocating for a whole range of legal reforms to support same-sex parents and I also support options for single parents, whether somebody is biologically infertile or 'socially infertile', as the terminology goes. No barriers to raising and loving and caring for a child and creating families should be put in people's way if they are good parents and if they create good families. That is the bottom line of what is important here.

I do welcome further moves in this area. I do acknowledge that, well before my time, these issues have been very vexed ones, and while they in fact get an airing and a hearing in this place, the other place can be very slow to debate, and certainly very slow to vote on, these issues. These issues, however, deeply affect some people in our community.

I thank a woman who has written to me and, I imagine, to other members here who has been a surrogate in South Australia. She has shared her story. I know she has also done a story in *The Advertiser*, so I know she is not too shy to share this. She says in her correspondence with me that she met her IPs—in surrogacy terms, that means 'intending parents', the baby's parents—on a surrogacy forum. Again, the technology. She says:

We chatted [and emailed] for hours every day, not just about surrogacy, but about their views on families, the weather, sport, travel—all of the things we had in common.

She was then referred and had the genetic embryo transferred to her at Repromed late last year and seven days later she used a home pregnancy test and discovered she was pregnant. The morning that she was to have the blood test to confirm that and also to confirm any possible abnormalities with the fetus, those prospective parents had had some reservations, but they came along with her and they were able to be with her at her first obstetric appointment, for which she travelled from regional South Australia to Adelaide.

When her baby was scanned, the intending parent burst into tears, because she had assumed that there would be no heartbeat as happened in the case when she had tried to conceive, and as had happened to her when she had been able to conceive. In fact, the tears were apparently a common occurrence in their prenatal appointments, or antenatal appointments, and the day before the appointment, they had been petrified that something would be wrong.

It is a joyous story. The pregnancy for this particular person was not an easy one and not all pregnancies are. Some people have a delightful and joyous and wonderful experience of being pregnant and some people have much less joy in the morning sickness, the pre-eclampsia and the bloating and the inability to eat, in my case, onions and all sorts of food.

I certainly know with my pregnancies that each one of those experiences has been different. Some have been more difficult than others. This particular surrogate mother gave birth and had complications with haemorrhaging, something she had not experienced with her own children, she notes. But she says:

Despite this, I would do it all again (and again, and again!) To give people joy & hope when they see none, is an honour. To know that they now wake up with a purpose every day, instead of just existing, keeps me feeling enriched. I don't just mean my surrogate babies parents either—when I became a surrogate it was quite common for strangers to open up to me about their own fertility struggles.

She goes on to say in this correspondence:

SA (& Australia for that matter) do not need to hide surrogacy away, or leave the legislation as it is, we need to continually update it and work on it so that it can be a legislation that protects IPs and surrogates alike. At the moment there are some grey areas in the legislation and I would be honoured to assist in discussions on how these could be improved.

I am sure that she is not alone, having had the experience of being a surrogate, in assisting people to have children and raise families. I am sure that there is a wealth of knowledge out there. This parliament should turn its attention to this issue. As I have mentioned before, I will certainly be seeking the views of a wide variety of people who could benefit from more comprehensive laws around surrogacy.

None of us want to see the situation that we have seen in the media of Baby Gammy. But despite Thailand's recent law reforms we do know that people are seeking surrogates from across our borders—and this is the here and now and the reality of what we should be dealing with. So, even on those principles alone, one should be open in this parliament to having a conversation about the legalities around surrogacy and giving those children the protections they deserve.

I know that this bill refers to altruistic surrogacy, but I think that just the act of providing that surrogacy for another person is altruism in itself, and I personally have no problem with someone receiving payment; I do not have any aversion to that. I think that it is a wonderful and joyful thing to do for another human being but, of course, it involves a sacrifice financially and socially that should be recognised, and I guess that is because I am a feminist and I believe that this is a woman's work and that it should be accordingly treated as such.

A woman is often not paid for all sorts of things women do, whether that is housework or, indeed, as in this case, giving hope, life and joy and creating families for others. So, with that, I commend this bill to the second reading, and I look forward to our resuming debate on this bill in the new year.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Aboriginal Affairs and Reconciliation) (17:42): I would like to make a brief contribution to this bill. First of all, I commend the Hon. Mr Dawkins for once again bringing forward to this chamber legislation to deal with altruistic surrogacy. I know that his intentions are honourable. Indeed, I have supported him in the past, although I have moved amendments in this place to his previous legislation to enable the option of altruistic surrogacy to be open to same-sex parents and also single women, amendments which were ultimately unsuccessful at the time and which I have not, at this stage, thought to reintroduce.

However, I have been contacted by two of my constituents who, again, have raised some serious reservation about the legislation before us. They wished to make very plain to me that they too see much of benefit in the amendments brought forward by the Hon. Mr Dawkins and were essentially torn because they can see the advantages in the proposals in the bill, but they have serious reservations in some respects, and they are mainly in terms of same-sex parenting.

I am grateful for the indication from the Hon. Mr Dawkins of his agreement to take this to the second reading stage and to do some more work when parliament resumes to tease out some of these concerns and to find out whether they are based on some recognition of unforeseen repercussions in the legislation or whether, in fact, that does not come through and we can reassure people that there will be no unintended consequences.

I am very pleased that I will be supporting the second reading but reserve my position currently on the third reading until we can tease out these issues a little bit more. What I thought I would do is put on the record tonight some of the questions that have been raised with me by my constituents, and I would like to work with the Hon. Mr Dawkins over the intervening weeks before parliament resumes to get some answers on that for our constituents.

Briefly, my questions are: in practice, does the bill exclude same-sex couples? In practice, does the bill exclude single women? What criteria, under the bill, would the minister impose on restricting the access to various groups under the framework proposed? Could couples who engage in overseas surrogacy be subject to an offence as outlined in section 10H(2)? If so, what is the intent of legislating for such an offence? How does the incorporation of the offence balance with parliament's desire to legislate in the best interests of a child? Does this bill work to deny appropriate legal recognition of parentage to children born through overseas surrogacy?

They are the issues that have been raised with me by my constituents. Again, I hasten to say that I wish to commend the Hon. Mr Dawkins for bringing forward this bill for our debate. I know that his intention to assist parents who decide to pursue surrogacy to have a family is a noble one, and I would normally be supporting him in this, but I would just like to have some reassurance that there will be no untoward repercussions in passing this bill, and I look forward to working with him in the new year to tease out those issues.

The Hon. J.S.L. DAWKINS (17:46): I will be brief. I thank those who have contributed: the Hon. Tung Ngo, the Hon. Kelly Vincent, the Hon. Rob Lucas, the Hon. Tammy Franks, and the minister, the Hon. Mr Hunter. I recognise the questions that have been raised. I very much appreciate the overall support for the work I am doing. I very much appreciate the conversations that I have had with the Hon. Tammy Franks about these matters over some time, and they assist me greatly.

The honourable minister, the Hon. Mr Hunter, has also put down a little bit of the history on the first bill that I put through this parliament which, from go to whoa, took up about 6½ years of my life, so it is an issue that I am very genuine about in doing the best I possibly can for the community

I also acknowledge the support I have had from other members in this chamber and in the parliament, and people outside in the community. I acknowledge them, particularly those who have personal experience. Most people who, for one reason or another, have had experience with surrogacy are very private about it, and I respect and understand that. However, there is a small number who are prepared to go public and who are prepared to raise issues.

I understand that the described unintended consequences that the Hon. Mr Hunter has discussed are ones that need to be clarified. I think, as a private member of parliament, we have endeavoured to clarify that as best as can be done with my limited resources. I am happy in the time between now and 11 February to do my best to clarify that and the other questions that have been put on the record.

There are a couple of things that I would like to add. Certainly, there was one suggestion that was raised with me earlier in the week through one arm of government: it had been suggested by some that the bill was not necessary because COAG is now dealing with this issue of the legality or otherwise of overseas surrogacies. That was not my understanding. My understanding was that COAG had very strongly been referred by the commonwealth back to the state jurisdictions.

Even if COAG is turning its mind to dealing with this situation, I pointed out to the person who had been good enough to tell me this that, some seven years ago I think it was, when I was first dealing with my private legislation in this place, I was told by someone from the government then that I did not need to worry because the Standing Committee of Attorneys-General was working on uniform legislation across the country—seven years ago!

So, it is appropriate that the parliamentary research library today has given us a document, 'A comparative analysis of surrogacy regulation', which shows that it could not be any further away from uniform legislation. I will not sit around and wait for COAG, and I do not think this parliament should at all do that.

My bill is not perfect, but it is a genuine effort to, I think, make some changes that need to be made, and I have put this to my friends in the government who have asked me to delay going further with it. I believe that it should not be John Dawkins doing this today but it should be the government doing it, and I think the two ministers concerned, the Attorney-General and the Minister for Health, ought to be doing this work and doing it with the strength of a department.

I appreciate the Hon. Mr Hunter's indication of the detail of the things he wants answered, but I will follow up from the conversation I have had with the minister and with the Hon. Gail Gago that I would very much appreciate some assistance if they could provide it to me, because between now and 11 February, when I want to continue with this, for me to have the best information it will be difficult if I do not have some other assistance. I am happy to talk to both ministers about that in due course.

I thank members very much for their expressions of interest and support, and sometimes that support is with a qualification and I understand that, but we have improved the access to the wonderful technology we have in South Australia for South Australians, and all I want to do is enhance that. With that, I commend the second reading to the council.

Bill read a second time.

Motions

MATES IN CONSTRUCTION

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

That this council notes—

1. The exemplary work of MATES in Construction in its endeavour to prevent suicide in the construction industry and promote health and wellbeing;
2. That MATES in Construction is a federation of independent industry-based MATES in Construction organisations throughout New South Wales, Queensland, Western Australia and here in South Australia;
3. That MATES in Construction aims to raise awareness about suicide, making it easier to access help and ensuring that the help offered throughout the industry is practical, professional and appropriate; and
4. That MATES in Construction has implemented the following programs to address the tragic rate of suicide in the industry—
 - (a) an individual case management program which aims to assist troubled workers with an effective plan to address their mental issues;

- (b) field visits, which involved field officers going from site to site to advise workers of the program; and
- (c) a postvention program, which provides support where a worker or worker's family member has committed suicide.

(Continued from 12 November 2014.)

The Hon. J.M. GAZZOLA (17:53): I rise to support the Hon. John Dawkins' motion, and in so doing I acknowledge his continuing efforts in bring much-needed awareness to the issue of suicide within the construction industry. His consistent championing of such an important issue affecting Australian families in the most devastating of ways is to be recognised and admired. The motion focuses on the MATES in Construction organisation and its programs. The work of this not-for-profit organisation has to date supported thousands of workers' families in the construction industry through crisis management, suicide and mental health awareness and skills training.

I acknowledge the unions, the industry bodies and the Building Industry Redundancy Trust for bringing MATES in Construction to South Australia and providing them with support. This has allowed MATES in Construction to continue to grow, consulting with more sites each year nationally in the aim of reducing the prevalent rates of suicide within the industry. I hope that in the future all levels of government and business within the construction industry sector can provide some funding to maintain this service to industry.

Sadly, I note that two workers were killed in the course of their employment last week—cricketer, Phillip Hughes and construction worker for the new RAH building, Jorge Castillo-Riffo. I did not know either gentleman personally; however, with the media coverage I have come to learn a fair bit about Phil Hughes.

Regarding Mr Castillo-Riffo, on page 11 of the free newspaper, *The City*, Mr Castillo-Riffo's family described him as 'a man of fun, humour and compassion, who was loved by all who knew him.' The statement goes on to say:

He worked, lobbied and agitated for justice in the workplace. He especially looked after the younger workers and made sure they had safe work equipment. When a fellow worker was injured badly in a worksite some years ago, Jorge spent hours every day helping him recover. His death should not have happened; his life will not be forgot. In his name we say 'the struggle continues'.

I would like to offer their families, friends and workmates my sincere condolences. I also note that Mr Aaron Cartledge of the CFMEU on radio mentioned in regard to Mr Castillo-Riffo's death:

Monday is a scheduled day off anyway, so we just thought it better that we go through a process today. We've had our MATES in Construction teams down here that offer counselling so the guys are taking that offer up.

I thank the MATES in Construction team, who I have met, for all their support and commitment in this field and offer my continued support. I respectfully ask all members to become familiar with and raise awareness of MATES in Construction. I know that their work in the construction industry has helped many workers and their loved ones. I commend the motion to the council.

The Hon. T.A. FRANKS (17:56): I rise on behalf of the Greens to speak in support of the MATES in Construction motion moved by the Hon. John Dawkins MLC. We also express our appreciation of the honourable member's long-term commitment in raising awareness of suicide prevention and the work of community groups.

This motion seeks that this council take note of the work of MATES in Construction and its endeavours to prevent suicide in the construction industry, as well as to promote health and wellbeing. The Greens are very supportive of this program and are proud to say that MATES in Construction have not only set up their program in Queensland, Western Australia and New South Wales, but have now also established a branch in our state.

When I worked for the Mental Health Coalition I attended a MATES in Construction proxy toolbox talk at a mental health conference, some seven or so years ago. I was touched at the time by the very powerful speech and some of that talk has actually stayed with me until this day. I am very pleased that South Australia has a similar program here.

We support the work of MATES in Construction as they seek to raise awareness of suicide and make it easier for workplaces to access help and support in a practical, professional and

appropriate manner. I remember at that particular toolbox talk discussing how to look for the signs of suicide, and one of the examples given was that if somebody was giving away their fishing tackle and fishing rod, but you knew they really liked fishing, then that was indeed a sign that they were preparing to attempt suicide. Appearing depressed and then suddenly happy is another sign that they have made a resolution. There was a range of very practical tips that help mates look after mates.

The honourable member's motion notes that MATES in Construction has implemented a three-tiered program to address the rate of suicide in the industry. This includes an individual case management program; assisting troubled workers with an effective plan to address their personal mental health issues; field visits, which involve field officers going from site to site to advise workers of the program; and a postvention program, which refers to the support that a site might need after a worker or a worker's family member has committed suicide.

I would particularly like to highlight part B of this three-tiered program because it is crucial that construction workers have an opportunity to speak to MATES in Construction's field officers at their site. We know just how important it is for individuals to be able to speak about depression and how it is just that little bit more important for them to be able to give them that opportunity to speak face to face.

The construction industry is, of course, a mainly male dominated industry. While we know that stigma with regard to speaking about mental health problems remains for both men and women, men in particular can sometimes have difficulty expressing their feelings. Unfortunately, we still live in a society where men do not express their feelings and are less likely than women to talk about depression, anxiety and mental health. We should empower men and encourage them to empower each other to embrace their emotions, not to repress and ignore them. While much of this is learned during childhood, where boys particularly are shamed and bullied if they cry or reveal emotions or sensitivities, we do still perpetuate these attitudes in adulthood.

I would hope that this will be one part of stepping away from this negative and damaging attitude towards emotions and instead support each other and organisations such as MATES in Construction to deal with situations and emotions we must all deal with over our lifetime. As Sigmund Freud once said, 'Unexpressed emotions will never die. They are buried alive and will come forth later in uglier ways.' We need men and boys to be advocates for change in suicide prevention and, with these few words, I commend this motion.

Sitting suspended from 18:01 to 19:47.

The Hon. K.L. VINCENT (19:48): Very briefly, Dignity for Disability supports the Hon. Mr Dawkins' motion and congratulates MATES in Construction for their valuable contribution to mental health awareness and worker safety.

I had the great privilege of meeting with some representatives from MATES in Construction a month or so ago and was immediately struck by not only their passion and their dedication to the cause but the depth of the knowledge they hold about suicide and mental health more broadly and the varied programs they have set up to make these sorts of discussions and important measures more accessible to people.

I think something we miss out on sometimes in the community is people learning how to have that conversation with someone, to ask about what is going on, to recognise the signs of someone who might be at risk of depression, anxiety or suicide or some other factor, so it is really pleasing to see that work being carried out, particularly in the industry of construction, where it tends to be a bit of a blokey set-up where we do not imagine those kinds of workers to be the most emotional people or forthcoming with their feelings.

That does not mean that they do not feel, and that is why it is really important that we do expose those stereotypes as being false and give everyone the opportunity to be honest about what they are going through, not only to help themselves but, hopefully, to help others by showing that you can be open about what you are going through, whether that is depression, suicidal ideation, anxiety and so on. I was very impressed by the work MATES in Construction is carrying out in this area and look forward to working with them again, hopefully very soon.

The factors which surround increased risk of suicide are many and varied, as we all know, and the impact on the lives of workmates, family and friends can last a lifetime. Knowing the risk factors and being able to talk openly about mental health in a proactive way is extremely important. Dignity for Disability is also aware that attempted suicide can result in lifelong disability, and this also has ramifications for individuals and their families, friends and colleagues.

Although by no means an exhaustive list, some of the risk factors for suicide and attempted suicide can include alcohol abuse, family history of alcoholism and drugs, depression, drug abuse, personality disorders, severe impairment in physical health, same-sex attraction, recent psychiatric symptoms, previous suicidal events or ideation, history of violent behaviour, recent loss of someone close, job problems, low self-esteem, history of family violence, low family support or lack of family support, family conflict, feelings of isolation and loneliness, suicidal threats or suicidal attempts by family and friends, and easy access to weapons.

I mention these things not to put the people in the situations I have just mentioned on a particular pedestal or to suggest that the minute you are in this situation of perhaps having alcohol abuse or any of the other factors I have just mentioned then that means you are a definite candidate for suicidal ideation. I am mentioning these many and varied aspects that can affect a person's mental health purely to show how varied they are. I think a number of them are things we are all likely to go through in our lives.

Changes of employment or changes in family and relationships—these are all things that we can be affected by and probably will be affected by at some point in our lifetime. That is why it is very important that we do prepare ourselves to guide ourselves through those situations when we come to them, but also to be there for someone that we care about if they are facing a situation like one of those that I have just listed.

As a community, we do need to pay more attention to our own mental health and that of those around us. Those conversations can be difficult; they are certainly not easy, but when we compare them to the potentially lifelong devastating effects of losing a friend, losing a family member or losing a workmate, and perhaps always questioning what we might have been able to do for that person had we picked up those signs earlier or had we been better aware of how to hold those conversations, when we compare the short-lived discomfort of actually having that conversation to the ramifications of not having it, it certainly makes this kind of awareness and those kinds of conversations a lot easier and very worthwhile.

Dignity for Disability wish MATES in Construction all the very best with this important work in preventing suicide and promoting overall mental health and wellbeing in the construction industry. I commend the motion to the chamber.

The Hon. G.A. KANDELAARS (19:54): I rise to speak about MATES in Construction, a suicide prevention program and organisation aimed at reducing suicide rates and improving mental health and wellbeing within the Australian construction industry. MATES in Construction started in Queensland in 2008, expanding to other states and to South Australia in 2012. It rolled out in South Australia because construction workers are twice as likely to die from suicide than any other group of men in Australia, according to the Australian Institute for Suicide Research and Prevention.

There are many factors that contribute to the high suicide rate. There can be extremely long working hours for many in the construction industry, with many working 12-hour shifts six days a week, leading to an extended absence from family life. Financial instability, job insecurity and the pressure of getting a job done also impact on the high suicide rate. Many also face issues with gambling addiction.

MATES in Construction offers training to construction workers. It offers a one-hour training session and a two-hour intensive course. Both are free, as MATES in Construction is determined that the industry take up programs. The training encourages people to look out for their mates and to talk to them. This has a positive impact, with many who have undertaken the training then reaching out to their mates to make sure that they are okay, and getting a better understanding of suicide intervention.

If at least 80 per cent of workers on a site attend training, it also allows the companies to attain a MATES in Construction accreditation. It allows those companies to say that they care about

their workers' mental health and wellbeing. Accreditation, like training, is at no cost to the employer or employees. Part of the accreditation is having one worker on site who has undertaken the ASIST (Applied Suicide Intervention Skills Training) course. This is a two-day course which provides people with the skills to be able to undertake suicide intervention. It is an intense course, but everyone who has done the course says they feel more confident to be able to ask people if they are struggling with thoughts of suicide, making sure people are not just put on the back foot.

MATES in Construction offers case management as well. Caseworkers will go out to sites or will meet at places like coffee shops with workers. It runs a 24-hour, seven day a week hotline available on a 1300 number, which is displayed on all its resource materials. Since launching the call back line in April of last year, MATES in Construction has assisted 255 workers.

A culture of not discussing one's feelings is another factor in the high suicide rate. MATES in Construction is working to change that culture, shifting it away from not being okay to say you are struggling to being able to put your hand on your heart and say that you are not doing well at all at the moment. Increasingly, help-seeking behaviours of workers can make an impact on the suicide rate of the industry.

The suicide rate amongst apprentices is particularly troubling. In the Australian Institute for Suicide Research and Prevention report, it was found that young apprentices within the 16 to 25-year-old age group are 10 times more likely to die from suicide than from an accident at work. That is an absolute tragedy. As an example of the work that MATES in Construction undertakes, recently a young electrical apprentice committed suicide on a site. The company that employed the apprentice rang MATES, who then went down to the site with the relevant unions, the CFMEU and the CEPU.

They spoke to all the workers, and they provided the 1300 number, and they kept going back, providing postvention support and making sure all workers received ongoing support for mental health and wellbeing. Research has shown that where people are subject to a suicide within their working environment, there is a tendency for other suicides to occur, so this action in supporting a work group is absolutely essential in reducing suicide rates.

MATES in Construction provides an invaluable service for mental health and wellbeing for all workers in the construction industry. I commend MATES in Construction for their ongoing work in supporting workers in the construction industry. Finally, I would also like to commend the Hon. John Dawkins for bringing MATES in Construction to the notice of the house, and I commend the motion to the chamber.

The Hon. S.G. WADE (20:00): I too rise to support the motion. I do so as the shadow minister for suicide prevention, but it is clearly understood within the Liberal Party that the champion for suicide prevention in our party is John Dawkins, and that is recognised formally as he is our spokesperson on suicide prevention.

The Hon. John Dawkins has brought this motion before the house to highlight the excellent work done by MATES in Construction. Since I have been shadow minister, the high risk of suicide within the construction industry really has been a revelation to me. I suppose, when you think about it, it is not surprising. Workers in the construction industry are involved in a highly transient industry with most workers employed on a project by project basis, often for a period of weeks.

According to the Building Employees Redundancy Trust, the average redundancy payout for workers in the industry is less than one year's contributions. The same trust reported that, of 399 death payments made to workers between 1999 and 2007, over 88 appeared to be suicide-related. Similar reports come from the industry's superannuation scheme where the life insurance underwriter reports that the risk profile was higher than other funds made by a factor of two.

I suppose we often speak more clearly in terms of probability. The risk of suicide in construction is clear when you hear stats such as that a construction worker is twice more likely to commit suicide than other people in Australia and that a construction worker is six times more likely to die by suicide than through a workplace accident.

MATES in Construction is somewhat unusual in that it has its roots in research. In 2003, a study commissioned by the construction industry itself and by the Queensland state government was undertaken by the Australian Institute for Suicide Research and Prevention. The study involved

158,749 workers. This is a Queensland-based study, and it showed that suicide was a significant problem in the commercial building construction industry. When compared to Australian male and Queensland male suicide rates, the industry rates were 46 per cent and 25 per cent respectively.

The study showed that workers found it difficult to discuss their feelings and their emotions and that that was a significant risk factor towards suicide. The AISRAP report recommended that a campaign raising awareness about mental health and wellbeing should be established, combined with good gatekeeping training and implemented in combination with the industry-specific programs for workers with suicidal ideation.

True to that evidence-based approach, MATES in Construction has developed as a highly collaborative movement. At the breakfast I attended recently, I was impressed by the intensity of the collaborative approach. Management, workers, unions and suppliers are all actively involved in the MATES in Construction initiative. As the Hon. Gerry Kandelaars highlighted very well, there is training available for workers and for managers, and there is a response service available.

MATES in Construction is a community development organisation. Established in Queensland in 2008, it is now active in four states: Queensland, New South Wales, Western Australia and, of course, here in South Australia. It is an extremely positive organisation which I am delighted to be able to associate with through the Hon. John Dawkins' motion. I thank him for moving it and am pleased to vote for it.

The Hon. J.S.L. DAWKINS (20:05): Firstly, I would like to sincerely thank the Hon. John Gazzola, the Hon. Tammy Franks, the Hon. Kelly Vincent, the Hon. Gerry Kandelaars and, of course, the Hon. Stephen Wade for their remarks about what is, I think, a unique but very worthy community organisation. It certainly does have a very strong basis in the community that surrounds the construction industry.

Anybody who has had the opportunity to witness the sincerity and enthusiasm for that work, through various functions, has become, I think as the Hon. Stephen Wade said, informed, incredibly informed, but also passionate about what that organisation is doing, and that is the main reason why I moved this motion. MATES in Construction, like so many groups working in the mental health and particularly suicide prevention area, do it on a very modest budget or no budget at all and I give all of those groups great credit for that.

In moving this motion, I talked about the fact that the state government and the Minister for Mental Health and Substance Abuse, particularly at estimates, utilised MATES in Construction as an example of what the state government is doing in suicide prevention, even though it appeared at the time that the state government gave no money at all to MATES in Construction.

I need to put on the record some correction of that. As the Hon. Mr Kandelaars would know, only a couple of weeks ago SafeWork SA appeared before the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation. Part of that appearance was in relation to the committee's inquiry into mental health in the workplace, and particularly suicide prevention.

During that hearing I asked the witnesses, Mr Bryan Russell and Mr Stephen De Musso, whether SafeWork SA provided any form of financial support to MATES in Construction and I received a response the following day from Mr De Musso, and I quote, 'to which we answered that we didn't believe so.' He goes on:

I can advise that SafeWork SA has supported the MATES in Construction program through its sponsorship of the MATES in Construction Inaugural Fundraiser Breakfast. The value of the sponsorship was \$1,000.

While some people might say that \$1,000 is little enough, I need to give credit for the fact that that support has been provided and I was grateful for Mr De Musso coming back to the secretary of the committee as promptly as he did with that.

However, I think it is important that we encourage all governments, of whatever political flavour, to do more to support community organisations, broadly in the mental health area but particularly in suicide prevention. Some of the things that have been highlighted by the various speakers tonight is the particular need for that work to happen.

As the Hon. Mr Wade highlighted, the far greater likelihood of a construction worker suiciding rather than dying from a workplace accident is a frightening statistic and something that makes me all the more determined to do everything I can to support anybody working in suicide prevention. I thank all the members for their support on this matter, those who have spoken and others who give me support in this area all the time. I commend the motion to the house.

Motion carried.

YOUTH PARLIAMENT

Adjourned debate on motion of Hon. T.A. Franks:

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 task force 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.

(Continued from 29 October 2014.)

The Hon. T.T. NGO (20:10): I rise to add my congratulations to all involved in the 2014 South Australian Youth Parliament and I thank the Hon. Ms Franks for bringing this motion to this house. Many of our fellow Westminster system countries have established youth parliaments, as has the European Union. Like those and our various state counterparts, the South Australian Youth Parliament has been devised to give young people in our jurisdiction between the ages of 15 and 24 an opportunity to inform the state government about issues that are important to them and relevant to the lives of their peers in this state.

Through the YMCA of South Australia and with the assistance of the Office for Youth and the Law Foundation, young participants are brought together to explore all aspects of the program and determine their involvement before joining a team to devise a bill and develop skills in public speaking, parliamentary etiquette and the legislative process. The bills are debated in Parliament House under existing protocols and the bills passed are sent on to the state government, providing an invaluable window into the issues that are important to those who will eventually take our places here and who will eventually work in communities across this state and country to affect change and share their values.

Just some of the bills debated this year included reducing the voting age, same-sex marriage, therapeutic sexual services, same-sex adoption, a ban on jumps racing, the mental health of young people and the solar industry in this state. Doesn't this just show the value of this forum: taking young South Australians and letting them articulate the values they will take into the future. Youth Parliament is giving them a place to debate, work as a team and learn about our democratic system. I highlight the relevance of the issues facing young members of our community and in particular how the Youth Parliament's program acts as a forum and a voice for those issues. I regret not participating in Youth Parliament when I was growing up. This is due to—

The Hon. D.W. Ridgway interjecting:

The Hon. T.T. NGO: Correct—my focus on involving myself in wider community activities such as sport and volunteering. I did not understand much about politics until well into my early 20s when I ran for council. By then, I became almost too old for Youth Parliament.

The Hon. T.J. Stephens: What are you, 47 now are you? 48?

The Hon. T.T. NGO: It depends on what country. During this year's Youth Parliament proceedings, a young man from Woodville High School raised the issue of two young Woodville High School students who were taken from community detention. Their removal sparked a campaign called 'Two Too Many', and a rally was held on the Parliament House steps which the Hon. Tammy

Franks and I attended—apologies if I missed anyone else. I would estimate there were at least 1,000 other people in attendance, too.

This was an issue directly affecting two young members of our community, and this forum gave a voice to other young South Australians. I would like to congratulate the students of Woodville High School for being shortlisted recently for the Young People's Human Rights Medal. The students were shortlisted for bringing national attention to the issue of children and young people in detention by coordinating rallies, working with local politicians and campaigning via social media.

The Youth Parliament provides a unique opportunity for young people to engage in the formal political process, as well as having a real input into the future of South Australia, particularly with regard to matters that are of specific interest to their demographic. Significantly, as well as providing access to the formal practices and procedures of the parliamentary process, the Youth Parliament gives them a chance to learn their own politics, with a non-partisan policy-strong focus and, in a sense, that is part of its value to young people, who may not necessarily look at the political process in the same ways as those who, like us, are older.

Youth parliaments do encourage a desire to participate in the political process and provide an opportunity for our young people to get involved. The experiences that follow do afford them agency and the fulfilment of arriving at tangible results. Such experiences can ignite a lifelong interest in politics and, for some, a commitment to a career in the political environment. Next year, in 2015, we celebrate the 20th anniversary of the Youth Parliament. I take the opportunity once again to commend and congratulate all involved in this continuing initiative, and as a new member of this house, I look forward to watching and participating in this program across the years to come.

The Hon. J.S. LEE (20:18): I rise on behalf of the opposition to support the motion of the Hon. Tammy Franks about the great work of the Youth Parliament, which calls on elected members of parliament to recognise the leadership and commitment of young people in South Australia. I congratulate the Hon. Tammy Franks for moving this motion and I also congratulate all the young leaders for being involved.

I understand that next year, in 2015, the Youth Parliament program will be celebrating its 20th year of running independently, which is a fantastic achievement. Youth Parliament is the only youth forum that has a direct impact on legislation and it provides a unique experience for the participants involved. YMCA SA Youth Parliament is a personal development program designed to give young South Australians a chance to be heard at the highest levels of state government on a wide range of issues relevant to young people's lives.

I am sure honourable members will agree with me that our youth today is the future of our state, the building blocks of our nation. And, as the world get smaller and smaller and more and more people become more connected by travels and technology all around the world, these young people are global citizens. This is why it is extremely important to ensure that they are provided with a platform like Youth Parliament to enhance their leadership skills, allow them to express their views and stand up for issues that are important.

Youth Parliament delivers a rigorous program that develops strong leadership and public speaking skills. Every year, the program attracts talented young people to speak their mind and present their arguments. After reading through the Youth Bills and Acts report for 2014, I was pleased to learn that the participants undertook a number of very thought-provoking and heavily debated legislation. One of the pieces of legislation that I was most interested in was the Multicultural Support Act 2014, which passed both houses. This act focused on multicultural youth and argued for the establishment of a school support system for children transitioning between home and school environments.

On the topic of multiculturalism, I was delighted to sponsor a progressive young migrant in the Youth Parliament program this year. His name is Bez Mohammadi, a 16-year-old Para Hills High School student. Bez came to Australia as an Afghanistan refugee. Since his arrival, Bez has been actively involved in various festivals and activities at his local community centre for the Afghan community and other multicultural communities. In addition to English, he speaks fluent Dari and Persian languages.

While completing his final years at school, he volunteered his time conducting weekly workshops at eLabtronics helping primary school students and young migrants learn to program microchips and electronics while learning literacy, numeracy and life skills in the process. This energetic young man seems to be able to squeeze more into his life than most people. He also plays sports and works as a referee at the Football Federation of Australia.

I met Bez at a fundraiser where he was helping to raise awareness of young student volunteers from a cultural and linguistic background and doing lots of work at the eLabtronics STEMSEL Foundation. I was impressed by his confidence and enthusiasm in helping young people to build life skills. Bez demonstrated great leadership for someone as young as 14 (that was the time when I first met him). When he turned 15, I encouraged him to apply for the Youth Parliament program and offered to sponsor him. I am very glad I did. He was an excellent candidate.

After the six-month program Bez had a glowing report about the tasks he was able to achieve during Youth Parliament. I was delighted that he found Youth Parliament to be a worthwhile and rewarding experience. He also informed me that his commitment to Youth Parliament allowed him to complete 10 units from his SACE course, which was an excellent outcome.

I see a bright future ahead for someone like Bez and many young members in our community who have participated in Youth Parliament. Honourable members may be interested to know that some of our current elected members in the other place were formerly successful youth parliamentarians, namely: John Gardner, the member for Morialta, who is the shadow minister for police, correctional services and justice, and Stephan Knoll, the member for Schubert. They are both very outstanding members. Other people who were former youth parliamentarians have followed their political interests into local government: Councillor Brad Vermeer, Deputy Mayor of the City of Salisbury—

The Hon. J.S.L. Dawkins: His Half Worship. Get it on the record.

The Hon. J.S. LEE: Very cute.

The Hon. T.J. Stephens: Half Worship.

The Hon. J.S. LEE: Half Worship, get it on the record. Of course, he is a very talented staffer for the Hon. John Dawkins. Councillor Talis Evans was recently elected as councillor for the Prospect council. Councillor Samantha Mitchell is a councillor at the Light Regional Council. They are wonderful young members, just to name a few.

Youth Parliament is an important program which allows the youth of South Australia to raise their voices and advocate for issues that are important to them, as well as the wider community. I wish to congratulate the YMCA on organising this program every year for nearly 20 years. They provide a fantastic experience for today's youth to develop their leadership skills. No doubt, their contributions will continue to influence and shape the future of our nation. Thank you to the Hon. Tammy Franks for moving this very important motion. We are very pleased to support it.

The Hon. K.L. VINCENT (20:24): I will speak briefly in support of this motion this evening as I am aware that, in the dying days of this parliament, which is about to be prorogued, we have a lot of business to get through.

The Hon. T.J. Stephens: Wise woman; thank you.

The Hon. K.L. VINCENT: I would like to put on the record that the Hon. Mr Stephens, very out of order, just interjected, 'Wise woman, wise woman.'

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Order! The Hon. Ms Vincent.

The Hon. K.L. VINCENT: I'm sorry, Mr President, that was my fault. I took the bait, and I admit that. I would like, as briefly as I am able, to congratulate wholeheartedly the participants and task force of this year's Youth Parliament on all their efforts and their achievements. As the youngest woman to have been appointed to an Australian parliament, the engagement of young people in the democratic process is a matter very close to my heart for obvious reasons.

Dignity for Disability, during this session, introduced legislation and next year will reintroduce legislation, following the prorogation, that would see many of the young people involved in the program able to vote, should they choose to do so, from the age of 16. Given some of the achievements that have been listed by other members speaking to this motion, I think that it just goes to show that the future is in good hands and that we can trust our young generations to do that, to cast their vote, and there are many young people out there waiting to do just that as the next step in their democratic journey.

As the program enters its 20th year in 2015, it is interesting to reflect on the contribution the program has made to this place as a source of ideas, connections with young people and, indeed, as the Hon. Ms Franks highlighted in her speech, it has also been a good source of staff for many of us. A number of members here and in the other place are previous Youth Parliament participants, as has been pointed out, or they have previous participants or task force members on their staff.

My own staff includes the former premier of Youth Parliament from the 2004 program, David Gustafsson, who then retired to undertake a career as a professional Ned Kelly impersonator and staff member to myself. For those who have missed that, that was a reference to the beard that makes him stand out a bit in this place. I am also aware that the Hon. Mr Wade has had in his office—

The Hon. T.J. Stephens: He has no beard.

The Hon. K.L. VINCENT: He has no beard. I don't know what to say to that. It's just a factual observation that he has no beard, not that we think any less of him for that. I don't have a beard! The Hon. Mr Wade's office has long been served very well by the services of another participant of the Youth Parliament of that same year, 2004, Mr Sandy Biar, who has recently left this place to go onto even more exciting things. I am sure that I speak for all of us when I say that I wish him well on what is ahead of him.

As I said earlier, I am conscious of the time and also conscious that I am getting a bit tired and making strange references to beards. I again congratulate all those who have worked hard on putting this year's program together and making it the success that it has been. I look forward to the next 20 years with great anticipation and look forward to continuing to support the program throughout that time.

The Hon. J.S.L. DAWKINS (20:28): Firstly, I congratulate the Hon. Tammy Franks on bringing this motion to the chamber and highlighting the importance of the development of young leaders in our community across all facets of South Australia and, obviously, the benefits that go with it within our community but also beyond our state borders as well. There is a particular paragraph in the Hon. Ms Franks' speech in moving the motion that I would like to quote and to make a couple of quick comments on. It states:

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.

That is just such a very important statement. In the work I do in suicide prevention and, more broadly, mental health areas, there is no doubt that the role of young people in breaking down the stigma of talking about these matters is so important. The Hon. Kelly Vincent is at least of an age where probably the stigma is not as great, but many of us have grown when our parents and grandparents and even our own generation have just had this roadblock in front of us about discussing these matters.

I am refreshed by the fact that many young people do not have that stigma. They do not understand why we will not talk about these matters. While some are influenced by older people to stay quiet, there is, I think, a growing move amongst the younger people today to bring these things out into the open. I think in that paragraph in particular, the Hon. Tammy Franks has highlighted that very well. It is an example of the way in which the Youth Parliament can help young people not only develop policies but also the way in which they wish to conduct their lives and the way in which they would like to influence people around them. Once again, I give great credit to the Hon. Tammy Franks for bringing this motion to the chamber.

The Hon. T.A. FRANKS (20:31): I thank all of the members who have made contributions: the Hon. Tung Ngo from the Labor Party, the Hon. Jing Lee and the Hon. John Dawkins from the Liberal Party, and the Hon. Kelly Vincent from Dignity for Disability. I think support for the Youth Parliament in this place is something that is wholeheartedly felt and expressed by all sides of politics from whatever political party or group in this parliament. We know that young people care about their future, but they also are here and now.

I am very pleased that not only have we had supportive words tonight but that attention has been paid to this year's Youth Parliament. Certainly, when I introduced this motion I wanted to highlight the work that the Youth Parliament does and to table their bills and acts document for this year to bring that to the attention of members here not only tonight but into the future. At that time, I noted that originally the idea to ban plastic bags had come from a Youth Parliament motion in this place. Of course, the former premier now claims it as one of his proudest achievements. I find it quite appropriate to note that it was a Youth Parliament debate well before it came into this place, but to have that as one of your proudest achievements I think shows that young people do have a lot to teach us and that we can learn.

I am very pleased that, with the presentation of the bills and acts that youth parliamentarians have made this year to the various relevant portfolio holders, the ministers, they have received a response from minister Tony Piccolo regarding the Universal Access Act, and a very detailed and thoughtful response, I am told, by youth parliamentarians. They have also had a response from minister Ian Hunter regarding the Solar Industry Development Act and the APY Lands Education Reform Act. They have had a letter of congratulations from Deputy Premier John Rau. Participants were really thrilled to have received a response from the ministers.

Youth parliamentarians from Woodville High, as the Hon. Tung Ngo noted, are short-listed for the Human Rights Medal by the Australian Human Rights Commission for their work on the Bring Back the Woodville Kids campaign, or the Two Too Many campaign, as it is known. As the Hon. Tung Ngo mentioned, he and I stood on the steps with that thousand people a few months ago. We will not forget those boys.

I commend the youth parliamentarians of 2014 for fighting for those boys. They started the campaign out of the youth parliament that took place in this building, and those young people have built a mighty campaign. They have not yet won—we still do not know the whereabouts of those boys. We know that the treatment of refugees and asylum seekers in this country leaves a lot to be desired, but I hope that that is one of the ideas that we will see a premier of the future in South Australia claim as their own and as their greatest achievement. With that, I commend the motion.

Motion carried.

MODI, HON. N.

Adjourned debate on motion of the Hon. J.S. Lee:

That this council:

1. Congratulates the Honourable Narendra Modi on his successful election in becoming the 15th Prime Minister of India;
2. Welcomes the Prime Minister of India on his first visit to Australia in November 2014; and
3. Congratulates and acknowledges the vibrant South Australian Indian community for their valuable contributions to the state.

(Continued from 19 November 2014.)

The Hon. T.A. FRANKS (20:36): I rise today on behalf of the Greens to speak in support of the Hon. Jing Lee's motion in congratulating the Prime Minister of India, the Hon. Narendra Modi on his successful election in becoming the 15th Prime Minister of India. The Greens in particular congratulate the Prime Minister for his track record of advancing renewable energy in his state of Gujarat. The Hon. Narendra Modi, when in his role as the Chief Minister of Gujarat, revealed via Twitter that the state's solar park had been switched on; he tweeted:

Gujarat dedicates 600 Mega Watt of solar power to the nation today. We are celebrating the launch of Agni V and dedication of 600 Mega Watt solar power park in Gujarat.

This achievement is not merely a step in the direction of power conservation, but it provides the world with a vision of how the power needs of future generations can be solved in an environment-friendly manner.

Since taking on the prime ministership, Modi has announced several initiatives for solar energy across the country that will be partly funded by doubling the tax on coal. The Prime Minister has a vision to bring green electricity to the entire country. The solar projects announced by the newly elected government include ambitious targets for small, large and off-grid solar and a switch away from reliance on coal. In its first budget the Indian government announced funding for a series of 'ultra mega' solar PV farms to be located in four Indian deserts: Rajasthan, Gujarat, Himachal Pradesh and Jammu and Kashmir.

The government also launched a scheme for 100,000 solar power driven agricultural pump sets and water pumping stations in off-grid areas. It has also announced plans to dramatically extend a plan to cover canals with a series of one megawatt solar farms, using available space to generate electricity and to reduce evaporation. The government there has also announced exemptions for a range of solar components and machinery to help reduce the cost of domestic manufacturing of solar PV cells and modules. The Modi government has a plan for 200,000 megawatts of solar energy to be generated by 2022.

The newly elected Prime Minister has launched a website mygov.in, where he welcomes the people of India to visit to encourage good governance and democracy. He has launched campaigns across the country for a clean India, a clean Ganga River. His government is seeking to bring about a radical change in the condition of the river through accumulating ideas and responses from the biggest stakeholders, the people of India through the 'Clean Ganga' initiative on MyGov. The site mygov.nic.in has the Clean India group, which has recommended that the government:

- ensures that cities have dust bins placed in the streets and intersections;
- ensures that people have enough paid toilets and washrooms;
- fines people who are caught littering and sends repeat offenders to work at a social centre to give them access to free services;
- rewards those who keep their surroundings clean, including in industrial houses;
- segregates dry and wet waste (most waste found in rural areas is biodegradable and this should be used to make compost); and
- uses celebrities and TV ads to educate people about cleanliness and encourage them to keep their surroundings clean.

Furthermore, the Ministry of Housing and Urban Poverty Alleviation has set up a scheme to reach out to the poorest of the poor. The aim of the proposed scheme is to expand the scope of the current National Urban Livelihoods Mission, offer concessional loans for micro enterprises, skills training and mobilisation of women, improve infrastructure of street vendors and provide shelters for homeless people.

He has also made girl child education a top priority for the Modi government, which is working to improve current literacy rates. The girl child education group on MyGov provides the platform for that necessary debate. The objective of this group is to prepare a policy framework and gather suggestions that can help increase education amongst female students and give them livelihood opportunities.

He also observed recently the International Day of Persons with Disabilities with a tweet where he saluted 'the indomitable spirit of all persons with disabilities', stating in his tweet 'they are our heroes'. I note that was favoured 592 times and retweeted 410 times at the time of this printing. He also went on to say:

Today is a day to pledge our commitment towards our unwavering support to persons with disabilities & ensuring equal opportunities for them...

with similar retweets and likes. The world around us is becoming more and more progressive. People are embracing renewable energy and social equity, and this is happening through the strong leadership and vision such as that of Narendra Modi. Leaders need to inspire and look to the future,

and the Prime Minister of India is just such an example of the incredible change that this sort of strong leadership can achieve. With those few words, I commend this motion and thank the Hon. Jing Lee for bringing it before the council.

The Hon. K.L. VINCENT (20:42): Dignity for Disability support this motion strongly and thank the Hon. Ms Lee for bringing the story of the Hon. Narendra Modi's election to the prime ministership of India to the attention of the chamber. Having listened to the Hon. Ms Lee's introduction to the motion and noting the media attention given to the process some six months ago, Dignity for Disability realised what a process elections and democratic processes are in such a populous country. It is pleasing to hear of the increased engagement that Indian voters have had in a voluntary voting system, a turnout resulting in 537 million votes cast, in quite a logistical achievement, never mind a democratic one.

Anyhow, it is pleasing to see the progressive vision that Prime Minister Modi has shown with his leadership to date, particularly in areas of renewable energy, environmental schemes and social justice measures, as the Hon. Ms Franks has just elucidated, so I will not go any further into listing those. What I do hope to see, after reading so many horrific stories regarding violence against women in recent months, is some leadership from the prime minister that rallies against violence against women and promotes safe communities for women and girls.

If I may reflect just a little more on the enormous voter turnout in such a populous country, quite simply, if a country like India can do it, we can do it, too, and it is time for us to make sure that we are properly engaging with the community, engaging people in the democratic process and making them feel genuinely a part of the decisions that are made on their behalf. In fact, we should not be making decisions on their behalf but decisions with them rather than for them. I hope that not only will we see some very positive changes in India as a result of this outcome but also perhaps some inspiration that we here in this chamber could learn a thing or two from as well. With those brief words, I commend the motion to the chamber.

The Hon. J.S. LEE (20:45): I express my sincere thanks to the Hon. Tammy Franks, the Hon. Kelly Vincent and the Hon. Tung Ngo for their valuable contributions in supporting this motion. I will make some concluding remarks. India and Australia have shared military histories, we are connected by the great Indian Ocean, we share enormous heritage, strong economic ties, and a love of sports, especially cricket. This motion will further strengthen and highlight the valuable ties between the two countries, particularly to highlight the contribution for the South Australian Indian community. I commend the motion.

Motion carried.

MULTICULTURALISM

Adjourned debate on motion of the Hon. J.K. Mayer:

That this council—

1. Is committed to promoting a diverse and welcoming South Australia;
2. Recognises and values the contribution that people from a wide variety of backgrounds, cultures and beliefs have played and continue to play in shaping South Australia—from the thousands of years of history and culture of the traditional owners of this land to the very newest residents to call our state home; and
3. Notes the important role of elected representatives in promoting a welcoming, diverse and harmonious community.

(Continued from 15 October 2014.)

The Hon. J.S. LEE (20:46): I rise today to speak on a motion moved by the Hon. Kyam Maher and to express my continuous commitment to support and promote a welcoming, diverse and harmonious multicultural South Australia. When we look at the 69 elected members in the South Australian parliament, there is a healthy mix of members from diverse backgrounds, both professionally and also culturally. The Hon. Tung Ngo was the first Australian Vietnamese member elected, and I was the first Australian Malaysian Chinese member elected to this parliament. We are also very proud to have His Excellency Hieu Van Le AO, as the first Asian migrant to rise to the position in South Australia's history as the Governor of South Australia.

We represent people from many communities across our beautiful state. We represent South Australians who came from about 200 countries, but one in four South Australians were born overseas. South Australia has a proud and rich multicultural history, the rich layers added by our multicultural community contributing enormously to all facets of our society. Regardless of where migrants came from, we actively engage at every level of society. Our presence and contributions enable South Australians to enjoy a vibrant and colourful way of life.

I am very honoured to work closely with so many multicultural community leaders and take part in a celebration of many festivals throughout the year as the shadow parliamentary secretary for multicultural affairs. The multicultural calendar for South Australia is packed with activities which include: Italian Festival Carnevale, Schutzenfest, OzAsia Festival, Chinese Lunar New Year, Vietnamese Tet Festival, Croatian Fešta, Polish Dozynki Harvest Festival, INDOFest, Eid Festival, Greek Glendi Festival, African Festival, Indian Diwali Mela, Dutch Festival, Japanese Festival, Korean Festival, Sabantuy—and all those wonderful lists could go on and on.

These events highlight the strength and welcoming nature of South Australia's multicultural sector. I acknowledge the individuals and organisations for preserving their culture through arts, performance, food and their unique customs, and actively engage not just their own community but also the wider community in all their endeavours.

I take this opportunity to pay tribute to presidents, committee members and volunteers of about 1,200 registered multicultural organisations in South Australia for their work in serving the community. Their consistent contributions through leadership and commitment must be highly commended. They have done a marvellous job over the years in building an active and supportive community, and I wish to thank the leaders for their ongoing commitment and willingness to always help others in their role as community leaders.

I want to touch on the White Australia policy. As a migrant to this country, I remember very clearly that when I arrived in Adelaide in 1979 with my family I was put into a language school. During that time, I went to the language school with Vietnamese and Cambodian refugees. Within a few months, as my English got better, I was sent to a mainstream school. The school where I ended up studying was very Anglo-Saxon, to say the least. I was the only Asian kid in that particular high school, and for three months I was not actually able to speak, because I was bullied every day. People called me names. Racism was fairly high during those early days of my time in Australia.

I do want to touch on the White Australia policy. The term 'White Australia policy' comprises various historical policies that intentionally favoured immigration to Australia from certain European countries, especially from Britain, and came to fruition with Federation in 1901. The growth of the sugar industry in Queensland in the 1870s led to searching for labourers prepared to work in a tropical environment, and in the 1870s and 1880s the trade union movement began a series of protests against foreign labour. Their arguments were that Asians and Chinese took jobs from the white men, worked for substandard wages, lowered working conditions and refused unionisation.

The Labor Barton government, which won the first elections following Federation in 1901, was formed by the protectionist party, with the support of the Australian Labor Party. The support of the Labor Party was contingent upon restricting non-white immigration, reflecting the attitudes of the Australian Workers Union and other labour organisations at the time upon whose support the Labor Party was founded.

The Barton government therefore conceived the language dictation test, which would allow the government, at the discretion of the minister, to block unwanted migrants by forcing them to sit a test in any European language. Race had already been established as a premise for exclusion amongst the colonial parliaments. The new federal parliament, as one of its first pieces of legislation, passed the Immigration Restriction Act 1901 to place certain restrictions on immigration and for the removal of prohibited immigrants.

The attorney-general tasked with drafting the legislation was Alfred Deakin. Deakin supported Barton's position over that of the Labor Party in drafting the bill and redacted the more vicious racism proposed for the text in the second reading of the bill. In seeking to justify the policy, Deakin said he believed that the Japanese and Chinese might be a threat to the newly formed Federation, and it was this belief that led to legislation to ensure they would be kept out. He said:

It is not the bad qualities, but the good qualities of these alien races that make them so dangerous to us. It is their inexhaustible energy, their power of applying themselves to new tasks, their endurance and low standard of living that make them such competitors.

Early drafts of the act explicitly banned non-Europeans from migrating to Australia, but objections from the British government, which feared that such a measure would offend British subjects in India and Britain's allies in Japan, caused the Barton government to remove this wording.

Instead a dictation test was introduced as a device for excluding unwanted immigrants. Immigration officials were given the power to exclude any person who failed to pass a 50-word dictation test. At first this was to be in any European language, but it was later changed to include any language. The tests were written in such a way to make them nearly impossible to pass.

The legislation found strong support in the new Australian parliament, with arguments ranging from economic protection to outright racism. The Labor Party wanted to protect white jobs and pushed for more explicit restrictions. A few politicians spoke of the need to avoid hysterical treatment of the question. Member of parliament Bruce Smith said he had:

...no desire to see low-class Indians, Chinamen, or Japanese... swarming into this country...But there is obligation not (to) unnecessarily offend the educated classes of those nations.

Between the Great Depression starting in 1929 and the end of World War II in 1945, global conditions kept immigration to very low levels. At the start of the war, prime minister John Curtin reinforced the message of the White Australia Policy by saying:

This country shall remain forever the home of the descendants of those people who came here in peace in order to establish in the South Seas an outpost of the British race.

Dutch migrants arrived in 1954. Australia embarked upon a massive immigration program following World War II and gradually dismantled the preferential treatment afforded to British migrants. Following the trauma of World War II, Australia's vulnerability during the Pacific War and its small population led to policies summarised by the slogan 'Populate or perish'.

During the war many non-white refugees, including Malays, Indonesians and Filipinos, arrived in Australia, but Labor immigration minister, Arthur Calwell, controversially sought to have them all deported. In 1948 Iranian Baha'is seeking to immigrate to Australia were classified as Asiatic by the policy and were denied entry. In 1949 Calwell's successor, the Liberal MP Harold Holt, allowed the remaining 800 non-white refugees to apply for residency and also allowed Japanese war brides to settle in Australia.

In the meantime, encouraging immigration from Europe, Australia admitted large numbers of immigrants mostly from Italy, Greece and Yugoslavia, as well as its traditional source of the British Isles. Ambitious post-war development projects, like the Snowy Mountain Scheme (1949-1972), required a large labour force that could only be sourced by diversifying Australia's migrant intake.

I want to place on the record that it was Sir Robert Menzies, the Liberal Menzies government, that abolished the dictation test in 1958. Australian policy began to shift towards significantly increasing immigration. Legislative changes over the next few decades continuously opened up immigration in Australia. It was the Menzies government that paved the way for today's very diverse and multicultural welcome into Australia for migrants.

I just want to place this on the record about the Menzies government (1949-1966). In 1949 immigration minister Harold Holt permitted 800 non-European refugees to stay and Japanese war brides to be admitted. In 1950 the external affairs minister, Percy Spender, instigated the Colombo Plan, under which students from Asian countries were admitted to study at Australian universities. In 1957 non-Europeans with 15 years' residence in Australia were allowed to become citizens.

In 1958 the Revised Migration Act abolished the dictation test and introduced a simpler system for entry. The immigration minister, Sir Alexander Downer, announced that distinguished and highly qualified Asians might immigrate. In 1959 Australians were permitted to sponsor Asian spouses for citizenship. In 1964 conditions of entry for people of non-European stock were relaxed. In 1963 a paper 'Immigration: control or colour bar?' was published by a group of students and academics at Melbourne University. It proposed to eliminate the White Australia Policy and was

influential towards the end. So, it was the Holt government's Migration Act 1966 that effectively dismantled the White Australia Policy.

In 1966, when the Holt Liberal government introduced the Migration Act it was a watershed moment in immigration reform and effectively dismantled the White Australia Policy and increased access to non-Australian migrants, including refugees fleeing the Vietnam War. After the review of the European policy in March 1966, immigration minister Hubert Opperman announced applications for migration would be accepted from well-qualified people on the basis of their suitability as settlers, their ability to integrate regularly and the possession of qualifications positively used for Australia.

Also, at the same time it was Harold Holt's Liberal government that decided a number of temporary resident non-Europeans who were not required to leave Australia could become permanent residents and citizens after five years. It was not until the Fraser Liberal government's review of the immigration law in 1978 that all selection of prospective migrants based on country of origin was entirely removed from official policy.

I want to put this on the record because I think the Liberal Party has really set the contemporary framework for the immigration program, that encourages this very multicultural society we have now. In the speech given by the Hon. Kyam Maher, he made mention of Prime Minister Tony Abbott, and I want to place some of this on record. The Prime Minister of Australia addressed the National Press Club at the 50th Anniversary Dinner on 10 September this year. Mr Abbott said:

For my part, I will admit to two significant policy areas where I am now different. I've shifted from being a critic to a supporter of multiculturalism, because it eventually dawned on me that migrants were coming to Australia not to change us but to join us...My vision for Australia is a country where every person is better able to realise his or her own vision...My vision is not bigger governments but stronger people...Our challenge is to empower each person to discover what that is and to make it happen...A better life in a better country in a better world is the star that guides us all.

Tony Abbott made another speech during the holy month of Ramadan and addressed Sydney's Muslim community on 5 August. He praised multiculturalism as a 'heroic dimension to our national history'. He praised multiculturalism, saying that it is a beacon of hope to a troubled and divided world. He spoke about people from all around the four corners of this earth who have come to this country of ours to be welcomed by us to build a better life in freedom for themselves and their children.

Tony Abbott made another speech in Canberra to the Inaugural Australian Multicultural Council Lecture on 19 September 2012. He said:

...I used to worry that multiculturalism could leave us a nation of tribes. But I was wrong and I've changed my mind. The scales fell from my eyes when I discovered—while running Australians for Constitutional Monarchy...that the strongest supporters of the Crown in our constitution included Indigenous people and newcomers who had embraced it as part of embracing Australia...the Crown was not a historical relic but a continuously evolving symbol of our unity above party politics...

The policy of multiculturalism, which all sides of politics support, expresses our willingness as a nation to let migrants assimilate in their own way and at their own pace, because of our confidence in the gravitational pull of the Australian way of life. It is...a fancy word for the generosity of spirit with which Australians have invariably welcomed newcomers to these shores...

Newcomers to this country are not expected to surrender their heritage...Australians expect newcomers and community leaders to respect our laws, our democracy and basic values such as freedom of speech and religion, and equality of the sexes...I am never more proud of our country when the migrants choose Australia. After all, they have chosen this country in a way that the native-born never quite have. They are the ultimate vindication of Australia as a land of hope, reward and opportunity...

I am also a proud ambassador of Welcome to Australia. I participated in the inaugural Welcome to Australia walk two years ago, and I then participated with the Leader of the Opposition Steven Marshall and joined him for the walk. I do want to congratulate the Hon. Kyam Maher for bringing this motion to the chamber, because it is important that we continue to recognise, embrace and welcome. The motion is that this council:

1. Is committed to promoting a diverse and welcoming South Australia;
2. Recognises and values the contribution that people from a wide variety of backgrounds, cultures and beliefs have played and continue to play in shaping South Australia—from the thousands of

years of history and culture of the traditional owners of this land to the very newest residents to call our state home; and

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

With those few words, I commend the motion to the chamber.

The Hon. J.A. DARLEY (21:06): In my 77 years on this earth I have seen many changes in Australia and South Australia especially. My mother worked as a volunteer with the Dutch and Baltic immigrants after the end of World War II, and I recall how, whilst they may have been a little different, dressed a little differently and ate food that we were unaccustomed to, they were made to feel welcome by the community, as many knew of the atrocities that they were trying to leave behind them. Over time, these new arrivals learned to adapt to their new home and managed to integrate into the community whilst still retaining their own sense of identity.

In the 60s and 70s, the Vietnam War saw an influx of Vietnamese immigrants and refugees. Again, there were the differences in dress, food, customs and appearance; however, again they were largely accepted by the community and, like those who came before them 20 years earlier, they eventually managed to integrate themselves into the community while still retaining their own culture and identity.

The late 80s saw a large number of Chinese students granted permanent residency in Australia following the Tiananmen Square massacre. The late 90s saw a large number of immigrants from the Balkans who were escaping from the Yugoslav wars. Immigrants from Albania, Bosnia, Croatia and Serbia moved to Australia seeking a better life.

In the mid 2000s, the focus had been on refugees from Africa, particularly Sudan and Darfur. More recently, immigrants from countries like Afghanistan, Iraq and Iran have sought to call Australia home. In each of these examples, I have witnessed initial uneasiness in the general community with regard to these foreigners. It is generally human nature to fear the unknown, but eventually as people settle in to their new lives, share their customs and teach others about their culture, there is acceptance followed by the community embracing the diversity.

It is sad that there are some in the community who find it difficult to understand that people from other backgrounds may be a little different. It is sadder still when this misunderstanding or ignorance translates into racism and hatred. I often wonder how many of these people who voice their negative opinions sit down for dinner over Chinese food or enjoy having a margarita with their Mexican friends. Whilst it is a pity that a need for such a motion was identified, I believe that most would think that it is stating the obvious. I acknowledge that it comes from a good place and I support this motion.

The Hon. M.C. PARNELL (21:09): I, too, wholeheartedly support this motion and congratulate the Hon. Kyam Maher for putting it on the agenda. I just have some brief comments to make, but before I do I want to reflect very briefly on the contribution of the Hon. Jing Lee, particularly her reference to some of the history of Australia's attitude to people who have come here from other countries, and the White Australia policy in particular.

I think it is probably fair to say that in the 21st century many of us see this part of Australian history as a period of some shame. Whilst it is always dangerous to judge people of the past through the lens of the present, I think that is a common emotion. However, I welcome her putting that material on the record, because we forget our history at our peril. If you forget your history you are destined to repeat it, and my fear is that some of the attitudes that still persist within Australian society show that we still have a lot of work to do. That goes to the heart of the motion, because the motion notes the important role of elected representatives in promoting a welcoming, diverse and harmonious community. I just wanted to make that observation and thank the Hon. Jing Lee for her contribution.

In my brief remarks I want to particularly acknowledge the work of Welcome to Australia, which has been mentioned before, and it was good to see Brad Chilcott this morning in parliament. He is generally regarded as the founder of Welcome to Australia, and he was here this morning at the invitation of members of parliament for the Islamic information session, and I would like to

acknowledge the role that the Hon. John Darley played in bringing that session to us today and making it happen. That is part of the project, the project of members of parliament having a better understanding of the diversity that is the modern Australian community.

Welcome to Australia is a wonderful organisation. Like the Hon. Jing Lee, I have been to the marches and attended a number of events, but I would like to put on the record a couple of paragraphs that describe the work of Welcome to Australia in its own words, because it is an important organisation. From the Welcome to Australia website, under the 'About Us' tab, it says:

Welcome to Australia exists to engage everyday Australians in the task of cultivating a culture of welcome in our nation. The Australia we love is known for its diversity, compassion, generosity and commitment to giving all people a fair go. We'd like to find many different ways that individuals, families, businesses and other organisations can work together to continue to develop these values in our communities, workplaces, schools and institutions.

We also believe that there are thousands of Australians who don't care too much for politics and don't know a great deal about immigration policy—but who do know they care about people. We believe that cultural diversity should be celebrated for the beauty and depth it adds to our society and that no matter who you are, where you're from or how you arrived—you're a person who deserves to be treated with dignity and respect. We hope to coordinate a range of ways in which people can express these concepts in practical, meaningful and positive ways.

That is Welcome to Australia. I think the most recent event was probably the march, but the event before that that I attended was a lecture at the University of South Australia entitled 'An Australian Asylum Seeker Policy Forum'. Speaking at that forum was Brad Chilcott, but also speaking was a most impressive young woman I had not met before but whom I have since had the chance to know better. Marziya Mohammadi is an Afghan woman of tender years—early 20s I would say—and her story, from the way she portrayed it, in some way parallels the story the Hon. Jing Lee relayed to us.

Jing said that she was the only Asian kid in the school or in the class, and in many ways Marziya was in the same boat, in a high school in South Australia's Riverland. There were not a lot of Afghan asylum seekers in that area; I think she was the only one in class. She did tell us a no-holds barred version of discrimination, prejudice and bullying which was distressing to hear, but fortunately she has grown through that and become a confident young woman who I think will make a great contribution to South Australia.

The subtitle of the talk that Brad and Marziya gave that day at the University of South Australia was, 'Where will change come from and what could it look like?' Whilst I did not take extensive notes, one thing that did stick in my mind is that there are very few people who are putting all their faith in politicians to achieve the sort of Australia that we want, but that does not let us off the hook; in fact, in many ways, it should actually be an incentive for us to do better.

The message I think was that change needs to be across society. It is not going to be just members of parliament, but it needs to include members of parliament, and that is why I am very pleased that a number of members of parliament have become ambassadors to the Welcome to Australia cause. The Hon. Jing Lee and the Hon. Kyam Maher I think are both ambassadors, as is the Premier, and they join luminaries from all walks of life, from Missy Higgins through to the Wiggles. I know Kyam is a big fan of the Wiggles.

Welcome to Australia I think provides a model for us as a community to make it as clear as we can to people who have come here from across the seas that this is a welcoming country. We know we have some problems with our multicultural society. Many of those problems relate to the attitudes of those who have been here for longer but, at the end of the day, I think all of us are looking for an Australia that is welcoming and that is receptive and respectful of cultures. That is why I am very pleased that the Hon. Kyam Maher has seen fit to put this on the agenda of the Legislative Council, and I am pleased to support the motion.

The Hon. K.L. VINCENT (21:16): On behalf of Dignity for Disability, I am pleased to take the floor to support this motion calling for a diverse and welcoming South Australia. Statistics from the 2011 Census show that about 350,000 South Australians were born overseas and approximately 220,000 speak a language other than English at home. South Australians come from about 200 countries, speak more than 200 languages, including Aboriginal languages, and believe in about 100 different religions, but culture is about more than country of origin, language spoken or the colour of our skin. I would like to touch on that a little later.

Unfortunately, racism, I believe, is still alive and well in this community, although there are many people working personally and professionally, through their work, to combat this. Aboriginal South Australians are an example of one particular people who are to this day severely disadvantaged.

The Steering Committee for the Review of Government Service Provision has recently released the report titled *Overcoming Indigenous Disadvantage: Key Indicators 2014*. The *Overcoming Indigenous Disadvantage (OID)* report measures the wellbeing of Aboriginal and Torres Strait Islander people, providing information about outcomes across a range of strategic areas and examining whether policies and programs are achieving positive outcomes for Indigenous Australians.

The report shows that nationally, because they do not have funding to give state-by-state breakdowns, for Aboriginal and Torres Strait Islander Australians economic outcomes have improved over the longer term, with higher incomes, lower reliance on income support, increased home ownership and higher rates of full-time and professional employment. However, improvements have slowed in recent years.

There remain several health outcomes that have improved, including increased life expectancy and child mortality; however, rates of disability and chronic illness and disease remain high. Mental health outcomes have not improved and hospitalisation rates for self-harm have in fact increased. Post-secondary education outcomes have improved, but there has been virtually no change in literacy and numeracy results in schools, which are particularly poor in remote areas.

Justice outcomes continue to decline, with adult imprisonment rates worsening and no change in the high rates of juvenile detention and family and community violence. If any member wants to look more at the document I am quoting from, those stats come from the Productivity Commission and the report is called, '*Overcoming Indigenous Disadvantage: Key Indicators 2014*.'

As I said, I want to touch on a culture that extends beyond the colour of our skin, beyond our gender, beyond our country of birth and beyond the country that we are currently living in. One such example of this culture is my culture: disability culture, cripple culture. I am a proud 'crip'. I am a proud disabled woman. However, society has a long way to go in catching up with this pride.

I would like to, not so much quote as paraphrase, because I am not going to get the wording exactly right, a sentence that I recently read in a letter which well-known disability rights activist, comedian and journalist, Stella Young, wrote and published, a letter addressed to her 80 year old self. This is her imagining her looking back at the life she will have led as a proud disabled woman by the time she reaches the age of 80: 'It was around the age of 17 that I realised that I was not wrong for the world, that the world was wrong for me, the world was not yet set up for me,' and this remains the case for many deaf and disabled people living with disabilities in Australia.

If we want to be truly embracing of culture and welcoming of diversity in this state and this country, then it would be nice, to say the least, to be able to get through the door. It would be nice to be able to attend a function at the Adelaide Oval, for instance, as I did last week, without having to ask for directions and realise that the person giving them to you did not know how to direct someone without them using the stairs.

We have to wonder how welcoming the Adelaide Oval, as a brand new multimillion dollar development, truly is to people with disabilities. We have to wonder, even though the Stadium Management Authority claims it is adhering to necessary procedures and standards, if this is perhaps indicative of something beyond what standards can dictate, and that is our societal philosophical approach to people with disabilities.

If we are truly going to be embracing of diversity in culture then it is necessary for people with a disability to be able to visit small shops here and there on a whim and not be limited in where we can go and, hence, where we can spend our money. It is necessary for businesses to recognise the strong economic case that exists for embracing accessibility to people with disabilities.

I want to specifically acknowledge and recognise South Australians with a disability and deafness who play their part in shaping our state and whose influence has gone beyond state and national boundaries as they excel in their chosen field. In doing so, it is necessary to acknowledge

the barriers that exist, especially for exemptions to the Disability Discrimination Act, which still allow airlines to refuse travel to wheelchair users. This is just one example. I see these examples every day, both in policy and in real life.

To this day, at the age of 26 years old, having used a wheelchair for 15 years of my life, I still find myself occasionally subconsciously apologising when I see people walking down the mall towards me and stepping out of my way, pulling their children out of my way, as if I present some danger to their children or as if I am going to veer my wheelchair and present some major barrier to their right to their space. I still find myself apologising for that, because that is how prevalent this is.

So, as I say, culture goes beyond the colour of our skin. It goes beyond the country that we live in. It has to speak to the body and the mind that we live in as well. While I support the measures specifically outlined in this motion as a very passionate advocate for multiculturalism and yet another ambassador in this chamber for the wonderful organisation Welcome to Australia, we do need to go beyond this very 'undiverse' definition of diversity.

Being welcoming and being embracing means our hospitality sector, our government offices and our public spaces being accessible to all, in both the physical infrastructure and the attitude of the people who inhabit those places. As the examples I have given this evening illustrate (and I assure you they are only a few), we have a long way to go in achieving this goal. Nevertheless, Dignity for Disability supports the motion and looks forward to working with all members to ensure a truly diverse and welcoming South Australia for people.

The Hon. S.G. WADE (21:26): Today I rise to support the motion introduced to the council by the Hon. Kyam Maher and to thank the honourable member for doing so. As South Australians, we are lucky to live in a culturally diverse, rich and accepting community. From Aboriginal inhabitants, to English and German migrants, to Afghan cameleers to Italians, Greeks, Vietnamese and Africans, our province and our state has been shaped and enriched immeasurably by people bound for South Australia, people who brought with them a vast array of skills, traditions, experiences and cultures.

Generation to generation, the vitality and prosperity of our nation owes much to welcoming people to come to Australia. It has been in the past and it will be in the future. In modern Australia, we are enriched in a number of ways by offering a welcome. Obviously, we welcome tourists. In the 12 months to June 2014, there were 386,000 international visitors who came to South Australia, adding \$731 million to our state's economy. We welcome students: there were 8,173 new international students enrolling in higher education and VET courses in 2014, taking the total number to 19,530.

We welcome migrants, whether they want to conduct business or make our great state a place to call home. In 2014-15 we will see the Australian migration program take in 190,000 people, with an additional 13,750 places available for refugees. I am pleased to note that the federal government has today announced that it will increase the refugee and humanitarian intake in the next budget by a total of 7,500 places over the forward estimates. There will be an additional 2,500 places in year 3, followed by 5,000 extra places in year 4, bringing the annual intake to 18,750 places.

In that context of a nation which owes so much to a generous and warm welcome, Welcome to Australia is a community movement which expresses that welcome in very tangible terms. It embraces our shared future; it embraces our prosperity. I am privileged to be a Welcome to Australia ambassador, together in this place with the Hon. Jing Lee, the Hon. Tammy Franks, the Hon. Kelly Vincent and the Hon. Kyam Maher.

A key project of the movement is the Walk Together marches, and it was my privilege to represent my leader and the Liberal Party in the Walk Together event on 25 October here in Adelaide. The Hon. Tammy Franks and I were marching together and I thank her for educating me. She was referring to 'Wally', and I asked her, 'Who's Wally?' Apparently, he was Wouter Andrew 'Wally' De Backer, better known as Gotye, the multi-instrumentalist and singer-songwriter.

Gotye's 2011 single *Somebody that I used to know* reached No. 1 on the Billboard Hot 100 making him the fifth Australian-based artist to do so. On 10 February 2013, he won three Grammy awards. Well might I ask, 'Who's Wally?' It was appropriate that Gotye should march. He himself is

a first-generation migrant, having migrated from Bruges in Belgium. He, like thousands of other Australians, is enriching both Australian and world culture.

The Adelaide event was to be one of 18 Walk Together events being hosted across Australia. It was part of, if you like, the trilogy of events: the National Day of Unity, Walk Together events and the National Mosque Open Day. The theme for this year's Walk Together was 'Common People, Common Dreams'. The Welcome to Australia website outlines some of the values of the organisation in the following terms:

We believe that cultural diversity should be celebrated for the beauty and depth it adds to our society and that no matter who you are, where you're from or how you arrived—you're a person who deserves to be treated with dignity and respect. We hope to coordinate a range of ways in which people can express these concepts in practical, meaningful and positive ways.

To pick up those last three words—practical, meaningful and positive—I thought it was unfortunate that the Hon. Kyam Maher, when speaking on the motion, could not resist the temptation to politically attack Prime Minister Tony Abbott and accuse him of giving licence and encouragement to intolerance. In response, I would quote the Prime Minister. He issued a statement clearly associating himself with Welcome to Australia and the National Day of Unity, in which he said:

I am pleased to provide this message for the 2014 National Day of Unity. The National Day of Unity is an opportunity to acknowledge the significant contributions of all who have made Australia home.

This day combines the annual Walk Together event and the inaugural National Mosque Open Day. My hope is that it will bring Australians together to learn more about different faiths and traditions, and to focus on our shared values.

Australia is a tolerant and pluralist democracy. Initiatives like the National Day of Unity encourage people to consider how we can build an even more inclusive and cohesive Australia.

Faith is an important element in our society. For many, it provides meaning, purpose and inspiration to their daily lives.

Our democracy rests on an understanding that every individual counts; and our social solidarity rests on the understanding that we should treat others as we would have them treat us.

As a nation, we have found unity in our diversity and respect in our differences. Together we have built a modern nation on the idea that anyone can get ahead provided they are prepared to 'have a go'.

I congratulate Jewish, Christian and Muslim leaders for making the 2014 National Day of Unity possible, and I send my best wishes to everyone taking part.

The Hon. Tony Abbott MP

Prime Minister of Australia

24 October 2014

I stand today, as has the Hon. Jing Lee, to say that the Liberal Party, from the Prime Minister down to humble members of the Legislative Council in South Australia, affirm our commitment to playing our part in a united, cohesive Australia.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (21:33): I was listening to the contributions, and I do congratulate the Hon. Jing Lee for her excellent contribution to this motion, and the other members of the chamber who have made a contribution. I was just reading the motion to myself and I will reread it:

That this council—

1. Is committed to promoting a diverse and welcoming South Australia;
2. Recognises and values the contribution that people from a wide variety of backgrounds, cultures and beliefs have played and continue to play in shaping South Australia—from the thousands of years of history and culture of the traditional owners of this land to the very newest residents to call our state home; and
3. Notes the important role of elected representatives in promoting a welcoming, diverse and harmonious community.

Reading that, I was reminded of something that happened at the last election. I guess I was made aware of it some 12 months before the election when I was at a Property Council dinner to farewell

the Property Council governing council chair. I had been fortunate enough to be the shadow minister that dealt with that industry for some period of time. The member for Elder at the time, the Hon. Patrick Conlon, the former minister, had been, if you like, the minister responsible. He and I had either the good fortune or misfortune to be sat next to each other and we started talking about the future, particularly the future of Elder and the Liberal candidate who had been preselected at the time, Ms Carolyn Habib.

What alarmed me that night was that the Hon. Patrick Conlon talked in very broad terms about how Carolyn Habib was a Muslim. I said, 'But Patrick, she's not, she's an Anglican.' He said, 'Mate, by the time we finish with her she'll be a Muslim.' That really upset me. We took some steps to make sure that the community knew that Carolyn was absolutely an Anglican, that she was not a Muslim, she was an important part of the community, she went to Anzac Day services, she laid wreaths.

We certainly embraced her as she was. Her mother is Canadian and her father is Lebanese and she is nothing but a perfectly rounded, home-grown product of the Northern Territory and has lived in South Australia since she was 17. But we saw what the Labor Party did. The Hon. Kyam Maher and his factional colleague, his former colleague, the Hon. Patrick Conlon, and all of his cronies attacked Carolyn Habib in that flyer that went out that said, 'you can't trust Habib'. It was printed in what was described to me by a journalist as an international terrorists' font. That just highlights the hypocrisy of this motion.

The Hon. Jay Weatherill—I am sure this motion has been through the Labor caucus—is very happy, especially if you look at point 3: 'Notes the important role of elected representatives in promoting a welcoming, diverse and harmonious community.' The Hon. Jay Weatherill said that this was not a racist attack at all.

The Hon. R.I. Lucas: So did Koutsantonis.

The Hon. D.W. RIDGWAY: So did Tom Koutsantonis. I am reminded by my colleague, the Hon. Rob Lucas, that the Hon. Tom Koutsantonis said that it was not a racist attack. We have both factions of the Labor Party saying that it was not a racist attack, yet nearly every journalist in the nation—and it made the national news and it was broadcast all over Australia—said that this was an outrageous racial attack on a very high-quality young woman who wanted to come into this parliament to represent a portion of the community.

The Hon. S.G. Wade: And a federal Labor politician, I think, criticised it.

The Hon. D.W. RIDGWAY: Absolutely. I think federal Labor politician Ed Husic also condemned it. Often in this chamber—

The Hon. S.G. Wade: He knows a racist attack when he sees one.

The Hon. D.W. RIDGWAY: Absolutely. As my colleague the Hon. Stephen Wade interjects, he knows a racist attack when he sees one. I am reminded that the Hon. Carmel Zollo and the Hon. Gail Gago would often talk about encouraging more women to enter parliament and that the Liberal Party had a poor representation of women in parliament.

I am disgusted that when we had what was universally accepted as a quality candidate who ran for parliament, at the 11th hour the Labor Party—and Kyam Maher is part of that Labor Party and probably shortly to be a minister. We are aware of rumours that the Hon. Gail Gago will be stepping down from the front bench, probably between now and Christmas, and retiring from parliament sometime early next year. It will probably be around that five or six-week gap in April. The Hon. Kyam Maher is likely to be elevated to a minister of the Crown.

The Hon. R.I. Lucas: I hope not.

The Hon. D.W. RIDGWAY: Some say, 'I hope not,' but I suspect that that is the factional reward for him. Yet this is a party—

The Hon. K.J. Maher interjecting:

The Hon. D.W. RIDGWAY: We are talking about the racial attack. We are talking about a motion that you have put to this parliament talking about how we should be committed to promoting

a diverse and welcoming South Australia, how important it is to be open, making sure that we recognise and value the contribution of people from a wide variety of backgrounds, and the important role of elected representatives in promoting a welcoming, diverse and harmonious community.

Yet you are part of a party that was prepared to stoop to the lowest levels I have seen in the 13 years I have been in parliament, attacking a quality young candidate who would have added extreme value to the parliament. I know that she was not from the same political party as you; nonetheless, she would have added a lot of value and brought a different perspective to the parliament. You and your party stooped to one of the lowest levels I have ever seen.

Naturally, I will not be voting against the motion—I support the motion—but I think it is important to remind the chamber that this is a hypocritical act of the highest order, with the Hon. Kyam Maher saying, 'Let's be welcoming, let's be open, let's recognise our multicultural diversity,' yet when it suits the Labor Party they sink the boots into anybody they possibly can.

The Hon. T.T. NGO (21:40): I also rise to add my voice to those who have expressed a commitment to promote a diverse and welcoming South Australia. I thank the Hon. Kyam Maher for bringing this motion to the council. I know personally that he does great work in the community, especially in the country, in promoting diversity. I want to avoid making this a political statement, so I will not respond to what the Hon. Mr Ridgway has just said. I thank—

The Hon. R.I. Lucas: You wouldn't agree with it, would you?

The Hon. T.T. NGO: No, I have a different point of view.

The Hon. R.I. Lucas: Just give us an idea.

The PRESIDENT: Honourable members are reminded not to interject.

The Hon. T.T. NGO: I thank the Hon. Mr Darley, the Hon. Mr Parnell, the Hon. Ms Vincent and the Hon. Mr Wade for their contribution in promoting diversity. It means a lot to me to hear of their genuine support in relation to this matter. I add my voice to those who recognise and value the contribution that people from a wide variety of backgrounds, cultures and beliefs have made and continue to make in shaping South Australia—from the thousands of years of history and culture of the traditional owners of this land to the very newest residents to call our state home and those who articulate the important role of elected representatives in promoting a welcoming, diverse and harmonious community.

It is obvious that those of us who are not among the first Australians are immigrants or the descendants of immigrants. Our identity as Australians is made up of and has been shaped by 170 different cultures. South Australia's own story is a story of migration. We are and will remain a culturally diverse society. At a time when we have just welcomed leaders from all over the world to the G20 Conference, we can be proud of our country, a country that has been well and truly on show to the world. Prime Minister Abbott, at a breakfast meeting with David Cameron in Sydney a few Fridays ago, extolled the beauty and praised the stability and prosperity of our country. It was good to hear the Prime Minister talking up our country, our economy and our future.

I am a beneficiary of this country's diversity and its welcoming nature. Most of the people present today know my story. As a young boy, and following the war in Vietnam, I came by boat to a refugee camp in the Philippines. On the way our boat was attacked by pirates and our engine was stolen. We drifted and we prayed. Eventually, we were picked up by a boat and taken to a camp. From there, after a year and a half, we came to this very lucky country. I spoke no English but I tried hard, and people were good to me. I went to school and university and had jobs. With the support of my community, I was elected as a local councillor at the age of 22, and now I sit in this place. I have been lucky and I have had plenty of help.

I am a product of all these experiences. In my maiden speech I explained that I felt compelled, and I continue to feel compelled, to repay this country, to foster links between the emerging migrant and refugee communities and their fellow Australians, to promote harmony between people, to facilitate their participation in our social, economic and cultural life, and to help them give voice and form to their own cultural heritage. I am very proud to be part of this community,

but I know, too, the challenges and often the hardships that can shape the lives, the hopes, and the aspirations of relatively recent arrivals in Australia.

I believe that resilience is the key and that with hard work, good friends and belief in ourselves we can lead happy and successful lives here. With resilience, I have found that optimism is the key to meeting and dealing with adversity. That concept of optimism is one that I want to discuss. It has helped build the foundation of multiculturalism that supports our state today. I want to acknowledge, as part of this equation, the commitment of the current South Australian government and various governments of the past to the principles of access, equality and social justice. The government's policies are about protecting people's rights and recognising social justice inequalities and taking action to rectify them.

I am proud to be part of a government which upholds the values of a compassionate democracy, that has at its heart community service and participation. However, it is up to all of us, especially us as elected representatives, to extend a welcoming hand to people newly arrived in our country, particularly in South Australia. All have displayed imagination, ingenuity and optimism whatever the catalyst for their journeys and however they made their way here. It is with these remarks that I conclude by commending this motion to the house.

The Hon. K.J. MAHER (21:48): I thank all members for their contributions. The Hon. Jing Lee I thank for sharing some of her very compelling personal experiences, and I thank her for her summary of Australian immigration policy over the last century. As I said when I introduced this motion, policies of the past, particularly policies supported by the Labor Party in decades gone, are a shameful part of our political history. However, as I also said when I introduced the motion, some of the language that has been used in the immigration debate by a number of people on various sides of politics shows we have not moved on nearly as far as we should have. I thank the Hon. Jing Lee for her ongoing commitment in this area and support of this motion.

I thank the Hon. John Darley for his considered words. I am always very pleased when the Hon. John Darley and I find common ground through agreement, and this is certainly one of those occasions. I thank the Hon. Mark Parnell for his contribution, particularly his recognition of Welcome To Australia and the remarkable work they do and the remarkable work that Pastor Brad Chilcott does with that organisation.

I think, as I mentioned when I introduced the motion, I was not participating in the Adelaide Walk Together March; instead I helped to lead the inaugural Mount Gambier Walk Together march. Both the then mayor and former Liberal candidate Steve Perryman and I spoke there. I congratulate now councillor rather than mayor Steve Perryman for his very wise words to the Walk Together crowd in Mount Gambier. I also note that the new Mount Gambier mayor, Andrew Lee, participated in the march and I think a majority of the elected Mount Gambier council were at the march. I think that is of great credit, to the elected leaders in Mount Gambier.

I thank very much the Hon. Kelly Vincent for her words and her demonstrated commitment to the Welcome to Australia walk. My kids still ask me who was that nice woman that they walked with last year—it was the Hon. Kelly Vincent. I thank the Hon. Kelly Vincent for a timely reminder about other ways that our community and state need to strive for to be more welcoming.

I thank the Hon. Stephen Wade for his very genuine and demonstrated commitment in this area. I also thank him for sharing his pop culture education. He did not play 'Where's Wally?' but played 'Who's Wally?' I did see that on social media at the time and that gave me a great laugh. I was not there but I did see clips of the performance of Eric Bogle's *Shelter*, a verse of that at the end of the Walk Together. That is a song that has meant a lot to me and it was very moving.

I note the Hon. David Ridgway's contribution and the current Leader of the Opposition's cameo performance. I thank the Hon. Tung Ngo for his speech night in sharing his experiences. As he outlined earlier this year when he gave his first speech to this place, his experience is one that you cannot help to be moved by, and he has lived the experience as part of multicultural South Australia.

I thank all members for their contributions and look forward to support for this motion. It is a very straightforward motion. The words are not controversial but it is just a reminder that we still have

a way to go and that it is something that we need to be debating in this chamber and agreeing to today.

Motion carried.

Bills

STOLEN GENERATIONS (COMPENSATION) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 15 October 2014.)

The Hon. J.A. DARLEY (21:52): I rise to support this bill. In 2011 the Hon. Tammy Franks' bill on the same matter was referred to the Aboriginal Lands Parliamentary Standing Committee to conduct an inquiry into the bill. The committee handed down its report last year and it was recommended that the bill be redrafted in a more simplified manner in order to address the issue of providing compensation for Aboriginal and Torres Strait Islanders who were forcibly removed from their families prior to 1975.

Whilst the Hon. Tammy Franks' bill called for the establishment of an independent tribunal to determine claims, the Hon. Terry Stephens' bill places this responsibility on the minister. While the Franks bill did not provide a time limit for applications, the Stephens bill allows only a six-month window where applications can be made. I would be interested to hear about this matter further and the reasoning behind allowing only a six-month application period.

Further to this, the Franks bill provided that decisions must be made within 12 months of an application being made, whereas the current bill outlines that claims must be determined as soon as reasonably practicable. I am glad that the Stephens bill calls for a report on the operation of the act from the minister as I will be interested to see in what time frame claims are determined. It would be a gross injustice if applications were made to wait lengthy periods of time for their claims to be determined. Such an outcome would only add to the stress of applicants and could see the act perceived as a disingenuous attempt at righting a wrong.

Both bills allow for compensation decisions to be reviewed and the limits for compensation have been increased in the current bill from the previous in line with the maximum amount allowable for payments from the Victims of Crime Fund.

I acknowledge the Hon. Tammy Franks' dedication and work on this important issue. Whilst some argue that Aboriginal and Torres Strait Island children were removed for their own welfare, the social, cultural and psychological issues which followed have been so unprecedented that it is only right for the parliament to pass this legislation so that acknowledgement can be given to the damage which was caused.

The passage of this bill will not change the past. It will not right all of the wrongs and, for most, it will not fix their problems, but it will go a long way in recognising the damage that has been done. I support the second reading of this bill.

The Hon. T.A. FRANKS (21:54): I rise, too, on behalf of the Greens to support the second reading of this bill. I will not deliver a long speech today because I recognise that this parliament will be prorogued and that, even if this bill passes tonight, it does not have the support of a government machinery behind it in the way that this debate should be being had. Rather than in the dying hours of a prorogued parliament, this bill should be debated and heralded in a place where the gallery is full of those who are affected by this decision and where we celebrate that we have moved beyond sorry into actually making reparations.

I commend the Hon. Terry Stephens for bringing this bill to this parliament in this form, however, and note that it does reflect the Aboriginal Lands Parliamentary Standing Committee's recommendations that arose from their inquiry into my bill which was referred to it in 2011. Over two years, that inquiry proceeded with a multi-party group on the Aboriginal Lands Parliamentary Standing Committee. Many members of that committee heard from witnesses and took submissions

and investigated ways that we could approach this issue based on the model of the Tasmanian Stolen Generations of Aboriginal Children Act 2006 and my bill as that framework.

It is estimated through that process that there are approximately 300 Aboriginal people who could receive an ex gratia payment in accordance with the proposed eligibility criteria. Of course, that committee also identified, as is replicated here, that the Victims of Crime Fund could be used for this compensation—or, as I refer to it, reparation.

Two particular witnesses struck me and I would like to observe some of their words for the benefit not only of members here tonight but for debates into the future. A witness statement was given by Katrina Power, who is a narrative therapist and senior cultural educator and works at Relationships Australia. She was delighted to be given the opportunity to present to our committee. She noted she had a white father whom she had never seen, who had attacked her mother. In 1966, she says:

...my black mother took my white father to court to pay maintenance. Not a cent was paid. I was born under the native flora and fauna act. There are many of us who are still in that position. We were not afforded citizenship like newcomers to Australia today are offered citizenship.

She was not a member of the stolen generations but she brought with her a photo of her late husband, Simon Lampard (who had been born David Lampard), who was, indeed, a member of the stolen generations. She told us that he had been raised in a white family of privilege:

...where four Aboriginal babies were also raised. There were four of them altogether, all from different areas from the Wirangu on the West Coast to the Riverland mob, Ngarrindjeri.

Of those four siblings, Simon committed suicide in 2003, aged 41. Of those four siblings each of these babies were stolen and raised in this family. They went to private schools, raised by doctors, had all the white privileges that one would hope to afford their children, if you had aspirations to be white—

she told us. She also informed us that:

He, along with two other of his siblings, have committed suicide. They were all stolen babies.

She noted that two weeks after her husband suicided—

There being a disturbance in the President's gallery:

The PRESIDENT: The Hon. Mr Ridgway, if you would please have a bit of respect for the Hon. Ms Franks while she is on her feet.

The Hon. T.A. FRANKS: Two weeks after her husband suicided (Simon gassed himself to death), her eight-year-old son Kiraki tried to hang himself. She had her daughter run into the kitchen and tell her, screaming, that she had to untie her son from a noose. He was eight years old at the time. She was very disturbed and she told us, 'It wasn't a copycat suicide.' His father had actually killed himself in the Blue Mountains, and his son had not been witness to that. She was incredibly traumatised by the idea that he had chosen an alternative method.

This is why she has gone into a healing profession. She has a background, and many people would be familiar with the name Katrina Power. Those of us who have been privileged to be at events where she has offered a welcome or acknowledgment; she is an impressive woman. She has also had a career at *The Advertiser* and been well recognised for her media background, but she has chosen to move into narrative therapy and to provide support and working with Relationships Australia to do that healing work, and I certainly commend her for that.

This is where she told us her own story of after these events: she in her own terms says that she really lost the plot. She ended up in drug rehab for five months. She was forced into a white rehab, where she was one of only two females and certainly the only Nunga Aboriginal there. The psychological support that she said that she got, along with her son, did not fit with them and their culture. It did not help them, so that has been her motivation to get into counselling and healing.

That was an important part of what people brought to the process, the counselling and the healing, not just the recognition but the entire holistic approach. She went on to note some things that we all know in statistics, but these impact on people's lives in this state. These are the things that individuals and families who have been affected or been part of the stolen generations have to deal with.

During the Royal Commission into Aboriginal Deaths in Custody, 99 deaths were investigated, 43 of those deaths being stolen babies. Good intentions, Katrina Power told us, are not necessarily best practices. She noted that we see more and more Aboriginal children in state and guardianship care than ever before. We have an incredibly high suicide rate, with Aboriginal women four to six times more likely to die as a result of domestic violence, with children not getting past year 10 in school let alone getting into universities, and she noted the high incarceration and unemployment rates. These are legacies of the stolen generations.

We also heard from Rosemary Wanganeen, who is the Director of the Australian Institute for Loss and Grief. Ms Wanganeen told us that she, as a child of about 10 years old, had her mother die. There were eight children and six out of those eight were taken into care. She was brought to Adelaide from Clare, and originally her mum and dad had left Point Pearce on Yorke Peninsula, the old mission, as she told us, and they were expected to assimilate and move to Clare. As a result of her mother's sudden death she was then brought to Adelaide, where she told us that she experienced mental, emotional, spiritual, physical and sexual abuse.

She told us of a very vivid memory that she had in her classroom. One day sitting in her classroom her teacher told her whole class that Aboriginal people were savages, and that, she told us, so seriously impacted on her sense of identity and who she was. She had her sense of Nunga identity and pride completely disintegrate, and she told us of the shame that came from this. She said to us that she grew right into her 30s ashamed of her Aboriginality, and the impact of that teacher's statement had some effect of 20-odd years.

She also told us of the sexual abuse that occurred in the second foster home that she was taken to. In the first foster home there had been physical abuse and beatings. She was removed from that home because of that abuse, but then where the sexual abuse happened in the second home they were elderly people, they were grandparents, and she told us that the father would come in at night. She believes the wife knew about this violence and certainly knew about the alcoholism of the father, but she said that this was not something you talked about, and certainly it was a time when nobody talked about these issues.

She told us that the day she left their home, after a year and a half or so, was the day that she was sitting with 'the man', as she called him, watching television in the lounge room and she said to him, 'I can smell gas.' With that, the two of them jumped up and rushed to the kitchen. In the very next room, the lady was gassing herself while they were all in the kitchen. She was 12 years old at the time.

She knows that she attempted to air out the house and helped him pull her out of the gas oven. Somebody called the ambulance, but she cannot recall who. There was a fire brigade and police, but before anybody came the man told her to go back into her room and not come out until somebody else came in. Whether it was the social worker or welfare officer, she was not sure, but she waited for that person to come and get her. These people in this case did not treat her as their child, although they were given the privilege of her as their child by our society.

She then ended up in a hostel and spent many years full of rage, experienced domestic and family violence and certainly believes that a big chunk of her life was lost to that. She then told us a much more inspirational story of beginning her healing. She is also an incredibly impressive woman, who is well accomplished in her career and has certainly made very much of herself and is an inspiration to all of us.

That these stories in this place are not being reflected with the respect of a government which has had three years, which has heard from many witnesses, which has received submissions, which has heard from various groups in support of these measures, which has been informed that this is in fact a cheaper way to address issues of compensation for the stolen generations, I think is a shame that will hang over this government unless it steps up and makes good talk of reconciliation with real action.

I look forward to delivering a more positive speech. Of course these stories of stolen generations members are not pleasant. They should be consigned to our past, but the only way they will be is if we make a difference in the way we act in the future. We have had apologies in this place. We have had recognition in the constitution in this place. These were positive moves. We should be

proud we were one of the first states to make an apology to the stolen generations. We should be being proud right now to be working across all parties and Independents in this place to make this right.

We need to move on; we can move on. This bill that the Hon. Terry Stephens has brought before us shows us a way forward. We can all work together in these coming months to make this right. The opportunity is here. The opportunity will soon be lost because members of the stolen generations are actually spending their dying days either fighting in courts against a government that should be a model litigant, but apparently is not, or spending time, as we heard from other witnesses, in the disjointed cultures.

One of the things that really touched me in the witness statements that we heard was those members of the stolen generation who were raised in what we would call white Caucasian families, in nice families of our past, the nuclear families that were held up to be ideal. Those people were often, when they turned 18, put back into their original communities, and there they suffered yet another impact, another level of dysfunctionality. They were often rejected. They could not speak the language of their people. They were ostracised. They were seen as having rejected their communities, and there was a whole new level of adult damage being done to those members.

I will not labour the point. I think there is an opportunity here for the government to show true leadership. Other members of this place will be willing to work with the Weatherill government, to come back with this parliament after it has been prorogued and what we are told is reset or restarted next year. We are told there are going to be big visions. We are told there is going to be great leadership. Here is just one thing you can do to exemplify that great leadership. With that I commend the bill.

I will not be seeking to make amendments. I believe there are possibly areas that could be improved or finetuned, but that will take a government that also comes to the table and talks the talk, as I said. They are happy to talk the talk. To walk the walk is what we need them to do, not just talk the talk. Time for more than sorry has come. Sorry is not good enough anymore; we need reparation.

The Hon. A.L. McLACHLAN (22:10): I rise to support this bill. The forcible removal of Aboriginal children is a terrible chapter in our history and one which we should not let be forgotten. This bill goes some small way to healing the wounds that the state's institutions inflicted upon the innocent.

The Aboriginal people have a close bond with the natural world, their family groups and their broader communities. Relationships between Aboriginal peoples and their communities are generally more complex than European communities. This was necessary to ensure their survival on land with a harsh and unforgiving climate. As a consequence, Aboriginal family members have a greater number of parental obligations and responsibilities. The removal of children struck very deeply at the heart of these time-honoured traditions.

The children who were removed often lost their heritage, culture and language. Many of them suffered and continue to suffer, as did their families who remained on the lands. It is therefore appropriate that compensation be offered, although I acknowledge that compensation of itself cannot take away the pain of those impacted. I would like to think that South Australia aspires to be a leader in this nation in seeking to heal these wounds. I note that Tasmania, to its credit, introduced legislation of this nature some time ago. This parliament has an opportunity to lead the mainland states.

I commend the Hon. Terry Stephens for introducing the bill into this chamber. The Hon. Terry Stephens' leadership on this issue is part of a long tradition of the Liberal Party to promote the interests of Aboriginal communities. There are many examples, but one that comes immediately to mind is that under the Hon. Dean Brown an apology was given for the forced separation of children.

I also wish to acknowledge and commend the passion and commitment of the Hon. Tammy Franks in her pursuit of justice for the Aboriginal peoples. I note last year the Aboriginal Lands Parliamentary Standing Committee handed down its report on the Stolen Generations Reparations Tribunal Bill, which was originally moved by the Hon. Tammy Franks in 2010. I commend this bill to the chamber.

The Hon. K.L. VINCENT (22:12): I am going to speak very briefly to this bill this evening, and I hope that that brevity does not suggest a lack of interest or a lack of passion for the issues to which it pertains. I am going to speak briefly for a few reasons: firstly, the hour; secondly, this parliament, as has been mentioned, is about to prorogue and therefore we will need to have this debate again; and, thirdly, the stories that I could tell, that I could relay, which illustrate the need for a bill such as this, are harrowing, touching—

Members interjecting:

The PRESIDENT: If you want a conversation there is a little passageway out there.

An honourable member: Thank you, Mr President.

The Hon. K.L. VINCENT: Hear, hear! They are harrowing stories and they are touching stories, but I am also mindful that they are not my stories to tell, and it is difficult for me as a white, Australian, childless woman to sit here in this chamber and try to relay the pain, suffering and anguish that have so obviously been inflicted upon those members of the stolen generations and their families. I do not want to taint those stories, some of which have already been relayed, with any tokenism. They are not mine to tell, but I sincerely and humbly thank those who do own them who have come forward to tell them to us through the committee that has led to this bill.

I want to acknowledge the work and passion of the Hon. Tammy Franks in this area and the Hon. Terry Stephens for bringing to us the bill we now have. This is an excellent example of the kind of collaboration that we need in this chamber and in this parliament more broadly, particularly on issues like this, because we cannot truly talk about reconciliation between Aboriginal and non-Aboriginal Australians if we in this chamber are still fighting over whose name goes on a bill, whose version of which amendment is better for egotistical reasons.

On issues like this, in particular, we need to collaborate and lead by example. We need to reconcile our differences and work for the greater good, I suppose you could say. From my reading of the Aboriginal Lands Parliamentary Standing Committee's report into these issues, I acknowledge that very careful consideration has been given to the model suggested in that report, and I think that model is very workable. In fact, I understand that it is based on a model already working quite well in Tasmania, so again we have the evidence there that there is a possible way forward with this.

I also acknowledge that the report makes mention of the fact that for some Aboriginal people compensation is not necessarily something that interests them directly, but knowing that the option is there for them to pursue should they wish goes some way to providing some healing for the wrongs that have been done. Having said that, it is vital that we allow people to access this reparation, should they wish. I also note that accessing this compensation would not extinguish the rights of Aboriginal to seek further litigation but simply seeks to offer a simpler, more streamlined process to accessing those funds.

After everything that we have heard in this chamber tonight, and throughout Australian history, I think we at least owe it to the first people of this nation to make seeking some form of compensation as easy as we can. I note that the bill also suggests that the minister responsible may determine eligibility for ex gratia payments, and I understand from my conversations with the Hon. Terry Stephens that he envisages that this is to be done alongside an Aboriginal elder, this conversation as to who is eligible for these payments.

I think that is absolutely vital, because we cannot be truly reconciliatory if we have a minister who is usually a non-Aboriginal minister sitting in their ivory tower, so to speak, making these decisions. We need to involve Aboriginal Australians as much as we can in this process. Particularly given the high turnover of Aboriginal affairs ministers in this parliament, it is important that we begin to work in a more collaborative way and put pressure on the minister to show more collaborative methods in working with Aboriginal peoples.

With those few words, I do agree that there is perhaps some tweaking of this bill—some minor amendments—that may make it a little clearer in terms of its intent. I am very much looking forward to considering those in the new session of parliament. I very much look forward to being able to look back on this debate in the future and saying that we as a parliament had the sensitivity, the economic sense and the heart to move a bill such as this. I commend the bill to the chamber.

The Hon. T.T. NGO (22:20): Today I rise to speak on this bill. We need to recognise the harm that the stolen generation has suffered. We have already partially done this by recognising Aboriginal people in our state's constitution. Although the terrible acts of previous governments, government agencies and our courts can never be undone, compensation may go some way towards reparation.

I would like to acknowledge the hard work of the Aboriginal Lands Parliamentary Standing Committee, who at the end of 2013 reported on the bill introduced by the Hon. Tammy Franks, the Stolen Generations Reparations Tribunal Bill 2010. In its report, the committee recommended that a simplified version based on the Tasmanian model be introduced in parliament. I will now turn to the Tasmanian model and talk a little about their experience.

To date, Tasmania is the only state in Australia that has implemented legislation to compensate its stolen generation. The Tasmanian government set up a stolen generation compensation fund of \$5 million. Members of the stolen generation (and, if deceased, their biological children) were given six months to make an application. The Tasmanian model set a 12-month deadline from the act's commencement for the assessment of applications.

Following the application deadline, the Office of the Stolen Generations Assessor assessed the payment to biological children, which was set at \$5,000 each but limited to \$20,000 for a family group of children, equally divided amongst the family. The Tasmanian scheme did not preclude recipients from pursuing civil action. Many were happy with the process and have not subsequently pursued civil action.

This bill does not preclude civil action being undertaken, but given the time, expense and lack of guarantee of any civil action being successful, such compensation may reduce the number of civil actions. It should be noted, however, that there has only been one successful case: the Trevorrow case. Mr Trevorrow received around \$500,000 and it is estimated that the state's legal costs were around \$2 million. Other cases have settled out of court for much lower figures.

It must be said that, by not precluding the ability to pursue civil action, there is still a risk of civil actions being undertaken against the government. A potential alternative could be to require members of the stolen generation to elect whether they take ex gratia payments or pursue civil action. The Hon. Tammy Franks' original bill precluded the recipient of such a payment from pursuing civil action.

I do support the view that providing compensation through an ex gratia payment may be more appropriate than relying on the courts. In its submission to the committee, the Law Society made it clear that the courts are not the most appropriate avenue for compensation. This is particularly due to strict rules of evidence which are not practical in this instance because of the time that has passed and the lack of records. An ex gratia payment scheme may also be more appropriate to save applicants from prolonged pain due to lengthy civil action. For these reasons an ex gratia scheme is more appropriate to compensate the stolen generation than our courts.

However, there are a number of issues that have not been covered by this bill, the first of which is the six-month time limit for applications. I acknowledge that this is a time sensitive issue, given the age of many of the stolen generation; however, this time limit may be too short a period for anyone who may be eligible to become aware of that and proceed with an application. As I mentioned earlier, Tasmania also had a six-month time limit for applications but it had 151 applications with 106 found to be eligible, compared to the 300 estimated eligible applicants in South Australia.

Further in its report, the committee also discussed how members of the stolen generation would find out about the scheme. The committee discussed how once applicants began to receive compensation the message would spread. Mr President, I am concerned that a six-month time frame does not allow much time for this. Further discussion is required on how this bill can be appropriately implemented. If we want a system where, after the time lapses, no further applications can be made, then a longer time frame may be more appropriate. Alternatively, the Law Society's suggestion that an extension be available in certain circumstances may be a suitable compromise if the current time limit applies.

There has been no discussion or estimate provided as to how this proposal will impact general revenue. There has been no discussion or an estimate made of how much it will cost to

administer the scheme. Very rough calculations dictate that if you have 300 applications and they are multiplied by the highest possible payment of \$50,000, this equates to \$15 million. Unlike the Tasmanian legislation, though, this bill does not provide for a monetary cap to the scheme, and thus the financial consequences are relatively unknown. In considering this bill I would have preferred it if more clarity was given on this issue.

There were previous drafts of this bill which included the victims of crime levy as the funding source. I can only guess that the drafters of this bill have since recognised the practical difficulties in applying that levy for the particular purpose this sought in this bill.

I am told that an appropriation bill needs to be introduced in the House of Assembly. Since there are budgetary aspects to this bill, it also needs to be introduced in the other place first. I am also concerned about whether members of the stolen generation who were taken by court order will be eligible for compensation. Various community groups, such as the Aboriginal Legal Rights Movement, mention this in their commentary on the bill.

I do support the principle of this bill that is giving compensation to the stolen generation and, therefore, recognising the pain and suffering in a meaningful way. I take this opportunity to commend the Hon. Terry Stephens for bringing this bill to this house. I know the Hon. Terry Stephens is very compassionate and very genuine in his campaign for improvement in the lives of many Aboriginal people. What the honourable member is doing is bringing attention to this matter, particularly bringing it out into the public domain, so I would like to congratulate the Hon. Terry Stephens for doing that.

I can also concur with the Hon. Tammy Franks that we can all work together to give compensation to the stolen generation. I hope that, with the Hon. Terry Stephens bringing this matter to this house, something positive will come out of it. However, this bill has not been through an appropriate form of consultation. I also note that the previous bill from the Hon. Tammy Franks underwent an extensive consultation process.

The Stolen Generations (Compensation) Bill before us is quite different and has not undergone enough consultation. There has not been enough discussion about how it will be funded. As I have said previously, given that it is an appropriation bill, it needs to be introduced in the other house first. Hopefully, members from the other house would read what we have discussed tonight in *Hansard*—I am sure most of them are in bed right now. They could then move something in the house, once parliament resumes next year. On this basis, whilst being entirely supportive of the sentiment expressed by proponents of this bill, at this stage, I am unable to support this bill for the reasons I outlined previously.

The Hon. T.J. STEPHENS (22:33): I thank all honourable members for their contributions: the Hon. John Darley; the Hon. Tammy Franks, who of course has been a driver of this particular issue, as has been widely acknowledged and acclaimed; the Hon. Andrew McLachlan for his thoughtful contribution; and also the Hon. Kelly Vincent for her heartfelt contribution. I listened to the Hon. Tung Ngo, my friend, with a keen interest in what the government was going to present to us today.

I was extremely heartened by the fact that the Hon. Tung Ngo acknowledged that we do need to move forward with this issue. I know that this bill may not be a perfect bill, but I am quite proud of the fact that all members of this place recognise that we need to move forward with this issue.

I got a sense from the Hon. Tung Ngo that the government realised that this issue must be moved forward. I would have preferred the Hon. Tung Ngo to come to me with some amendments and some improvements to this bill because I am happy to acknowledge the fact that as a parliament, in both places, this is an issue that we can all work together to come to a resolution that is going to benefit those Aboriginal people who have been affected, and we have spoken at length as to how disappointing it has been for outcomes for those particular people.

There are two people I would really like to acknowledge, and in no particular order: the Hon. Tammy Franks, who has driven this issue and actually made me aware of it, as a member of the Aboriginal Lands Parliamentary Standing Committee. I had very little knowledge and understanding of this issue. The Hon. Tammy Franks has been like a dog with a bone with this issue

and has almost bullied me into submission and understanding and support. Everyone in this place has been quite generous with their acknowledgement of the Hon. Tammy Franks's involvement.

From a Liberal member of parliament who has a keen interest in this issue, it is very easy if your leader, Steven Marshall, the member for Norwood in the other place—

The Hon. T.A. Franks: Dunstan.

The Hon. T.J. STEPHENS: Dunstan, Norwood, you know, we all know. The member for Dunstan, Stephen Marshall, my leader from the other place, who has had a long-term interest in Aboriginal affairs and was well involved before he became a member of parliament. It is quite easy to take up these particular issues when your leader expects you to drive these particular issues. He has been a very strong advocate for resolution in this particular area.

We are going to have a committee stage in a short period of time. I would welcome contributions to make this particular bill more workable. What I think we are going to do is present to the government a bill that passes this place, because I have had indications of support from almost everybody. I know the Hon. Tung Ngo wants to support this bill but he knows it needs some improvement. We are happy to accept that. We are happy to accept that there could need to be some improvement and we are happy to work with the government.

This is a wonderful opportunity now for the government to know that it has the Legislative Council—sadly, the Legislative Council which the Hon. Jay Weatherill, the Premier, says is an unworkable place. This is a great example of how a group of people from different political persuasions have the best interests of a particular group of people at heart and we want the best possible outcome. So, we are opening ourselves up to the government to say, 'Let's do this.' We are going to work with the government. We are going to support the government in getting an outcome for this particular issue.

It has been driven by the Greens and it has been championed by my leader, Stephen Marshall, the member for Dunstan, who has been vigorous within our party room to make sure that we drive this forward. We have had the Hon. John Darley offer his support. The Hon. Kelly Vincent made a very solid and genuine contribution. In fact, from conversations I have had with the members of Family First, I know that they are very keen for us to move forward with this particular issue.

I am genuinely excited by the prospect that we are going to move forward with this bill tonight. We are going to pass the committee stages. I do not want to pre-empt things, but we are going to give to the House of Assembly a bill that they can work with, they can modify, they can improve. Normally it is us in the Legislative Council that improve on their sometimes tardy work. I should not be disparaging of the other place, but do you know what, this is a great opportunity for this parliament, both chambers, to work in a collaborative manner to hopefully bring some comfort and closure to an issue that is incredibly real to many people. I am proud to close the debate on this issue. I am extremely proud of the contributions that members have made and I look forward to the committee stage of the bill.

Bill read a second time.

Committee Stage

In committee.

Clauses 1 to 9 passed.

Clause 10.

The CHAIR: I point out to the committee that this clause, being a money clause, is in erased type. Standing order 298 provides that no questions shall be put in committee upon any such clause. The message transmitting the bill to the House of Assembly is required to indicate that this clause is deemed necessary to the bill.

Remaining clauses (11 to 16) and title passed.

Bill reported without amendment.

The Hon. T.A. FRANKS: Mr President, I draw your attention to the state of the chamber.

The PRESIDENT: Ring the bells.

A quorum having been formed:

Third Reading

The Hon. T.J. STEPHENS (22:44): I move:

That this bill be now read a third time.

To all members, not just on behalf of the Liberal Party but, I think, on behalf of the Legislative Council, I really appreciate the genuine support for something that is really well intended. There is an expectation now, I suspect, from the Legislative Council that we are delivering a bill to the government to show them that we have genuine support and that we will work with the government to fix this issue.

My leader (member for Dunstan) has instructed me to make sure that we do whatever we can to work with the government and all members of parliament to ensure that this issue is resolved in a satisfactory manner for those people who have been hurt over many years. So I really appreciate the support from all members.

I really appreciate the kind words from the Hon. Tung Ngo, even though at this point he knows that this bill needs to be improved in some way, but we want to work with the government. We want to get this done. We want it to pass the other place and bring something back to us that is going to change the lives of people for the better.

Bill read a third time and passed.

SEXUAL REASSIGNMENT REPEAL BILL

Second Reading

Adjourned debate on second reading.

(Continued from 15 October 2014.)

The Hon. A.L. McLACHLAN (22:46): This bill seeks to repeal the Sexual Reassignment Act 1988 which specifies various criteria in order for persons to undergo gender reassignment procedure and obtain a recognition certificate. For a gender reassignment procedure, such criteria include obtaining approval from the minister prior to undergoing the procedure, receiving adequate counselling, undergoing procedures at hospitals and by medical practitioners approved by the minister, and ensuring that hospitals retain specific records in relation to reassignment procedures and associated treatments.

For obtaining a recognition certificate, such criteria include a belief that his or her true sex is the sex to which the person has been reassigned, the person has adopted the lifestyle and sexual characteristics of the reassigned sex and the person has received proper counselling in relation to his or her sexual identity.

The Hon. Tammy Franks has indicated that she has introduced this bill because the current and extant legislation has never been reviewed and, in her opinion, has never worked. She has also indicated that community standards, scientific understanding and community attitudes have changed since the act was passed in 1988.

In her second reading speech, the Hon. Tammy Franks pointed out various aspects of the current act which are, in her view, flawed. For example, the health minister must approve associated health care professionals, but the minister has no jurisdiction interstate or overseas; the transgender community and health professionals have complained that the current legislation hinders effective quality health care; and the current legislation is potentially inconsistent with certain United Nations covenants.

It is reported that transgender people have significantly higher rates of suicide than other groups of Australians. Health professionals submit that transgender people experience great stress as a consequence of prejudice and, after transitioning, they present a significant decrease in medical health issues. I understand that a motion will be moved in this chamber this evening that will refer the legislation to the Legislative Review Committee.

As a member of the Legislative Review Committee, I welcome the referral of this important matter and also the opportunity to examine the issues raised by the Hon. Tammy Franks in respect of this legislation. I indicate, on behalf of the Liberal opposition, that we will be supporting the motion for the referral to the Legislative Review Committee.

The Hon. K.L. VINCENT (22:49): I take the floor to indicate my support for this bill and, in doing so, I indicate that I will move that the bill be referred to the Legislative Review Committee. I thank the Hon. Ms Tammy Franks for arranging a briefing on the bill, at which it was decided that referring the bill to the committee was the best way to commence a discussion in the parliament around the issues presented in the bill and work towards establishing a better model.

I would particularly like to thank those members of the transgender and transsexual community who gave their time and knowledge at that briefing, namely: Dr Rosemary Jones, Ms Gabriella Wissell, Mr Marcus Patterson from the Men's Australian Network, and Ms Zoey Campbell from the SA Northern Areas Gender Support Group.

I also acknowledge that quite a wide range of members were present at that briefing: of course, the Hon. Ms Franks and myself, the Hon. Stephen Wade from the Liberal opposition, the Hon. Michelle Lensink, and the Hon. Mr McLachlan was represented by a member of staff. The Hon. John Darley was also there, I believe, and so was the Hon. Gerry Kandelaars. This illustrates to me that there is significant interest in the issues and goodwill to work towards finding a solution.

I think it is important to acknowledge at this point that at the time the original act was passed in 1988, it was a progressive and modern piece of legislation. It seems that many of the matters now arising from that act seem to be largely unintended consequences. As our understanding of gender identity has evolved, the act has simply failed to keep pace. Regardless of an individual member's views on gender identity politics, I believe it is incumbent on all of us to at least recognise that when people directly affected by legislation tell us that there is a problem, there probably is a problem.

Try saying that 10 times faster: there probably is a problem. Particularly when it comes to ensuring the rights and welfare of people with distinct identities, if I may call it that for simplicity's sake, the best way to do this is to work with people with the lived experience of that identity, whether it is Aboriginality, sexuality, disability or, indeed, gender identity. The old adage, nothing about us without us, certainly rings true.

I would like to touch on some of the issues with the current Sexual Reassignment Act 1988. Rather than using my own words, I would like to place on the record two pieces of short correspondence which were circulated at the briefing by the Hon. Ms Franks, particularly for the benefit of those members who were not present at the briefing. The first letter is from Dr Rosemary A. Jones. The points she raises are as follows, first:

The title of this Act is inappropriate and wrong. There can be no question of interfering with an individual's sex that remains an inviolate choice for the individual. Reassignment is an unacceptably paternalistic expression when what is intended is that of confirmation or affirmation of gender.

The second point is:

While it may have been an appropriate piece of legislation in its time when there was a minimal understanding of gender dysphoria restricted to the safe hands of a tiny band of skilled doctors, there is now a wider understanding and empathy for the business of gender transition. The legislation is restrictive and obstructive to the good practice of medicine.

Thirdly:

Perhaps the worst aspect of this act is the 'designated hospital' provision. That has effectively given an excuse for surgical facilities not to open their doors for the provision of surgical transition. Even the Public Hospitals are without a facility that leads on to considering Medicare and its mandate that there should be universal provision of services. Gender dysphoria is a recognised 'condition' that is treatable, being listed in so many ways in different schedules and as such should be available in Public Hospitals. Medicare is not completely fulfilling its mandate and as such could be perceived to be functioning illegally; while that is a Federal matter, the provision of Public Hospitals[facilities] remains a State responsibility.

Dr Jones also goes on to say:

There is a 'one line' restriction in the Act that is an unacceptable provision. This is...the clause that...reads 'A recognition certificate cannot be issued to a person who is married.' This is contrary to human rights that an individual

may not marry whom he/she...[pleases] and that if already married, may presumably be required to become divorced. In the latter case it implies that the right to same sex marriage is denied.

The next point reads:

The question of who is qualified to undertake the work is not properly the province of the Minister but rather that of the Specialist Colleges. That needs separate resolution rather than the Attorney General being said to have muttered something about 'taking action against an individual doctor if there was an error made'. As it currently stands, the Act is obstructive to the aspirations of a Medical Practitioner to take up working in the area of gender dysphoria.

I think that I will leave quoting that particular letter there and perhaps make one or two points made in the second piece of correspondence from Zoey Campbell. It states:

3. The administrative processes specified, including the requirement for a recognition certificate to be issued by a Magistrate. (SR Act, Part 3), impose undue red tape.
4. The evidence required for a recognition certificate to be issued is discriminatory, in particular, the prohibition on a married person being issued a certificate under section 7(10)...

I think that most of the other points are touched on by Dr Jones in her letter, so I will leave that there. Needless to say, it is clear that there are many issues surrounding this bill and that this bill no longer works in the best interests of the people to whom it relates. There is an appetite for change, which is very pleasing, and there are several models which have been put forward to us in that correspondence which this parliament might consider. Therefore, I think that the Legislative Review Committee is a good avenue for the parliament to consider these issues. All that being said, I now move:

Leave out all words after 'That' and insert 'the bill be withdrawn and referred to the Legislative Review Committee.'

The Hon. T.A. FRANKS (22:58): I thank those members who have made a contribution this evening in beginning a discussion on repealing the Sexual Reassignment Act. I also thank those members who attended the recent briefing. In particular, I note that the Hon. Gerry Kandelaars and I have had several discussions about this bill not only at that briefing but also over the past month or so and that, indeed, the Hon. Stephen Wade and I have long talked about this. I held a forum in this place some years ago that Peter Luca, the chief of staff for the Minister for Health Jack Snelling, attended, and he has shown a keen interest as well.

I would hope that this process will be one in which we can explore the issues and the barriers that are currently presented by the failings of the Sexual Reassignment Act. Certainly, just the name of it is a relic of the past and is a slight to the very people that the bill purports to serve. Starting with the title and working on through I am sure we will soon discussing and debating many recommendations and revelations that this multiparty and bipartisan approach will lead to with the referral of my bill to the Legislative Review Committee.

The PRESIDENT: I am going to put the amendment first. If you want to support Kelly Vincent's amendment vote no. I put that the words proposed to be struck out stand part of the question.

Motion negatived.

The PRESIDENT: I now put that the words proposed to be inserted be so inserted.

Amendment carried.

The Hon. K.L. VINCENT (23:00): I move:

That this order of the day be discharged.

Motion carried; bill withdrawn.

Motions

INDIGENOUS JOBS AND TRAINING REVIEW

Adjourned debate on motion of Hon. K.L. Vincent:

That this council—

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

(Continued from 15 October 2014.)

The Hon. T.A. FRANKS (23:01): Members will be delighted to know that I do not wish to speak on this matter, even though I strongly support the motion.

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

Bills

ANIMAL WELFARE (COMPANION ANIMALS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 17 September 2014.)

The Hon. T.A. FRANKS (23:02): I rise to support the second reading of this bill brought to us by the Hon. Michelle Lensink, and I commend her for her work on this issue. This bill goes to issues of companion animal welfare that I have long brought before this house. I do remember that the Hon. Michelle Lensink has been standing at Oscar's Law rallies with me for many years now, almost since my first days in this place.

In my first year in this place I raised my concerns with the then minister for consumer affairs, the Hon. Gail Gago, who is now again in that portfolio, with regard to the presence of what are colloquially called puppy farms, puppy factories, or puppy mills in this state. I received an answer in 2010, which reads in *Hansard*:

There is currently only one large commercial puppy breeding establishment operating in South Australia. This establishment has been inspected by RSPCA officers who did not find any animal welfare concerns.

While the government considers that the current provisions of the Animal Welfare Act 1985 are adequate to address the welfare of animals in commercial dog breeding establishments...

I certainly was not satisfied with that answer. It has certainly been borne out, through the work not only of the RSPCA but of others, including the Paw Project and many other groups, that there are puppy factories, or puppy mills, or puppy farms operating in this state. The RSPCA has ramped up their campaign on this issue, as has Oscar's Law and other governments in Australia. I commend the work in Victoria, particularly the work in this area of Deb Tranter of Oscar's Law.

I also strongly disagree with the conclusion of the government back then that there were adequate provisions to address puppy farms under the current legislation. I think we can all agree in this place, almost without exception, some more than others, that South Australians and South Australian members of parliament do love their companion animals.

We have now spent the past 4½ years discussing and debating a solution to inhumane breeding practices; breeding that, in some cases, can see female dogs continually pregnant, never walked, badly socialised, malnourished, unloved and, in severe cases, never even seeing the sun. This is not the image that is publicly portrayed of rolling green pastures and jovial pups where people think that some of these animals come from.

The Animals Australia campaign describes the reality of puppy factories as no sky, no walks, no kindness and no bed. It is not what we want for animals here in South Australia, and we can do better. The RSPCA has estimated that up to 95 per cent of dogs sold in pet shops potentially come from puppy factories. That is a disturbing figure. A puppy factory is defined by the RSPCA as:

...an intensive dog breeding facility that is operated under inadequate conditions that fail to meet the dogs' behavioural, social and/or physiological needs.

These puppy farms can be and often are large-scale commercial operations, but inadequate conditions may also exist in small volume breeding establishments which may or may not even be run for profit. Puppy farming is a major animal welfare issue in Australia and to Australians.

The main welfare problems associated with puppy factories include, but are not limited to, extreme confinement where, in some cases, breeding animals may never be allowed out of their cage to exercise, play, socialise, have companionship or even to go to the toilet; inadequate veterinary care and general care; grooming and parasite control; unhygienic living conditions; inadequate and overcrowded housing conditions; frequent long-term health and behavioural problems in breeding dogs and puppies born in these places as a result of the poor conditions they are bred in; and the lack of adequate socialisation.

However, I have seen this parliament in the last session make a great step forward with the formation of the Select Committee on Dogs and Cats as Companion Animals, and I certainly welcome that. However, that committee tabled its report almost 18 months ago and we are yet to see any movement on behalf of the government taking up the recommendations of that committee. I think it is to the Hon. Michelle Lensink's credit that she has brought this bill before this place, noting again that parliament is set to be prorogued and acknowledging the realities of how far we can go with this debate in this manner.

I believe this bill will need appropriate consultation, and I thank the Hon. Michelle Lensink not only for keeping the Greens in the loop but for sharing her consultations with various sectors and communities to be affected by this legislation, and with myself as she has progressed it. I also want to note that that select committee came about as a result of a private member's bill that was brought into the other place by the late Dr Bob Such on this issue.

He acknowledged in that private member's bill that he did not have all the answers and that it was a flawed bill. I remember the Law Society's feedback was not overly glowing, but it did put the issue on the agenda and that is exactly what this bill also does. We would not have seen a select committee without that bill being put forward by the former member for Fisher.

I also thank those who participated actively in the select committee, in particular the Hon. Susan Close (who is now minister Susan Close) and the member for Port Adelaide and also the Deputy Speaker, Frances Bedford, the member for Morphett, Dr Duncan McFetridge, the previous member, Mr Adrian Pederick and the previous member, Mr Alan Sibbons, for their contributions and deliberations on that matter where they heard from many witnesses, took submissions and did some of the hard grunt work to create the recommendations that have been the basis of a chunk of this bill.

This bill addresses the issue of the licensing of breeders. It is an issue that should have been addressed many years before this, but it is an issue that we should address now nevertheless. People deserve to know that the animal they are bringing into their homes has been raised in an

environment that has had positive impacts, not only on its physical health but on its behavioural health as well.

Many animals from puppy factories have behavioural issues from being confined, malnourished and neglected. With the introduction of a transparent breeder licensing scheme, we will see those inhumane breeding factories diminish. The buyer will also be assured that the breeder has met, at the very least, some minimum standards for humane breeding.

To reduce the risk of backyard puppy factories which might otherwise fly under the radar, the desexing of all non-breeding animals will ensure that any animal sold for non-breeding purposes will not be used for reproduction. Put more simply, this bill ensures that desexing will occur pre-sale. For most, this means not having to find the time and the money to take a dog to a vet to have it desexed.

Having this cost, as well as vaccination and worming, included in the sale price will also mean that buyers will be more aware of the costs of owning that dog and it will, I believe, aid in deterring those impulse buyers so common around periods such as the one we are coming up to, the Christmas period.

Shelter reform will also play an important role in the companion animal debate, and I will be introducing a bill in the 54th parliament that I believe will be compatible with this bill we have before us tonight. That bill will certainly aid in the adopting and rehoming of animals that are unfortunately surrendered or without homes.

I am grateful to the RSPCA for working long and hard on this issue. I remember going up and seeing what I call the Paris Hilton puppies—the designer dogs, little white fluffy things—that have physical defects and terrible socialisation because they have been bred for a profit. They are taken into homes by people who are unable to cope with the multitude of health costs and the lack of socialisation, and they are surrendered into shelters and the shelters are left to pick up the pieces.

The provisions in this bill will also assist with that practice, and I hope we will not be seeing any more of those unfortunate instances also being unnecessarily taken on by shelters such as the Animal Welfare League and the RSPCA and, indeed, the many rescue centres and shelters we have across South Australia. They are fine people doing good work to support animals. With those few words, I commend the second reading of the bill.

Members interjecting:

The Hon. K.J. MAHER (23:13): Cuddly puppies and kittens are not what most people think of when they think about the Hon. Mr Lucas, but he is a great lover of pets and all animals, I am sure. The opposition bill which proposes to amend the Animal Welfare Act addresses a number of recommendations made by the Select Committee on Dogs and Cats as Companion Animals which reported to parliament in July last year. I am advised that the government will be proposing an amendment bill to the Dog and Cat Management Act 1995 that also addresses recommendations made by the select committee early in the new year.

Both the government's bill in development and the opposition bill before us today propose to address select committee recommendations to require mandatory microchipping and develop a breeding code of practice. It is widely acknowledged that microchipping is a very effective way of reuniting a lost pet with its owner. There is growing community concern about the number of cats and dogs that are impounded and subsequently euthanased each year. The inability to trace owners because dogs and cats are not microchipped is exacerbating the problem.

A breeding code of practice will set standards and guidelines for the breeding of dogs and cats and will enable inspectors to ensure animals are bred in a healthy and humane manner and conditions, and that potential purchasers can be confident their pet has not come from a puppy farm. However, there are significant differences between the bill the government will propose and the opposition's amendment bill. The opposition's bill is proposed to apply to all companion animals. This includes not only dogs and cats but, potentially, other animals such as horses, rabbits and reptiles. This was certainly not the intent of the select committee's recommendations, which looked at dogs and cats as companion animals.

The government's proposed amendments will target the management of dogs and cats, the focus of the select committee's recommendations and where the majority of community interest lies

in this matter. The broad nature of the proposed amendments in the opposition's bill applying to all companion animals will make it problematic to consider requirements and adequately address the needs of such a wideranging group as companion animals.

The details around many of the opposition's proposed amendments is left to regulation, which is yet to be developed. Many of the proposed amendments have not been developed enough, and it is likely that in developing the regulations it will become clear that many of the proposed amendments could lead to significant unintended consequences. For example, the opposition bill proposes a breeder licensing scheme. This aims to improve breeding standards, stamp out puppy farms and allow RSPCA inspectors and council officers to inspect the breeding premises to ensure compliance with animal welfare laws.

The government is sympathetic to the idea behind this proposal, as many breeders operate outside of regulatory oversight. However, a licensing scheme is likely to impose an additional layer of red tape that would likely have little benefit beyond those provided by a mandatory breeding code of practice. Dogs SA estimates that there are over 10,000 commercial and hobby breeders of dogs and cats in South Australia. It needs to be considered who will conduct and pay for all these assessments, who will set the assessment criteria, and who will issue the licences. The bill says that the minister is to issue licences. It needs to be considered: from where will the resources come to do this?

The opposition bill proposes that every breeder of dogs and cats must stop their pets from breeding until they become licensed. It is difficult to see how people proposing to breed dogs and cats will stop the breeding until the licence arrives in the post. It might be needed that a consideration is given to an introductory period.

The proposal by the opposition is likely to create many more problems. It may well be a complicated and burdensome scheme that will achieve limited outcomes. The opposition bill also proposes a cooling-off period associated with the purchase of a pet. This cooling-off period is defined as 10 days, commencing on and including the day on which the contract is made. A contract for the sale of some puppies and kittens is made before the animal is even born, so it would need to be considered when practically does the 10 days start and end. This is another example of some of the details that will have to be thought through before a bill like this is voted on.

The government's proposed amendment bill is intended to provide a comprehensive and streamlined approach and an appropriate and enforceable regulatory environment that will address the most pressing community concerns around dog and cat management in South Australia. It is proposed that new provisions will be enforced by local councils through the existing registration process. The proposed amendments, including mandatory microchipping and a breeding code of practice, follow through on the government's response to the select committee, which indicated that it would put in place measures to support policy directions outlined in its final report.

They also considered joint recommendations of the Dog and Cat Management Board and the Local Government Association, and I am advised that they had the broad support of key stakeholders, including the RSPCA, the Animal Welfare League and the Local Government Association. The public will be provided an opportunity to comment on the proposed amendments early next year. I encourage members to consider what is included in this bill, but ask that support be given to the government's bill when it is introduced in parliament early next year.

The Hon. K.L. VINCENT (23:19): Just for the assistance of the chamber, I support the bill.

The Hon. J.M.A. LENSINK (23:19): I will be brief in my summing up. I did make quite a number of comments in my second reading on 17 September, and I would like to reacknowledge the very keen interest in this topic and driving of this issue by the Hon. Tammy Franks and the Hon. Bob Such, as has been outlined, and also commend the work of the select committee. I outlined in my second reading the positions of a number of the stakeholders. I have since then, since 17 September, received a letter from the Local Government Association, which says as follows:

Although Councils have a limited role in animal welfare matters, the amendments are generally viewed as a positive step.

However the main issues raised by Councils were enforcement and resourcing issues. Councils are concerned to ensure that any new compliance requirements will not fall to Councils to enforce. In regional areas, in particular, there is concern that the RSPCA is not adequately resourced to carry out its enforcement functions and Councils do not have the resources to fill the void.

I just add that to complete the record. I would also like to thank again parliamentary counsel, who I think did a pretty good job of matching up the recommendations of the select committee to legislation. I do acknowledge that there are probably going to be some amendments required, and that is why I did want to take this to a second reading vote tonight rather than through all stages.

I would like to highlight some of the comments of the Hon. Tammy Franks in her contribution, where she stated, I think, that the RSPCA estimates that maybe some 95 per cent of puppies sold through pet shops have been brought into the world through puppy farms. I say that because some friends of mine recently have sought to purchase a puppy. They were not necessarily interested in a purebred, so they went on Gumtree. The first question that they asked of people was whether these animals had been bred on puppy farms, and they were quite surprised at the number of people who immediately hung up on them, so I think that there are probably a lot of hidden practices in the community that we would want to stamp out.

I would like to thank the Hon. Tammy Franks and the Hon. Kelly Vincent for their indications of support, and the Hon. Kyam Maher for placing the government's position on the record. I would like to take issue with a couple of the things that he raised. He stated specifically that the committee referred to dogs and cats and not other animals. That is true, but if the government would bother to read the legislation in detail they would find that in the definitions section this would apply only to dogs and cats.

It naturally leaves a lot of the detail to the regulations because, quite frankly, that is the government's job to do that sort of work. In opposition and as minor parties in this place we do not have the resources to do all that exhaustive consultation and round tables of meetings to get the fine details of codes of practice and those sorts of things; that is well and truly their job. I am surprised that it is indicated now that it opposes a breeder licensing scheme and a cooling-off period. I look forward to the debate. I would like to think that we can reach some sort of agreement between the parties in this place and look forward to the future debate in 2015.

Bill read a second time.

Motions

MEMBERS' VEHICLES

Adjourned debate on motion of Hon. M.C. Parnell:

That this council—

1. Notes—

- (a) the practice of the government over many years to provide taxpayer-funded chauffeur-driven cars to ministers, opposition leaders, presiding members and various other party-political appointees;
- (b) the vast bulk of these vehicles and their drivers sit idle most of the time and are not required for work purposes; and

2. Calls on the government to replace all chauffeur-driven cars for members of parliament (other than the Premier) with a pool of vehicles and drivers which are available to all members of parliament on a cost-recovery basis and which can be booked for use on parliamentary or electorate business.

(Continued from 4 June 2014.)

The Hon. K.L. VINCENT (23:24): I indicate very briefly that Dignity for Disability does support this motion. We have also previously been in conversation with the Hon. Mr Parnell about whether we might amend it to include measures such as ensuring that there is a number of wheelchair accessible vehicles available in the government fleet and also that there be a fleet of government bikes as well to promote true diversity in transport.

Members interjecting:

The Hon. K.L. VINCENT: Mr President, several people are interjecting on me. I would appreciate your protection.

The PRESIDENT: It is very rude; that is right. The Hon. Ms Vincent has the floor.

The Hon. K.L. VINCENT: Thank you as always for your protection, even if I needed to ask for it. Hopefully we can get that amendment up in the new year and maybe perhaps move this motion again in an amended form. With those brief words, we support the motion.

The PRESIDENT: Mr Lucas, this is the one I got confused about. It was not puppies; it is actually chauffeur-driven cars.

The Hon. R.I. LUCAS (23:25): Mr President, far be it for me to say that you are often confused, but you certainly were on that particular occasion. I was never at any stage interested in talking about puppy farms, but my colleagues have asked me to speak on their behalf about this particular motion. I am sure the Hon. Mr Parnell would acknowledge there is a degree of interest from my colleagues in his motion. There is probably a range of views, but when the parliamentary party room discussed this issue, it resolved not to support the motion that has been moved by the Hon. Mr Parnell.

In saying that, can I indicate that whilst the party room has no concluded view should we arrive in the fortunate position of being in government, I would indicate that my personal view would be that there is room for tweaking or improving the current arrangements in relation to the cost of the fleet. I think there are genuine questions in relation to the length and breadth—this is a personal view I am expressing here—of the number of cars that are provided.

The proposition that the Hon. Mr Parnell is putting is, in essence, that with the exception of the Premier, for example, other ministers, such as the Deputy Premier, Treasurer and ministers with senior responsibilities, would have their chauffeur-driven vehicles removed from them and replaced by a pool of vehicles that are available to everyone on a cost-recovery basis.

Whilst I understand that the Hon. Mr Parnell has never been a minister and whilst, as I said, in the past I might have said he is never likely to be a minister, I certainly would not say that now because all sorts of people from all sorts of backgrounds have waited by the phone and have received and accepted the offer to become ministers in a Labor administration, so I certainly would not say that the Hon. Mr Parnell will never be a minister. That is for him to say, should he so choose, but let's just say my personal view is that it is probably unlikely that in my lifetime the Hon. Mr Parnell is going to be a minister. I do not think that the Hon. Mr Parnell appreciates the complexity and the hard work of ministers, particularly in relation to the job and the task that they have.

Senior ministers move from appointment to appointment to appointment, and I am sure that the Hon. Mr Parnell, as someone who does not have a chauffeur-driven car, and I am in the same circumstance, would agree that as an ordinary member of parliament—if we can describe ourselves that way—there is the never-ending challenge of organising the appointments and finding parks all over the place. Again, without labouring the detail at this hour of the night, I think there is a powerful argument—and this is a view from the Liberal parliamentary party room—that the effect of the Hon. Mr Parnell's amendment would mean that many people who merit the current level of support in terms of driver and car would not get it.

There may well be some argument in relation to the chairs of a couple of committees, and that is an argument that is worthwhile exploring as to why two particular committees are supposedly more meritorious and important than the other four or five standing committees we have. It might even be more. I should not say it escapes me because I know the history of these things, so I understand the history as to the various cars and how the Chairman of Committees in the House of Assembly got a car. It is probably best at this stage that I do not put on the public record as to—

The Hon. K.J. Maher: Do it! Do it!

The Hon. R.I. LUCAS: I do not think it would do your cause much good, the Hon. Mr Maher, because it relates to a Labor member of parliament.

The Hon. K.J. Maher: Don't do it!

The Hon. R.I. LUCAS: Yes, exactly. Should there be a Liberal government after 2018—we can always live in hope—that would be an area of merit worthy of discussion as to whether or not there can be some tweaking in terms of the provision of cars. I think the sledgehammer approach that the Hon. Mr Parnell is suggesting is not worthy of support.

The other point I would make in relation to the Hon. Mr Parnell's motion is that he says this pool of vehicles would be available to all members of parliament—so that is the 69 members of parliament—which could be booked for use on parliamentary or electorate business. What the Hon. Mr Parnell is saying is that we are going to have a fleet of cars available for all 69 members of parliament for any electorate function or business that they attend.

The Hon. M.C. Parnell: You pay for it.

The Hon. R.I. LUCAS: We are still going to have to have a fleet of vehicles available for 69 members. For each of the 69 members of parliament, if they are going to the Hallett Cove Football Club on a Sunday morning and then to the shopping centre for an electorate function in the afternoon, or whatever it might happen to be, the Hon. Mr Parnell is saying that every one of the 69 members of parliament, for an electorate function, could have a car provided by the state on a cost-recovery basis.

I am assuming there is going to be a fleet of government drivers and cars on a cost-recovery basis. There would be a lot of drivers of taxis, I suspect, or Ubers, who may well have a particular point of view that the Hon. Mr Parnell is proposing a much bigger fleet—in essence, the government taxi service—available to 69 members of parliament, not just to the 20-odd or whatever the number happens to be—

The Hon. J.S.L. Dawkins: Kind of like COMCARs.

The Hon. R.I. LUCAS: It would be 'COMCAR plus' because it is much wider than COMCAR. The definition the member is talking about here is any electorate business. If the local member attends the local church on an electorate basis, anything in the electorate would qualify under the Greens' scheme for a government-funded taxi service for all 69 members of parliament.

It is novel, it is innovative. I give the Hon. Mr Parnell credit for that. I think if he wants to progress this he might like to do some costings on the up-front costs for the state in terms of how many cars and how many government drivers would need to be made available. The government is going to have to go into the business of trying to estimate the demand for government cars because the state is going to have to provide, on demand to all members, as the Hon. Mr Parnell says, 'on a cost-recovery basis'.

The state would have to go into business, work out what charges it was going to make and then hope that it gets it right, because if it actually pitches the cost to the Hon. Mr Parnell and says, 'Mr Parnell, we have got this car for you but it is going to cost you \$100 to drive from Belair to the Blackwood shopping centre for your electorate function,' the Hon. Mr Parnell might say, 'Well, okay, I might actually hop on my bike and ride,' or, 'I might actually get a taxi, because it is only going to cost me \$15,' or whatever it might happen to be.

The state is then going to be left with 100-plus cars and drivers, and all of the members have decided that it is way too expensive to actually use this bold new initiation of the Greens—the Greens-inspired government funded taxi service—that is being proposed.

I would not trust this Labor government with running any business, let alone running a whole new business such as government-run taxi service. I suppose the Hon. Mr Koutsantonis might be the perfect person, now that I think of it—the Hon. Mr Darley should stop laughing over in the corner there—to run this particular taxi service. But, I would not trust him with that either.

I think it is a good head nod for talkback radio, and I am sure the Hon. Mr Parnell will get a head nod from people, if he has not already. But if you actually think it through and work out what it actually means, then our viewpoint is that it does not make much sense. In conclusion, we will not be supporting it, but we do acknowledge, as I said, that there is a genuine issue in relation to the provision of cars for some committee appointments, in particular, which is an issue that parties, government and opposition, should debate as to why, for example, a couple of committee chairs are supposedly more important and more prestigious than the other chairs of committees.

The Hon. T.T. NGO (23:37): I rise to speak on behalf of the government to vote against this motion. As a former adviser to then treasurer, the Hon. Jack Snelling MP, I was given the role of looking after Electorate Services, and this included managing ministerial drivers. I concur with the Hon. Mr Lucas's comments that this motion has not been carefully thought through, because there are cost implications that come with this proposal.

Let me talk a bit about the ministerial chauffeur service. The ministerial chauffeur service provides an effective and efficient chauffeur service focusing on quality customer service to the Premier, the Deputy Premier, cabinet ministers, the Leader of the Opposition, the Deputy Leader of the Opposition, the President of the Legislative Council, the Leader of the Opposition in the Legislative Council, the Speaker of the House of Assembly, committee chairs and VIPs.

There are 23 full-time ongoing weekly paid public sector ministerial chauffeur positions. In addition, four casual chauffeurs are utilised on an as-required basis for relief and to maintain continuity of service. In case a driver or two are sick, these casual drivers can fill in at the last moment. Ministerial chauffeurs are employed subject to the Chauffeurs (Ministerial) Public Service Award and the South Australian Public Sector Wages Parity Enterprise Agreement: Weekly Paid 2013.

All chauffeurs are bound by the Code of Ethics for the South Australian Public Sector and subject to the professional conduct standards within that. The Department of the Premier and Cabinet currently administers the leasing of 24 Holden Caprice vehicles through a third party supplier and the employment of staffing resources utilised to provide the chauffeur service. The ministerial chauffeur service is funded by a budget allocation.

As the Hon. Mr Lucas has said, being a minister you very often have to attend meetings and a lot of those meetings are often extended or go longer than you expect. Likewise, if meetings happen to finish early the minister requires drivers to pretty much be ready, so that he or she can make a phone call and they can pick up the minister and take them to their next appointment.

It would be very difficult if a driver had to leave the minister to go and pick up another MP, and there was a traffic jam that made the driver late coming back to pick up the minister. It would make the job of the minister very difficult. Drivers also often carry a lot of confidential information, such as cabinet submissions, urgent letters for the minister to sign or important briefings. These are often lying around in the ministerial car, so if they had to pick up another MP there is the potential for that information to land in the wrong hands.

Another important piece of information that the Hon. Mr Parnell has not thought of is that every five years a driver has to fill out a log book for three months to declare the fringe benefits tax. I believe (although I have to clear this up with the Hon. Mr Ridgway) that the minister or opposition leader would have to pay that fringe benefits tax themselves. If MPs or backbenchers were to use the vehicles, as the Hon. Mr Parnell suggests, they would also have to pay fringe benefits tax, and I do not know how that would work out. If the minister paid the fringe benefits tax would that mean he or she would try to claim part of that from the member of parliament who was also using the car? So, there are complications with this motion.

There is also the setting up costs involved in employing another one or two members of staff to sit around and wait to organise what cars are available and coordinate all these vehicles for MPs to be picked up and the driver to return and pick up their minister. There is a cost implication in employing these people. As a member of parliament I would not want to be using that service either, because I would have to pay all those costs, and it is easier to split it.

If there were only 10 MPs who wanted to be in the scheme the cost would be enormous. As the Hon. Mr Lucas said, most MPs would figure out that it would be a lot cheaper just to catch a taxi, so what do we do with that then? To sum up, I think it sounds good in theory, but generally there are problems with it, as I mentioned previously. So, on behalf of the government, I will be voting against this motion.

The Hon. M.C. PARNELL (23:44): I thank the Hon. Kelly Vincent for her support, and I accept her offer to sit down over the next few months and work up with her something that is a little bit more detailed and covers more situations. I have to say about the Hon. Rob Lucas and the Hon. Tung Ngo that they doth protest too much. They have taken a simple motion and interpreted it

in a way that suits their case, which is for the status quo to remain because, one day, they might get one of these cars.

The Hon. Tung Ngo said that it is an efficient system. There is nothing efficient about someone in a massive car driving someone from Lower Mitcham or Prospect into the city to parliament, hanging around all day in the Blue Room or somewhere else, and then driving them home at the end of the day—no meetings, they are in parliament, they are not going anywhere else. It is a ridiculous system, and I think all members deep down know that it is.

The challenge for us is to be a little bit more imaginative about how we can provide a quality transport service that has drivers who understand confidentiality, similar to the COMCAR system that members are familiar with. I do not accept the Hon. Rob Lucas's analysis that we replace these 23 plus the casuals with 69 cars so that, if it happened that every member wanted to get a chauffeur car that they were prepared to pay for and all wanted to go to different spots at the same time, you would have to have 69 cars. It really would not work like that, but I think people have read far too much into this.

On a more positive note, even the Hon. Rob Lucas accepts that there is this sort of the consolation prizes of a couple of chairs of committees getting chauffeur-driven cars that are completely unrelated to their work and are purely to keep disgruntled backbenchers happy and an attempt to stop them from undermining their ministerial colleagues with their cars. It is an absolute sort. The Hon. Tung Ngo refers to logbooks. We all know that the Budget and Finance Committee some time ago said that, if you made ministers fill out logbooks, we would save \$1 million instantly.

The Hon. T.T. Ngo: They do.

The Hon. M.C. PARNELL: No, they don't. Three months every four years is not a consistent filling out of logbooks. We would save \$1 million. I really do think we need to come back and look at this again. I would ask members to look at it through the lens of the taxpayer rather than through the lens of, 'Maybe I could get one of these if I play my cards right in years to come.'

As the Hon. Kelly Vincent said, you could extend it to a bicycle loan scheme and a whole range of things. As members know, I am a big fan of *Borgen*. If you have not seen *Borgen*, it is *The West Wing* with subtitles. It is a political drama about Danish politics. In series 1, episode 1, the future prime minister turns up to parliament house on her bicycle. Mind you, when she becomes prime minister, she does end up with a car and she sleeps with the chauffeur, but that is another episode.

The Hon. T.J. STEPHENS: Point of order: I think the Hon. Mark Parnell is implying that the Hon. David Ridgway is sleeping with his driver, and I just think that is outrageous!

Members interjecting:

The PRESIDENT: Give the Hon. Mark Parnell the respect he deserves.

The Hon. M.C. PARNELL: Thank you. The point that I am making is, with a little bit of imagination and a bit of commitment to saving taxpayer resources, we could actually have a much more efficient system that covers its costs and provides a quality transport service. Whilst I appreciate that we do not quite have the numbers tonight, with only a couple of us supporting the motion at this stage I think, I am not going to let it go. We will bring it back next year.

If members would prefer the motion to run over several pages and to take the form of detailed rules of the road and regulations we could do that, but I would ask members to be just a little bit more generous in terms of thinking through what the intent is. I will take some generosity out of the comments that were made. The system is broken, and it does need to be fixed. We can save taxpayers' money, but I can appreciate that it will not be progressed any further tonight.

Motion negatived.

EVANS, HON. I.F.

Adjourned debate on motion of Hon. D.W. Ridgway:

That this council acknowledge the service to the parliament of the Hon. Iain Evans, minister of the Crown from December 1997 until March 2002, and a member of the House of Assembly for the seat of Davenport since 1993.

(Continued from 19 November 2014.)

The Hon. T.J. STEPHENS (23:50): Given the hour and the enormous amount of work that this council has worked its way through today in a most professional manner, I will try to keep my comments brief, but, to be fair, I would have liked to have had more time to expand on my relationship and the wonderful contribution of the Hon. Iain Evans to the people and the parliament of South Australia.

Many wonderful things have been said about the Hon. Iain Evans in both chambers to date, and I would concur with all of those remarks. I am very grateful and it reminds me of the great camaraderie that can exist between members of the opposition parties to the Liberal Party and the respect that is paid to us all at different times. I will not touch on all of the achievements of the Hon. Iain Evans in this place, but what I will do is relay to the chamber the fact that the Hon. David Ridgway, the Hon. Rob Lucas and myself tonight attended a small function honouring the Hon. Iain Evans at the Gallery (I think on Waymouth Street).

I have to say that, in particular, his family spoke in glowing terms of not only the Hon. Iain Evans's contribution and what it meant to their family but the extraordinary contribution that Fiona Evans made to political life by being the rock of the Evans family when the Hon. Iain Evans was obviously off doing the things that he did. I was really touched and impressed by the speeches that Iain's four children made. I have to say that you should take comfort that, as a member of parliament, given that you do so many things, you and your beautiful partner Fiona have nurtured and parented exceptional young people. The way they spoke was absolutely fantastic and pretty touching. It made me a little bit emotional and I am sure it was the same with everybody else in the room.

At some point it was alluded to—one of the low points in my life as a member of parliament—when Senator Jeannie Ferris sadly had passed away. I know that Senator Jeannie Ferris had quite a bit of respect from Labor senators in the federal parliament and there was a very moving occasion in the federal parliament that a number of state members of parliament attended. It was at that time that a person challenged the Hon. Iain Evans and timed it beautifully, when a number of his friends and supporters were there paying their respects to Senator Jeannie Ferris. That person called on a challenge after the Hon. Iain Evans had been the leader for about 12 months, or maybe a bit less.

It was one of the low points of my political career because I thought it was the lowest act that I could have imagined. It is one thing to use the democratic system, it is another thing to use a weakness when people are paying their respects to somebody who deserved respect.

That person, of course, is now a minister in the Labor government: the Hon. (it hurts me to say it) Martin Hamilton-Smith—the honourable. I can only reflect tonight when I listened to the pain of that family, but I also really enjoyed the exceptional young people who have become Iain Evans' family. I am proud to be called a friend of Iain Evans. I am proud to have always associated with him and been a loyal person. I wish the Hon. Iain Evans, Fiona and their beautiful family every success in the future, and tonight I am pleased to pay tribute to his exceptional service to the people of South Australia.

The Hon. J.S. LEE (23:55): I would like to thank the Hon. David Ridgway for bringing this motion to the chamber. I join the other honourable members to acknowledge the outstanding service of the Hon. Iain Evans. I am sorry I missed his farewell party tonight due to the many speeches I had to prepare here, but I would like to say just a few words of tribute. As a fairly new member to parliament, I have only worked with Iain since 2010, but I have found him to be one of the most knowledgeable members in the shadow cabinet.

I remember that he structured a process to share information and transfer knowledge to new members when I was first elected. Iain set up internal committees that allowed some of the class of 2010 new members to actively learn and be mentored by more senior members of the Liberal Party. I have greatly benefited from being in those committees with Iain. At all the business events where I have invited the Hon. Iain Evans as my guest speaker, businesspeople have found Iain to be insightful, knowledgeable and charming. Iain was a fierce and fantastic contributor to the South Australian Liberal team with a wealth of knowledge and valuable experience.

As a person who is fond of numbers, I might just present some stats. Iain is a record holder for four things: the fact that he is a family man, businessman, team man and Liberal man. He has been married to his beautiful wife Fiona for 30 years, produced four wonderful children, had five years as a minister in the Olsen and Kerin governments, and was the 13th leader of the Liberal Party in its 100 years of history. He was heavily involved in nine federal election campaigns and nine state election campaigns, had 21 years of outstanding service as the member for Davenport, and 40 years of service to parliament between his father Stan Evans and himself. Five hours and 28 minutes was his longest speech in the House of Assembly.

Iain's passion to serve the community and his capacity to make a difference in the parliament ought to be publicly acknowledged here in this chamber and throughout parliament. It is an honour to have had Iain as my parliamentary colleague. He will be greatly missed by the Liberal team and I am sure others in parliament as well. I take this opportunity to wish Iain and his family the very best in the future, and may they enjoy much success and happiness in the next chapter of their lives.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (23:58): Certainly I thank all honourable members for their contributions to this motion, and it is fitting that tonight, as the Hon. Terry Stephens mentioned, there was the final function for Iain Evans' farewell. I think his son Staten said it was like the final performance of the John Farnham farewell tour. There had been a number of events, and I had the privilege to host an event just last night in the Speaker's dining room, where Iain had all of his family, siblings, their children and his children there as well, so it was quite a large event.

I think it is a measure of the commitment to the parliament of South Australia by the Evans family—obviously, his father Stan before him—that he almost filled the Speaker's dining room with his immediate family and their children. His commitment to service has been one that I think you could point all budding young members of parliament towards, for his service and the way he has served his community and his electorate.

I know that he had a view that he would doorknock his entire electorate every four years. Often you would talk to him and say you had met somebody in Blackwood and he would say, 'Oh, yes, they live in Smith Street, No. 27. It's the place with the red roof and the willow tree out the front.' He actually took a real interest in his community and I suspect the Hon. Michael Atkinson is the only other person I know who—and I am hoping he does not mind me putting him in the same speech with Michael Atkinson—

Members interjecting:

The Hon. D.W. RIDGWAY: He probably would for a whole bunch of political reasons.

The Hon. J.S.L. Dawkins interjecting:

The Hon. D.W. RIDGWAY: He probably will. He may blame others for other things but nonetheless, in his commitment and service to his community, Michael Atkinson has a way of approaching his electorate, and Iain had a way of approaching his electorate. I think the level of commitment and service he gave to the seat of Davenport will be very hard to mimic for whoever may follow Iain. Our candidate for that by-election is Mr Sam Duluk and I do wish Sam all the best in that pursuit.

Tonight we did have an event and I thought it was fitting that former premier Olsen was there to speak and made some very poignant comments about Iain's contribution as a minister. Of course, Iain followed up to say that the most fulfilling years of his life were the five years that he was a minister of a Liberal government. It is a sad time when a member of parliament I have known for all the time I have been involved in the parliament and all the time before moves on, but it does leave an opportunity for those who are to come after him to step into those shoes. They will be very big shoes to fill and they will take some filling.

I know that Iain has some plans with his career and the next phase of his life. As the Hon. Terry Stephens mentioned, he saw his four children speak tonight. I think they are a real testament. Here it is at midnight on a Wednesday night and members would know politics is pretty tough on family life, yet they have been able to bring up four great children. Of course, Fiona has been a great support and, if you like, a rock in their relationship, and they have done a fabulous job.

I am delighted to have known Iain Evans. I was delighted and felt it was a real honour to work with him. It is fair to say that every now and then he has been a bit grumpy and perhaps we have not always agreed but, at the end of the day, Iain was passionate about Davenport, passionate about South Australia and passionate about making this state one of the greatest states in the nation. It is probably a little sad that he only had five years as a minister, but I do wish him all the very best for the next phase of his life and I thank all members for their contributions to this motion.

Motion carried.

Bills

**CRIMINAL LAW CONSOLIDATION (SEXUAL OFFENCES - COGNITIVE IMPAIRMENT)
AMENDMENT BILL**

Final Stages

The House of Assembly agreed to the amendment made by the Legislative Council without any amendment.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Final Stages

The House of Assembly agreed to the amendment made by the Legislative Council without any amendment.

At 00:03 the council adjourned until Thursday 4 December 2014 at 14:15.

*Answers to Questions***DISABILITY UNMET NEED**

In reply to the Hon. K.L. VINCENT (8 May 2014).

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): The Minister for Disabilities has advised:

1. Reported unmet need represents the additional services that clients would ideally receive. The vast majority of clients who have an episode of unmet need recorded are already in receipt of some level of funded supports.

The South Australian Government recognises the demand pressures on disability services and will continue to work consistently and constructively to address unmet need.

2. State government expenditure on disability services has increased from \$124.4 million in 2002-03 to a budgeted \$421.3 million (excluding 'Other NDIS' expenditure) in 2013-14. The South Australian Government has provided injections of funds over the last couple years, to assist people with disability requiring a range of accommodation support, community support, community access and respite services. In particular:

- a. The 2012-13 Budget provided an additional \$212.5 million over 5 years.
- b. The 2013-14 Budget provided an additional \$107.8 million over 5 years.

3. The South Australian Government has strongly supported the establishment of the NDIS and is committed to the full implementation of the NDIS from 2018, for all people with disability under the age of 65.

4. No, I do not agree.

5. No. The South Australian Government has demonstrated significant commitment to doing all within its capacity to protect and promote the rights of people with disability, in line with UN Convention.

DISABILITY WORKFORCE PLANNING

In reply to the Hon. K.L. VINCENT (22 May 2014).

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): The Minister for Disabilities has advised:

1. A National Workforce Strategy is currently being developed and will consider workforce supply issues under the NDIS.

2. The National Workforce Strategy will consider workforce planning for allied health workers, as well other disability support workers.

3. Data and research from a variety of sources will inform the National Workforce Strategy.

COMMISSIONER FOR PUBLIC SECTOR EMPLOYMENT

In reply to the Hon. R.I. LUCAS (17 June 2014).

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): The Minister for the Public Sector has advised:

1. No.

2. The Commissioner for the Public Sector and the minister provided responses to these questions during the department's appearance in front of the Budget and Finance Committee on 31 July 2014 and Estimates hearing on 23 July 2014.

I am advised that the consultancy was \$22,000.

3. The honourable member was provided a response to this question on 23 July 2014 during DPC's Estimates hearing.

I understand that Ms Rowan Roberts was one of the people employed, or the person employed.

OFFICE FOR THE PUBLIC SECTOR

In reply to **the Hon. R.I. LUCAS** (18 June 2014).

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): The Minister for the Public Sector has advised:

1. The honourable member was provided an answer to this question on 31st July 2014 at DPC's appearance in front of the Budget & Finance Committee.

2. The honourable member was provided an answer to this question on 31st July 2014 at DPC's appearance in front of the Budget & Finance Committee.

The cost of the brochure was \$21,153 inc GST.

3. A response was provided to the Hon. I.F. Evans in the other place on 21 May 2014 by the Premier.

4. Yes.