

LEGISLATIVE COUNCIL

Wednesday, 6 May 2015

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

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. G.A. KANDELAARS (14:19): I bring up the 6th report of the Legislative Review Committee.

Report received.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

By the President—

Deputy and Premier and Minister for Child Protection Reform—Correspondence concerning Recommendation 22.4 of the Finding of the Inquest into the Death of Chloe Valentine and extract from transcript of evidence.

Ministerial Statement

COUNCIL OF AUSTRALIAN GOVERNMENTS

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) (14:19): I table a copy of a ministerial statement relating to the Council of Australian Governments made today by the Hon. Jay Weatherill.

LABOUR HIRE PRACTICES

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) (14:19): I table a copy of a ministerial statement relating to labour hire practices made today by the Hon. Jay Weatherill.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

The PRESIDENT: Before I call upon questions without notice, I believe congratulations are in order, Hon. Ms Lensink. Well done.

Honourable members: Hear, hear!

WATER PRICING

The Hon. J.M.A. LENSINK (14:22): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question about SA Water.

Leave granted.

The Hon. J.M.A. LENSINK: In light of the former commissioner of ESCOSA, Professor Dick Blandy, calling for an independent evaluation of the regulated asset base of SA Water, the minister's

good friend and retired treasurer, Mr Kevin Foley, appeared on the Ian Henschke show on Tuesday 28 April, when he referred to Professor Blandy in a range of ways and made a number of comments which do not bear repeating.

Then, when Ian Henschke put to him, 'Okay, well, what about his call then to have an independent valuation on the asset of SA Water so that it is transparent? He said all he wants is transparency,' Mr Foley then went on to say, 'No, I don't agree with this. Get the Auditor-General's Report. The Auditor-General of the state audits SA Water, SA ... annual report ...'

There was a clear implication being that the Auditor-General audits the RAB. I examined the 2013 Auditor-General's Report which refers to this matter and, in fact, the 2014 report refers to the previous year where this matter was looked at and it said, quoting page 1962:

...last year SA Water investigated with the assistance of DTF—

that being the Department of Treasury and Finance—

and an accounting firm, whether the establishment of the RAB was an indication that the asset values adopted for financial reporting were impaired (ie overvalued).

The final sentence in that section was:

SA Water concluded, on the basis of the 2012-13 investigation, that the assets do not need to be subjected to further investigation of impairment, since the financial statement values are likely to be materially within the range of market values.

There is commentary in there about the difference between a RAB asset and what would commonly be understood as a book asset. My questions for the minister are:

1. Does he consider SA Water investigating its own RAB to be independent?
2. What comments does he have in relation to the former treasurer's statement as follows:

If the Auditor-General thought that SA Water was somehow mysteriously increasing the asset value of SA Water that would actually be an ICAC issue...you'd have all of them in the bloody dock in ICAC and they'd be in jail...it doesn't happen and Dick knows that, I just can't understand why Dick is falsely—

this is Professor Blandy—

...misrepresenting what he knows to be the facts.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:25): I thank the honourable member for her most important question and pass on my heartiest congratulations on her good news, and a lovely photograph today. Unfortunately for her, that hasn't helped her in terms of any understanding about regulation of water prices in South Australia, so I can take some considerable time, perhaps, to refresh her memory in relation to this and I can come back to those other questions she asked about suggesting I might like to proffer some views about opinions that have been put around on the wireless.

Unlike privately owned utilities, there are frameworks and pricing regimes put in place by the government preventing the generation of excessive profits and distributions by SA Water. This government introduced economic regulation of SA Water by the Essential Services Commission for this exact reason. We have introduced transparency and accountability to prevent the earning of monopoly profits and excessive returns. ESCOSA now sets a cap on the amount of revenue that can be earned by SA Water.

SA Water's first determination undertaken by ESCOSA was announced in May 2013 and covers the three-year period of 2013-14 and 2015-16. Based on this determination, the government was able to announce a decrease in water prices of 6.4 per cent in 2013-14 and, as promised for 2014-15, water and sewerage prices increases have been limited to inflation in line with the determination of the independent regulator.

Delivering those lower prices means contributions to government were estimated to be reduced by about \$80 million over the three-year regulatory period, and over the period of 2014-15

to 2017-18, the government is forecast to receive \$630 million in dividends and \$284 million in tax equivalent payments, I am advised.

Over this time, the government will make two very significant forms of return on this income. Community service obligation payments back to SA Water are \$515 million, which lower the water and sewerage prices and provide for community services, in particular ensuring that regional customers do not pay more than metropolitan customers.

These are the figures that I would say some ill-advised commentators on the wireless have been avoiding. When we have inveterate popularity, publicity-seeking honourable members in this place going on to the radio and talking about water prices, they forget to tell people how much is put back in a transparent way through CSOs from Treasury. So, \$515 million will lower the water and sewerage prices and provide for community service, in particular ensuring that regional customers do not pay more than metropolitan customers.

I say again, and I've said it before, the people who go on the radio and make these outrageous claims fail to tell the listeners that, in fact, what they are arguing for is massive increases in water prices for country customers. That is what they fail to advise people when they go on the wireless to talk about these issues. Of course, water and sewerage concession payments of \$177 million will benefit low income water and sewerage service customers.

After taking into account community service obligation payments and water and sewerage concessions, a total of \$222 million is forecast to be available for general government services during the period 2014-15 to 2017-18. General government services pay for nurses, teachers and doctors.

The Hon. J.M.A. Lensink: It's a hidden tax.

The Hon. I.K. HUNTER: It's not a hidden tax, the Hon. Michelle Lensink, because it's done through a transfer from Treasury. It's not done through payments through SA Water internally—it's not done like that—it's done by a transfer back from Treasury as CSOs, and it is transparent. On an annual basis, this means we are providing \$43 million back in water and sewerage concessions during 2014-15 and \$126 million in community service obligation payments. After taking these items into account, the expected return to government this financial year is, I'm advised, just over \$26 million which, again, will go back into delivering services to South Australians.

Not including the \$43 million the government spends on concessions, the net contribution to government in 2014-15 is \$69.96 million. It is interesting that, as a comparison in today's dollar terms, the Liberals, when they were last in government, received a net contribution of \$170 million in their last term of government. Compare that with what we are getting in 2014-15: \$69.96 million, or rounded up to \$70 million, and the Liberals, in their last year in government, took \$170 million.

The Hon. R.L. Brokenshire interjecting:

The Hon. I.K. HUNTER: That's, for those challenged opposite and behind me, about \$100 million more. This government recognises the impact of cost of living pressures and so supports those South Australians who are doing it tough and provides concessions of 30 per cent for 2014, with a minimum of \$185 and a maximum of \$295 to those who meet the eligibility criteria. The state government has also committed to introducing a single concession payment to simplify family budgeting by providing all concession payments for one year in one single payment.

I am at a loss to understand how some dry economist can go on radio and say that the regulator asset base (RAB) is somehow overvalued when the replacement cost of assets is \$14 billion or above and when the RAB is significantly less than that.

The Hon. J.M.A. Lensink: A separate issue and you know it.

The Hon. I.K. HUNTER: The Hon. Ms Lensink says, 'That's a separate issue.' Don't worry about the real cost of replacement of assets. If you had to come and replace those assets at \$14 billion plus, don't worry about that; artificially change the RAB so that you can buy and manipulate the cost. Well, that's not what this government does. We involve ourselves in a transparent process which is independently regulated by ESCOSA, and that's what we will continue with.

WATER PRICING

The Hon. J.M.A. LENSINK (14:31): Supplementary question: can the minister advise whether his office put the former treasurer up to his interview last week, or not?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:31): It is well to advise the honourable member of something that the former treasurer would advise her now: when you are in government, you are often judged on what you do, and the former Liberal government, which privatised so many of our assets, such as ETSA, was judged harshly. The privatisation of ETSA, we know, has had a disastrous impact on the cost of living—

Members interjecting:

The PRESIDENT: Order! I am having difficulty hearing the minister's answer.

The Hon. I.K. HUNTER: —and here we have a Liberal opposition that is trying to fudge a fact that is as clear as the nose on their collective face: they had every intention of privatising SA Water had they won the last state election. They had every intention of it.

Members interjecting:

The PRESIDENT: Minister, do you want to take your seat.

Members interjecting:

The PRESIDENT: If you want to waste question time, so be it. I ask everyone to just take a bit of a breather and allow the minister to complete his answer, so that we can get on to the next question. Minister.

The Hon. I.K. HUNTER: Mr President, we know that the federal Liberal Treasurer, the Hon. Joe Hockey, is running around the country with bags of money trying to entice state governments to privatise their assets in return for some cash, cash the state governments won't get to choose where they invest it: it will be invested on the terms of the federal government. This Liberal opposition, had they got into government, no-one would believe would not be lining up in the queue with other Liberal governments wanting to privatise SA Water's assets. This government will never do that.

WATER PRICING

The Hon. J.M.A. LENSINK (14:33): Supplementary question.

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Lensink.

The Hon. J.M.A. LENSINK: Will the minister table any evidence that he has of his assertion that it was state Liberal Party policy to privatise SA Water?

The Hon. R.L. Brokenshire: DNA, it's in their DNA.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:33): Mr President, for once I do agree with the Hon. Mr Brokenshire, in his interjection: it is in their DNA to privatise. We all understand what the Liberals are about: it is about supporting the big end of town while those most vulnerable in our community are left to suffer. That is what the Liberals are about in this state and around the country. It is in their DNA, and every South Australian knows it. Every South Australian knows that it's in their DNA.

The Hon. T.J. Stephens: You speak with forked tongue.

The PRESIDENT: Minister—

The Hon. R.I. LUCAS: I have a supplementary question.

The PRESIDENT: Yes, but just before that, there is a difference between friendly banter and quite an extraordinary outburst from a member on the backbench. Just try to contain yourself and allow people to ask supplementary questions. The Hon. Mr Lucas.

SA WATER

The Hon. R.I. LUCAS (14:34): I have a supplementary question. Does the minister concede that it was his government, his ministers who actually employed and paid, with taxpayers' money, for a secret consultancy prior to the last state election with the specific purpose of looking at the privatisation of SA Water?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:35): I will tell you what I concede, and that is the fact that the Hon. Mr Lucas, when he was last treasurer in this state, ripped \$170 million out of SA Water, and the comparison for us is just 70. That is what I will concede. He gouged SA Water and SA Water's customers for everything that he could get. Mr President, as you understand, this state Labor government puts that money back into concessions and statewide pricing—statewide pricing which the Liberal Party wants to get rid of.

SA WATER

The Hon. R.I. LUCAS (14:35): I have another supplementary question. Does the minister concede that he is an absolute hypocrite, given that he refuses to answer the question that he, as a minister, and his government actually spent taxpayers' money on a consultant looking at the privatisation of SA Water secretly prior to the last state election?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:36): Hypocrisy, thy name is the Hon. Mr Lucas. This is a man who closed down—how many schools, Mr Lucas, when you were education minister, when you were treasurer? How many did you close down? Was it 40 or was it 60? We cannot know, because he closed so many schools when he was education minister and treasurer.

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

The PRESIDENT: Point of order.

The Hon. J.S.L. DAWKINS: Mr President, I ask you to bring the minister back to the question. The question said nothing about schools.

The PRESIDENT: What I would like to see is a little bit of order in this house so that the minister can answer the question.

The Hon. J.S.L. Dawkins: He talks about schools.

The PRESIDENT: Minister, can you get to the point of the answer.

The Hon. I.K. HUNTER: The Hon. Mr Lucas, on behalf of the Liberal Party, asked about hypocrisy. It is entirely relevant for me to bring up examples of their hypocrisy, their absolute hypocrisy, in going to an election with the very clear intent of privatising everything they can get their hands on.

The PRESIDENT: The Hon. Mr Lucas, your question.

The Hon. R.I. LUCAS: No, it is the Hon. Stephen Wade.

The PRESIDENT: Sorry, the Hon. Mr Wade. So in all this time we have only had one question.

APY EXECUTIVE

The Hon. S.G. WADE (14:37): We are still groping for an answer. I seek leave to make a brief explanation before asking questions of the Minister for Aboriginal Affairs and Reconciliation about the accountability of the APY Executive Board.

Leave granted.

The Hon. S.G. WADE: On 24 February 2015 the minister informed the council that he had entered into an agreement with the APY Executive that would see the release of a single quarter of the APY's annual state funding but that this agreement was 'subject to very stringent and very specific

conditions.' The minister stated that the agreement required 'APY to meet higher standards of accountability and transparency' and that it included a commitment on APY's part to make certain documents available on the APY website, specifically, its annual reports, the minutes of the monthly APY Executive Board meetings and monthly financial reports against APY's approved budget.

Yesterday, in a ministerial statement on the governance and financial management of the APY Executive Board, the minister stated that in recent weeks there had been 'a number of significant improvements in the operation and transparency of the APY Executive Board' and that a second quarter of funding had now been released. However, the APY website still does not carry the required documents, specifically, the organisation's annual report for 2013-14, the minutes of the March and April monthly meetings of the APY Executive Board and any monthly financial reports against APY's approved budget. My questions to the minister are:

1. Why did the minister release second quarter funding to APY when APY had failed to meet the so-called stringent conditions on the first quarter funding?
2. Can the minister assure the council that he has received APY's 2013-14 annual report and sighted the other documents?
3. What action will the minister take to ensure that APY makes the specified documents available on its website and, therefore, satisfies the higher standards of accountability and transparency it agreed to in February when the first quarter funding was released?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:39): I thank the honourable member for his questions. I am advised that a number of those things that the honourable member refers to as not being on the website are on the website. For those that are not on the website, a process is underway to have them put on the website. I will go back and check, and if that's not the case I will bring back further information for the honourable member.

APY EXECUTIVE

The Hon. S.G. WADE (14:39): I have a supplementary question. If the minister is implying, therefore, that he has received the APY's 2013-14 annual report, can he advise the council whether he received that by the statutory deadline of 31 December 2014?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:40): I will double-check that. I am informed that a number of the things the honourable member mentioned are on the website; whether that is one of them or not, I will double-check. I will bring back an answer as soon as possible, and if there are things outstanding I will continue, as I do with all reports, to bring them back as soon as our officer receives them and encourage that they be brought forward by those who make these reports as soon as possible.

WORRALL, MR L.

The Hon. R.I. LUCAS (14:40): I seek leave to make a brief explanation before asking a question of the Minister for Manufacturing and Innovation on the subject of Mr Lance Worrall.

Leave granted.

The Hon. R.I. LUCAS: The Budget and Finance Committee was told in December 2013 by the chief executive of the department in relation to the costs of the secondment of Mr Lance Worrall to the University of Adelaide that:

...he continues to receive his contracted remuneration but all of the other costs associated with that have been picked up by the university.

Documents released under freedom of information would appear to indicate that that statement given to the Budget and Finance Committee might not have been accurate. Those documents indicate that there is a series of cost claims against the office of the deputy chief executive in relation to Mr Lance Worrall. They cover areas such as publications, books, papers, taxis, airfares, taxi vehicle hire, accommodation and meals (domestic) and something called 'staff amenities'. Some of those costs,

for example, relate to taxi and vehicle hire in January, \$519.80; airfares (domestic), \$1002.78; accommodation and meals (domestic), \$406.55; and something called staff amenities, \$159.50.

The documents also seem to indicate that the total salary and wages for that particular financial year for Mr Worrall were just on \$300,000—\$299,000—but the additional cost impacts added up to about \$75,000, taking the total cost for the financial year to \$374,000 to the taxpayers. My questions to the minister are:

1. Can the minister indicate whether or not the Budget and Finance Committee was given a correct and accurate representation of facts and that is, that the only cost to the taxpayers was Mr Worrall's remuneration and that all other costs associated with Mr Worrall's position were being picked up by the university?

2. If that's not correct, and if the taxpayers are picking up the costs, can the minister indicate, in relation to travel: was Mr Worrall required to travel economy class or was he entitled to travel business class or first class?

3. In relation to the taxi and motor vehicle costs claim—and I accept that these two last questions would need to be taken on notice—of \$519.80, can the minister indicate the details of that particular claim from Mr Worrall?

4. In relation to the staff amenity claim of \$159.50, can the minister indicate and take on notice what the details of staff amenity claims are and in particular the detail of that particular staff amenity claim?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:44): I thank the honourable member for his question, but I am sure it will come as no surprise to him that I don't have with me information on every single employee in the public sector's exact details.

The Hon. T.J. Stephens: How long have you had the job then?

The Hon. K.J. MAHER: I've been here a couple of months and I don't have, for the tens of thousands of public sector employees, exact details of which taxi they've taken when and where. However, I will take that question on notice, look at the questions asked and look at bringing back a reply, given the honourable member's very peculiar and unnatural interest in particular individuals.

RIVERLAND EDUCATION AND EMPLOYMENT

The Hon. T.T. NGO (14:44): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about regional South Australia.

Leave granted.

The Hon. T.T. NGO: The Riverland is a region of South Australia, the total area of which comprises approximately 30,000 people. Training and employment in the region supports a number of targets in South Australia's strategic plan, including those relating to economic growth, employment, labour productivity and non-school qualifications. Can the minister tell the house about her recent trip to the Riverland?

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) (14:45): I thank the honourable member for his most important question. I had an incredibly worthwhile trip to the Riverland recently, meeting with groups and various other community members. It was great to be able to visit Calperum Station to talk about their Aboriginal Learning on Country (ALOC) program, which has been a very successful initiative that engages Aboriginal people in traineeships with the NRM board.

NRM, through the ALOC program, has a history of employing participants as trainees to work at the station. The ALOC also provides traineeship opportunities at sites like Monarto, Glossop and Raukkan. Since the program began in 2008, ALOC has provided employment opportunities to almost 50 Aboriginal people across South Australia. Participants in the ALOC routinely progress to other employment opportunities, including starting their own business or further study, including university

study. Whilst there are currently no trainees at the station, it was beneficial to engage in discussions with staff about how best to move forward to reinstate this very successful and popular program.

Following this, I met with the Riverland Industry Leaders Group (ILG). It is always great to meet with very passionate local business leaders who are really committed to productive discussions about how best to address issues which they face. This is one of the 15 ILGs which have been established by DSD to help government understand and respond to the workforce challenges experienced by industry and employers in each of the different regions. We know that each of the different regions has a different experience, so it is important that we are closely linked in with local knowledge.

In 2014-15, DSD has invested more than \$700,000 in employment projects across the Murraylands and Riverland regions that are placing more than 700 people in employment and training. The Riverland Industry Leaders Group is involved in many initiatives that help to connect DSD programs with employment. We are very interested in obviously discussing how this could be strengthened through the government's recently announced policy WorkReady. Working with the Riverland Industry Leaders Group, subsidised training through WorkReady can be made relevant to local industries, skills and employment needs. Through WorkReady, Jobs First projects can be tailored to provide training to meet industry need and local job opportunities.

I was also able to meet with Anglican Community Care in Waikerie, which runs a significant Adult Community Education (ACE) Foundation Skills program. ACE programs are a community learning gateway for people to improve their foundation skills—literacy, numeracy, digital literacy and employability skills. This then engages people to start a pathway to help transition into training, further qualifications, further education and work. Funding has recently been used for the centre to run short courses. They told me that it involved around 90 participants across a range of different topics, including:

- 'Staying Connected with Technology in Today's World', for learners seeking employment, education or volunteering pathways to develop particularly digital skills, using applications that are common in everyday life and the workplace.
- 'Getting back on track', a financial literacy course.
- 'Safe Food Practices', which provides basic life skills in food safe practices, preparation techniques, cooking, budgeting, refrigeration, food purchasing and such like.

In 2014-15 DSD has invested approximately \$130,000 into foundation skills projects across the Murraylands and Riverland regions to more than 300 people, and it was great to meet with the people at Anglican Community Care to discuss their programs and how well they have been received. It was great travelling through the Riverland, and I am very thankful to those residents for their warm reception and great hospitality. I look forward to continuing productive collaborations which will help improve the vibrancy of the region.

GRANITE ISLAND PENGUIN COLONY

The Hon. T.A. FRANKS (14:50): I seek leave to make a brief explanation before addressing questions to the Minister for Sustainability, Environment and Conservation on the topic of Victor Harbor's declining little penguin population.

Leave granted.

The Hon. T.A. FRANKS: I have recently received correspondence from accommodation providers in Victor Harbor about implications that they believe are very grave for their industry with regard to the decline in the little penguin population and its impact on tourism. They write:

The volunteers who run the Granite Island penguin rescue centre desperately need your help...There are very few wild penguins left...

The letter goes on to say:

Dorothy Longden runs the Granite Island rescue centre and she has breeding couples so that if they could get a second pool and a breeding licence, she could maintain and possibly increase the numbers of penguins that safely are protected in the centre.

The Adelaide Zoo has 20 penguins, but only one baby penguin produced this season. If the Granite Island penguins are not allowed to breed and expand, then there will be nowhere to see penguins in SA. They will be extinct and all the tourists will go to Phillip Island or Rockingham in WA, where their Department of Environment and Conservation protect their penguins and don't ignore the problem.

Overseas tourists flock to the island to see the penguins and go home disappointed. The café has closed down, the lawns are dead and the whole island needs urgent attention.

My questions to the minister are:

1. Given that the Granite Island rescue centre is willing to breed more penguins if they can get a second pool and a breeding licence, will the minister investigate this option?
2. Does the government accept that the serious decline of the little penguin population on Granite Island is having a great impact on tourism?
3. Has there been any communication with either the minister, the department or the tourism sector?
4. How committed is the government to ensuring that Granite Island's little penguin population does not die out, and what action is currently being taken to address this?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:52): I thank the honourable member for her most important question; however, I do advise that I have given all this information to the chamber previously. I understand that the honourable member is raising an issue that has been raised with her by a constituent, but this information is on the record. However, I will go through it all again.

I have said in this place a number of times now that little penguins are not listed as threatened under state or federal legislation, nor is the species listed as vulnerable. I understand that there are approximately 90 little penguin colonies in South Australia, and the sizes of these colonies fluctuate from year to year in response to a number of environmental influences. There may be declines in some areas and increases in others. For example, recent management of land-based threats at Phillip Island in Victoria, similar to that being undertaken here in South Australia, has resulted in significant population increases of little penguins.

Recent declines near Victor Harbor and Kangaroo Island cannot be explained simply by changing seasonal conditions, but linking the decline primarily to long-nosed fur seals, as some have indicated, is not supported by available data. Even to the very obvious, of seeing little penguin colonies sitting side-by-side with sea lion and fur seal colonies on some of our remote islands, tends to indicate that that, in fact, is not the key issue.

The Hon. R.L. Brokenshire interjecting:

The PRESIDENT: The Hon. Mr Brokenshire will have a chance to ask his question in a minute.

The Hon. I.K. HUNTER: David Attenborough in the back row is giving us some expert advice on this, and I thank him most sincerely for it. I suggest he go off and produce a TV program and see how successful he is. I ask the chamber to note that the common name of New Zealand fur seal—

The Hon. R.L. Brokenshire interjecting:

The PRESIDENT: Minister, do not buy into his interjections please.

The Hon. I.K. HUNTER: I should not feed the animals, Mr President, you are quite right. Sir, I note that the common name of New Zealand fur seal has proven to be misleading. On expert advice the common name has changed to long-nosed fur seal. I also seem to recall some advice—

An honourable member interjecting:

The Hon. I.K. HUNTER: Indeed, we are all animals; at base, we are all animals. I have received—

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

The Hon. I.K. HUNTER: The Hon. Michelle Lensink is showing her erudition and her extensive reading. I congratulate her. I have advice that in fact the name New Zealand fur seal is a relatively new name. They used to be called South Australian fur seals, but the name was changed to New Zealand fur seal and now scientists are suggesting that their name be changed to long-nosed fur seals to overcome the impression created by some people that in fact they are not indigenous to South Australia, in which case they are.

I am advised that the monitoring of little penguins in October 2013 and again in 2014 suggests that some populations may now be destabilising; however, continued monitoring will be necessary to confirm this trend. It is easy to understand that when a popular native animal such as a little penguin appears to be in trouble, people want to have quick solutions—of course they do; there is a real attachment these gorgeous little creatures—but targeting another species such as the long-nosed fur seal, for example, is not the answer.

The Hon. T.A. Franks interjecting:

The Hon. I.K. HUNTER: Possible causes for the colonies shrinking include: predation by introduced species such as dogs, foxes, cats and rats; habitat loss; disturbance by people visiting the colonies; parasites; natural predators such as sharks or goannas; fluctuations in the availability of bait fish; and even seawater flooding of nest sites during storms. It may also be that the penguins are simply migrating to more remote locations where they are not being constantly disturbed by humans.

It is true that—and the Hon. Ms Tammy Franks raised the issue of long-nosed fur seals—fur seals do sometimes eat seabirds, many varieties, including penguins, but I am advised that they form only a minor part of a seal's diet. Most of a fur seal's diet is made up of redbait and lantern fish, small bait fish that have no commercial fishery in South Australia, I am advised. They also eat arrow squid and leatherjackets.

I understand that long-nosed fur seals are native to South Australia, and I have covered that bit. Little penguin colonies across our state are subjected to a range of threats on land and at sea. I am advised that a range of little penguin colonies in our state have stable populations.

Recent commissioned reports recommend that current management practices and programs at little penguin colonies where declines have been noted should continue to focus on threat abatement activities on land, including effective land predator control, the revegetation of nesting habitats (including provision of artificial nests) and the protection of nesting/burrowing habitat from coastal developments to maintain spatial extent of existing colonies.

I am advised that a range of these recommendations are currently being implemented. For example, revegetation and other improvements to nesting habitat and baiting of introduced black rats are ongoing. Nesting burrows at locations on Kangaroo Island have also had camera traps established at their entrances to determine the frequency of visits by potential land-based predators, for example cats and rats.

A number of government agencies, departmental staff and volunteers are working together to investigate the extent of localised declines in little penguin colonies and factors which may be contributing to these declines. Research projects are being undertaken to gain a better understanding of the drivers of penguin colony dynamics and to determine what can be done practically to address these local declines.

The South Australian Research and Development Institute is undertaking an assessment of the impacts of seal populations on the seafood industry in South Australia. This research on diet, foraging behaviour and distribution of feeding effort will include an assessment of potential impacts on fisheries and aquaculture, as well as marine ecotourism industries, including, of course, little penguins and giant cuttlefish.

The South Australian Research and Development Institute has also been awarded a research grant from British Petroleum to study the status, distribution and abundance of iconic species and apex predators in the Great Australian Bight. This project includes surveys of little penguin colonies, including on Pearson and Olive Islands.

Monitoring of the colonies on Kangaroo Island and Victor Harbor continues, and monitoring of other stable colonies across the state has been undertaken for comparison. I understand that a recent finding has been that the large breeding colony of little penguins on Troubridge Island, north of Kangaroo Island in Gulf St Vincent, has a strong and stable population.

I understand that it is sometimes tempting to grasp at short term solutions for all local problems, but it is really not a rational way to approach a complex environmental issue that has been the subject of human interference for close to 200 years. We need to consider the complex marine systems and their interactions based on the science that we have before us and the lessons from other jurisdictions. The government is very well aware of the complexity of the issue and is working with stakeholders to arrive at long term, sustainable solutions.

I understand that suggestions have been made that the penguin centre facility on Granite Island should be allowed to conduct a little penguin breed and release program. That looks like an obvious solution on paper, but I am advised that the centre is only capable of holding a maximum of 10 little penguins. The penguin centre does not have the appropriate facilities for breeding little penguins, and does not meet quarantine or biosecurity standards to enable the centre to release any little penguins into the wild, as any provider must do.

Even if the centre could meet these standards, the number of little penguins that could be bred at the facility and released would not have a significant impact upon the little penguin population at Granite island, I am advised. The centre is still, however, an important resource for educating the public about the little penguin species and has been licensed to hold and display little penguins that are not fit for release for this purpose.

The centre also plays a valuable role in acting as an intermediary in the local penguin rescue, ensuring any little penguins rescued in the area are transferred to appropriate facilities. Given that the status of little penguins across the state appears to be stable, a broader penguin breeding and release program is an option that has not been pursued to date.

APY LANDS, MENTAL HEALTH

The Hon. J.S.L. DAWKINS (15:00): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs a question regarding the development of a stand-alone mental health plan for the APY lands.

Leave granted.

The Hon. J.S.L. DAWKINS: On 22 March 2004 an internal memorandum written for the then minister for health, by then South Australian health director for mental health programs, Dr Jonathon Philips, highlighted 'the strong clinical evidence that the prevalence of mental health problems amongst Anangu is high', and that there was 'no capacity for live-in mental health facilities' on the APY lands.

Dr Philips' concerns were shared by Nganampa Health Council in 2006, recognising that mental health was 'an increasingly important issue for APY communities'. The issue of mental health and lack of treatment options was also reinforced in April 2008 by recommendation 16 of the Mullighan inquiry into child sexual abuse on the APY lands that called for a 'substantial increase in services on the lands for persons with mental health issues'.

The need for a stand-alone mental health plan for the APY lands was eventually identified by SA Health in October 2009, and work on the plan for which the government had committed \$600,000 over five years was commenced in 2010 by Country Health SA. On 16 November 2010 the then minister for health advised that this plan would be completed by 31 March 2011. However, approximately three months later on 9 June 2011 the then minister advised that the dedicated APY mental health plan was to be incorporated into a statewide Aboriginal health improvement plan that was to be finalised by the end of 2011.

In 2012 the government released the South Australian suicide prevention strategy 2012-16, entitled Every Life is Worth Living. On page 32, under goal 2, which is 'to provide a sustainable coordinated approach to service delivery resources and information within communities to prevent suicide', the second action point for object 2.2.1 in the document states:

To develop a stand-alone APY mental health plan that addresses social determinants of suicide.

From this statement it appeared that the government had put a stand-alone APY lands mental health plan back on the table. However, with only one year left to run on this strategy, it appears that once again no stand-alone plan has been developed. My questions are:

1. Why has the government had such a truncated approach to the development of an APY lands mental health plan since it was originally raised with the then health minister by his own department in 2004?
2. Will a stand-alone plan for mental health in the APY lands that addresses social determinants be developed by the government during the life of the 2012-16 SA suicide prevention strategy?
3. If a plan is being developed or is planned to be developed, when can the community expect to see a draft and when can we then expect to see it implemented?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:04): I thank the honourable member for his question and his ongoing commitment, as is often demonstrated in this place, in relation to mental health and particularly suicide prevention. The portfolio area this falls into specifically is health. I do not have information here directly on the matters about a standalone health facility and what has happened over the last decade, but I will take this question back to the Minister for Health, who is responsible in these areas, and bring back a reply to the honourable member as soon as I can.

While I am on my feet, a question was asked earlier by the Hon. Stephen Wade in relation to various reports being put on the APY website. I am pleased to be able to inform the member, so that we do not have to come back and answer this question at a later date, that many of the things he asked about are in fact up on the AP website. I have visited the website on my phone over the last 15 minutes, and minutes of the monthly meetings of the APY are now going up on the website.

I note that the January and February minutes from this year are up, and most of last year are up. I am informed that the March minutes will go up in the very near future. Previous annual APY reports are now up on the website, including the 2012-13 annual report, and I think they are now up for many past years going back to, I think, 2005-06. The specific report—

The Hon. S.G. Wade: What about 13-14?

The Hon. K.J. MAHER: The Hon. Stephen Wade does interject. I am trying to be respectful and answer as quickly as I can, and if you would let me answer—

The PRESIDENT: The honourable minister, just get on with your answer please and, the Hon. Mr Wade, let him finish his answer.

The Hon. K.J. MAHER: Thank you, Mr President. In relation to the 2013-14 annual report, I am informed that it is still to be ratified by the APY Executive Board but will be in the very near future and then will be out on the website. In relation to various financial reports, I am informed that the new interim general manager is receiving advice and help to make sure that financial statements and reports can go up as soon as possible. The extra accountability and transparency measures are being met or action is being taken to meet them and, as I previously said, I am optimistic that things are headed in the right direction and that some of the previous problems are being overcome.

APY EXECUTIVE

The Hon. S.G. WADE (15:06): A supplementary question. Could the minister explain what he understands by the word 'stringent' if he managed to sign off on second quarter funding in spite of his very specific conditions not being met?

The PRESIDENT: Minister? No, you don't want to answer? The Hon. Mr Gazzola.

The Hon. S.G. Wade: We'll be back tomorrow. You misled the house in your previous answer.

The PRESIDENT: Order! The Hon. Mr Gazzola has the floor.

NATIONAL PARKS

The Hon. J.M. GAZZOLA (15:07): My question is to the Minister for Sustainability, Environment and Conservation.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Minister, someone else has the floor.

The Hon. J.M. GAZZOLA: My question is to the Minister for Sustainability, Environment and Conservation.

Members interjecting:

The PRESIDENT: Now, listen.

The Hon. S.G. Wade interjecting:

The PRESIDENT: I don't want to hear that. I want to hear the question from the Hon. Mr Gazzola.

The Hon. S.G. Wade: It is misleading the house.

The PRESIDENT: So allow Mr Gazzola to ask his question, please.

The Hon. J.M. GAZZOLA: That is a very serious accusation.

The Hon. S.G. Wade: It is a very serious matter, misleading the house, very serious.

The PRESIDENT: Alright, well, you haven't got the floor.

The Hon. J.M. GAZZOLA: My question is to the Minister for Sustainability, Environment and Conservation. Minister, would you inform the chamber about the innovative ways South Australian primary school children are being encouraged to shape the future of our parks?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:08): I thank the honourable member for his most excellent question to me. The state of South Australia is incredibly fortunate to have such a beautiful and unspoilt natural array of landscapes. We can boast more than 300 parks, covering close to 20 per cent of our state, and 10 per cent of our parks are located within or adjacent to the metropolitan area and are easily accessible to our residents.

The South Australian government wants more people to visit, enjoy and learn to love our beautiful open spaces, and this is why we have made a commitment to invest \$10.4 million over four years to upgrade and improve the facilities in our parks in the northern and southern suburbs. We are consulting widely with focus groups and local communities, offering an online survey for people to make suggestions.

We have also come up with a great way to get South Australian primary school children involved. We are running a competition for upper primary school children to use the video game Minecraft to design their perfect national park. Minecraft is a game, I am advised, that allows players to build constructions out of textured cubes in a pixelated three-dimensional world. I am not sure whether it can be used on iPhones but I am sure someone will—

The Hon. T.A. Franks: It certainly can. I have it.

The Hon. I.K. HUNTER: Echoes across the chamber from a number of knowledgeable people that, indeed, you can. Well done. I am told that it's going to encourage creativity and lets users share their designs and explore those of other players.

The Hon. K.L. Vincent interjecting:

The Hon. I.K. HUNTER: The Hon. Ms Vincent is intimately involved in Minecraft? I stand to be advised by those more knowledgeable than me, as always. Perhaps the Hon. Ms Vincent and the Hon. Tammy Franks might care to show me how it is played later on.

The Hon. T.A. Franks interjecting:

The Hon. I.K. HUNTER: I am told the game encourages creativity and lets users share their designs and explore those of other players. The competition is open to students in years 4, 5, 6 and 7 in the Adelaide Hills and metropolitan schools region. Students will work together as a class, either basing their design on a real park or making one from scratch.

Students can let their imaginations run wild as they consider things they would like to do in parks, such as making interesting trails; making them more accessible for wheelchairs, for example; and including things such as campgrounds, scenic lookouts or adventure playgrounds. I am advised this seems to be already paying off in a big way. In a recent email, a parent whose child is involved in the competition at Linden Park Primary School wrote:

Such an amazing learning opportunity at many levels. Already so many great discussions re government, and national parks, community engagement, design tools, teamwork etc.

Students will also try to make sure that whatever they create on the screen can be translated into real world utilisation, because we hope that some of the ideas that students come up with online can actually be used in our parks. The winning design will be selected based on the overall skill of the design, as well as how sustainable and practical it is.

Students shouldn't forget about the enjoyment factor, because our ultimate goal is to get more families using and having fun in our parks. The competition closes on Friday 12 June, and the winner will be announced on Monday 13 July, I'm advised, and the winning class will get to enjoy a fun and informative day in Belair National Park with a ranger where they will be learning about and exploring nature.

I encourage everyone to get involved in shaping our parks for the future, of course. Information about this competition and other consultation can be found at the Adelaide and Mount Lofty Ranges Natural Resources Management Board website, and this is also where people who are interested can go and see the finalist and winning entries later in the year.

This is a fantastic initiative to get young people involved in designing our parks. It has generated interest and coverage from media outlets around the country and internationally, I am told, including the United States, United Kingdom and Pakistan. I would like to wish all the students who are willing to have a go at this innovative program the best of luck, and I look forward to being shown how to utilise the features of Minecraft on someone else's mobile phone.

HIV

The Hon. K.L. VINCENT (15:12): I seek leave to make a brief explanation before asking questions of the minister representing the Minister for Health regarding the HIV non-government services tender.

Leave granted.

The Hon. K.L. VINCENT: Information has been given to my office this afternoon from three independent sources that a semi-government organisation, in concert with a Victorian provider, has been awarded the community-based tender for HIV services. My questions to the minister are:

1. Does the minister intend to outsource any other health tenders to Victoria?
2. Does the minister believe that Victoria does a better job of providing this range of health services?
3. Does the board of the auspicing organisation awarded the tender run grassroots community programs and have a board comprised of people all living with HIV?
4. Why will local South Australian gay men and HIV positive people have to endure servicing from an organisation that is based in Victoria?
5. Does Victoria have an HIV infection rate of zero, demonstrating that they have superior programs which we should mirror here in South Australia?
6. Why have the passionate, skilled staff who have provided a dedicated local service for approximately 30 years been overlooked to continue this service provision?

7. Why will people with HIV be forced to use a medicalised service to maintain their wellbeing rather than continue to have that option through a community-based organisation operated by their peers?

8. Why has the tender been awarded in a fashion that pathologises people living with HIV as vectors of disease?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:14): In fact, I can give the honourable member some answers to her questions now, as I went to a briefing arranged by the minister yesterday on this matter.

I have to say that I reject some of the premise involved in the honourable member's questions. I know a little bit about this organisation called the Victorian AIDS Council. I understand that, in fact, the contract has been awarded to a partnership between the Victorian AIDS Council and SHine SA. It's not a contract, as far as I understand, that it has been awarded to an out-of-state provider. It is a partnership being backed up by I should say the preeminent, in my opinion, gay community organisation working in the field of HIV in this country.

The Victorian AIDS Council is a community-led organisation that has been around for many, many years. I can remember myself being at a national gay and lesbian conference where we were talking about HIV, although it wasn't known as HIV in those days, and how communities around the country should be responding to what was being termed at the time in American publications as the gay plague.

My friends and comrades in the Victorian AIDS Council and my friends and comrades in the South Australian AIDS Council worked very closely together to deliver our campaigns around HIV and the communities impacted by this virus, not just gay men, of course, but people working in the sex industry and also others who would come into contact with the virus through injecting drug use and also, in the early days, through transmission through utilising blood or blood products.

I can advise the honourable member that, in fact, one of those contracts—I think one of three contracts—has been let to this joint partnership between SHine SA and the Victorian AIDS Council. I would say to her that, if she has any concerns, she should, perhaps next time she is visiting Melbourne, go and talk to the Victorian AIDS Council and reassure herself that this is an incredibly organised, incredibly well representative community organisation that grew out of the gay community itself and has great expertise in these areas—and I look forward to their involvement in South Australia delivering the program.

HIV

The Hon. S.G. WADE (15:16): Supplementary question: can the minister assure the council that the South Australian government is committed to engaging the gay community in South Australia? This seems to me to be one in a series of events, for example, the abolition of the Health Advisory Council for Gay Health, the defunding of the AIDS Council and now the withdrawal of Positive Life. The government does not seem to be committed to engagement with the gay community in South Australia

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:17): That is absolute rubbish, and the honourable member should know it. He draws conclusions from facts that would suggest, to him, at least, that the government is not interested in the local gay community's involvement in these programs' delivery. He doesn't, of course, mention to the parliament that, in fact, some of these organisations have had their ability to work with governments to deliver services through their own organisations somewhat diminished over the last couple of decades to the point where no responsible government could list contracts for some of these organisations. I am not referring in any particular way to the contracts that have been raised in the question asked by the Hon. Ms Vincent. The honourable member takes this even further.

The imputation in the honourable member's remarks I refute completely. The government is completely committed to engaging with the gay community here in South Australia, developing programs that will deliver the services these people need when they come to the South Australian

government for health services but also, talking to community providers outside South Australian government health services, it can provide for the needs of people who don't want to deal with the state government, for example, or other service providers. That is why there are three contracts, I believe, involved in this current round.

With regard to the particular contracts that have been let, if the honourable member has further questions about those, I can take them to the minister. But I want to reassure the chamber that, if there are any concerns about the partner with SHine SA, that being the Victorian AIDS Council, I have the highest regard for them; they are performing to high levels. In fact, the gay community in Victoria have the highest regard for the Victorian AIDS Council as well.

The PRESIDENT: Before I call on the Hon. Mr McLachlan, I note that this will be our ninth question and we normally get up to about 12 or 13, so I don't think that it has been a very good question time, to be honest. The Hon. Mr McLachlan.

UNIVERSITY WITHDRAWAL RATES

The Hon. A.L. McLACHLAN (15:19): Mr President, I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question regarding university withdrawal rates in South Australia.

Leave granted.

The Hon. A.L. McLACHLAN: Strategic target T93 aims to increase the proportion of South Australians aged between 15 and 64 participating in tertiary education and training to 17 per cent by 2016. Whilst the Audit Committee has rated achievement of this target as within reach, I note that the target measures participation rates rather than completions.

It was recently reported in *The Advertiser* that, whilst 30,000 students will begin a South Australian university course this year, approximately one in eight of these students will drop out before the end of the first semester. It was reported that the problem is of sufficient significance that the state's three universities (Adelaide, Flinders and the University of South Australia) will join together in a project to investigate the reasons for these withdrawals. My questions to the minister are:

1. Are the students who withdraw from university within the first semester of their first year counted as participating in tertiary education and training for the purposes of the government's Strategic Plan Progress Report?
2. Is the government contemplating any measures in conjunction with our three major universities to address the rate of students who are dropping out of their first semester of their first year at university?

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) (15:20): I thank the honourable member for his most important questions. In relation to the question about the rates that he asks for, I will have to take that on notice and bring back a response as I do not have that detail with me in the chamber today.

In relation to strategies generally, really these are matters for the universities themselves, in particular, to ensure that they are monitoring and evaluating their student enrolments, participation and completion, and ensuring that they are designing courses that meet their needs and also providing student support services to enable students to engage and participate fully.

Ministerial Statement

COPPER MINING

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) (15:21): I seek leave to table a ministerial statement from the Treasurer, Tom Koutsantonis, in relation to the long-term copper strategy for South Australia.

*Question Time***MANUFACTURING TECHNOLOGY**

The Hon. G.A. KANDELAARS (15:22): My question is to the Minister for Manufacturing and Innovation. Can the minister inform the chamber about how the government is connecting industry with universities and research institutions to maximise the uptake of new manufacturing technologies?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:22): I thank the honourable member for his question and his interest in industry and manufacturing in particular.

The Hon. I.K. HUNTER: Long held.

The Hon. K.J. MAHER: Very long held. This government is committed to assisting South Australian industry to connect with universities and research institutions to adopt emerging manufacturing technologies in a number of ways. The government has established the Photonics Catalyst Program, which began operating in 2013, to connect South Australian manufacturers with emerging laser and sensor technologies being developed at the University of Adelaide's Institute for Photonics and Advanced Sensing. With \$750,000 over two years to 30 June 2015, this program has so far assisted nine projects, with many more keen to be involved.

The government has established the Medical Technologies Program to facilitate engagement between manufacturers and the Flinders University's Coordinated Medical Device Partnering Program to develop medical technology products and, to date, has assisted 10 projects. The NanoConnect Program was established in 2013 to provide simple, low-risk mechanisms for companies to access advanced nanotechnologies for application in their businesses and through Flinders University's Centre for Nanoscale Science and Technology.

The Hon. I.K. Hunter: The greatest university in the world.

The Hon. K.J. MAHER: Many science graduates believe Flinders University to be the greatest university in the world. The \$500,000 NanoConnect Program currently has 10 manufacturers exploring new opportunities to experiment with nanotechnologies. Through this program, Bausele has been able to research and investigate a wide range of nanotechnologies that could be applied to watchmaking and, in particular, innovations that could give its watches performance or design advantages. I understand that Bausele is the first Swiss-made Australian watch company and, through the program, has developed a new lightweight, high-strength proprietary ceramic compound called Bauselite.

Bausele is incorporating Bauselite into the case structure of its new range of watches, the Terra Australis timepiece, which I am advised retails in the range of \$3,500. This is an elite, top class, casino royale type quality watch. Bausele recently showcased its Terra Australis timepiece at the invitation-only Baselworld 2015 watch exhibition in Switzerland. This exhibition is reportedly the world's biggest and most important event for the watch and jewellery industry. I have been advised that the Bauselite used in Bausele watches will be manufactured here in South Australia and represents a significant success for the company, the South Australian industry and this particular NanoConnect program.

There is no doubt that the manufacturing technology programs have been highly successful to date and the programs will continue to expand the local industry's awareness and knowledge of the technologies and business model thinking that are driving competitiveness and productivity in advanced economies. In addition, the programs continue to raise awareness and understanding of world-class research capabilities that reside within our local universities and how businesses can access this expertise for their commercial benefit.

*Matters of Interest***BLACK APRIL**

The Hon. T.T. NGO (15:26): On 30 April 1975, the North Vietnamese Army disregarded the 1973 Paris Peace Accords and overran the city of Saigon. Last Thursday marked 40 years since that

event, the memory of which is still vivid in the minds of many Australian Vietnamese today. For Vietnamese refugees all around the world, the day is remembered as Tháng Tư Đen, or 'Black April' in English. The international Vietnamese community commemorates Black April and grieves for what has happened to Vietnam during the last 40 years.

Vietnam today is a single party state with a long record of human rights abuses. There are limitations on freedom of speech, freedom of association, freedom of the press and freedom of religion. In Vietnam, all press is regulated by the state. Journalists and bloggers who dare to publish information or opinions that might upset the government are often arrested. Access to the internet is heavily filtered, and websites which the government thinks might threaten its power are blocked.

The International Federation for Human Rights (FIDH) says Vietnam has the highest number of political prisoners in South-East Asia. It is estimated that there are at least 212 dissidents behind bars and many more are under house arrest. The Vietnamese government's abuse of power is a source of great pain to many Vietnamese, as well as those in the Vietnamese international community.

Here in Australia, as we observe the 40 years that have passed since the fall of Saigon, we in the Australian Vietnamese community also remember how lucky we are to call Australia home. In this country, our rights and freedoms are protected, and those who have fled war and oppression, myself included, have been granted the chance to live a safe, peaceful and free life. As a young person growing up in this great country, I do hope the Vietnamese government can take a leaf out of Australia's book by reforming some areas of importance to improve the lives of millions of Vietnamese. Vietnam needs to fix its justice system to give the people justice and confidence in its government.

Corruption is causing a huge economic and social gap between the rich and poor. Corruption is a major problem in stopping the development and growth of Vietnam. One of the ways to reduce corruption from officials is by allowing press freedom. Journalists should be able to criticise governments and people in positions of power if they have done wrong.

Having hope and faith is a cornerstone of the human life. Allowing people freedom of religion is to give them and their families faith and hope for the future, especially in a third world country, where people struggle every day, not knowing when their next meal will be. Allowing people hope and faith will move the country forward towards a better future.

Many people lost their lives in the Vietnam War. It is estimated that over 1.3 million people, both civilians and military, died. Many Australian families lost their loved ones. I thank them all and I honour them. I also pay tribute to the nearly 300,000 allied military who also lost their lives. On behalf of the Australian Vietnamese community, I thank successive Australian governments since the fall of Saigon who have been so welcoming and accepting to the hundreds of thousands of Vietnamese refugees and migrants to Australia. We are so proud to call Australia home.

VIETNAMESE VETERANS ASSOCIATION

The Hon. J.S. LEE (15:30): Today it is a privilege to speak about the Vietnamese Veterans Association of South Australia. It was a great honour for me to attend their commemorative ceremony for the 40th anniversary of the fall of Saigon, in conjunction with a remembrance and tribute ceremony in honour of our former prime minister, Rt. Hon. Malcolm Fraser, on 2 May.

I would like to place on the record my sincere thanks to Dr Anh Tuan Ngo, the President of the Vietnamese Veterans Association, the committee and members for inviting me to be a guest speaker and showing their gratitude by holding a moving memorial service at the Vietnam War Memorial, Torrens Parade Ground. The event was well attended by many leaders and members of the Vietnamese community. The Australian Vietnam Veterans community was there to show their support, together with Mr Bill Denny, Director of Veterans SA, and Mr Mark Butler, federal member for Port Adelaide.

The fall of Saigon marked the end of the Vietnam War and the start of a transition period to form the reunification of Vietnam. Vietnam endured significant loss during the war. It was a terrible time of violence and destruction. After the fall of Saigon in 1975, Australia elected Malcolm Fraser as the new prime minister. As Australia's 22nd prime minister, between 1975 to 1983 he restored the

Australian economy by being a responsible government while pushing for social change. As Australians, we ought to be very proud that Australia was one of those countries who offered its compassion and opened its doors to Vietnamese refugees during these troubled times.

The Liberal Fraser government was responsible for Australia's first comprehensive refugee policy. Between 1975 and 1982, Australia welcomed about 200,000 immigrants from Asian countries, including nearly 56,000 from Vietnam alone. Furthermore, more than 2,000 Vietnamese people who arrived by boat without documentation were granted entry under policies initiated by the Liberal Fraser government.

At the remembrance service I was touched by the public display of affection and deep condolences from the Vietnamese community towards Mr Fraser. The President of the Vietnamese Veterans Association, Dr Anh Tuan Ngo, said:

The Right Honourable Malcolm Fraser allowed refugees to build a new life in our second homeland. The Fraser's government provided housing, organised English language classes and finding jobs for us. He is respected as the FATHER of the Vietnamese Refugees Community.

Professor My-Van Tran AM made a moving address that day as well. She mentioned that, when Mr Fraser became the prime minister in 1975, she was studying in Canberra under the Colombo Plan. At that time her homeland, South Vietnam, had fallen into communist hands. In 1976, she was one of the first lucky Vietnamese to be granted Australian citizenship. She said:

I have always been grateful to Australia and the government of the time for giving me a home and protection in time of great need.

Professor Tran also said:

Mr Malcolm Fraser was not only a 'great Australian' but also a leader with great courage and compassion. He was a 'true gentleman'—A man of good heart and empathy.

She recalled that on many occasions when she and other Vietnamese leaders met him and thanked him in person Mr Fraser would respond with a smile and say, 'No, no, no, I must thank you. You showed that my decision was right.' At the remembrance ceremony of the fall of Saigon, we reflected on the past 40 years and paid respect to the brave soldiers, men and women who fought for freedom and made the ultimate sacrifice in Vietnam. We hold their memories in honour and respect.

On behalf of the Liberal Party, I express my sincere thanks to the Vietnamese Veterans Association for sharing their personal stories and gratitude towards Fraser's policy at the special commemoration service. It is my great honour to acknowledge the work of the association in parliament today, and recognise the significant contribution made by the Vietnamese community to Australia's economic, social and cultural framework. We do not have to look very far to recognise the contributions made by the Vietnamese community: His Excellency the Governor of South Australia the Hon. Hieu Van Le and the Hon. Tung Ngo in this chamber are both serving in public office.

Mr Fraser was able to change Australia's multicultural landscape to encourage greater diversity, which has had a lasting effect on Australians to this very day. As migrants from an Asian background who benefited from his multicultural policy, my family and I join with so many to say, 'Thank you, Mr Fraser.'

JAMES MORRISON ACADEMY OF MUSIC

The Hon. J.M. GAZZOLA (15:35): I recently had the privilege of touring the new James Morrison Academy of Music, housed in the Old Town Hall in the heart of Mount Gambier's township. I am pleased to say that I found it both progressive and inspiring, with an enterprising vision and an enthusiastic team bringing the vision to life. This is a group of people who truly live and breathe music as an art form.

The academy was founded by one of Australia's most renowned and respected jazz musicians, Mr James Morrison, supported by the state government in conjunction with the University of South Australia. Mr Morrison is one of a dedicated faculty instrumental in the metamorphosis of the Mount into the jazz capital of Australia.

With 2015 its first year of operation, 47 students now call Mount Gambier home and this figure is projected to grow to 200 by 2020. Scholarships are awarded to students from benefactors

including Generations in Jazz and Cowan Grants. Currently offering a diploma and an associate degree in music, the academy is working towards offering a Bachelor of Music in 2016.

As the academy hosts students from all over Australia, share housing from the local rental market is utilised so that those who play together also live together. Further, the academy structures its timetable in such a way as to encourage students to earn from their trade by performing both in Mount Gambier and in Adelaide and Melbourne on the weekends. This whole life-encompassing music is certainly a predominant element not only of the students' life but also of the staff and faculty—and, moreover, the local residents and businesses of Mount Gambier.

Local business owners have embraced this new element of the town's identity by providing space for JMA groups to perform almost on a daily basis throughout the town. These groups are organised by the students themselves, and it must be noted that without the flexibility of the academy and the support of local businesses the richness brought to Mount Gambier by this emerging live music scene would not be possible. In addition to the smaller groups, the JMA itself organises tours and performances wherein the students have the opportunity to tour and play to a large variety of audiences, often with Mr Morrison himself.

The academy's teachers are of world-class standard, and are complemented by visiting international jazz tutors who, throughout the year, share their wisdom and experience with the budding jazz greats of the future. What makes this academy unique is not only its outstanding line-up of talent but also its approach to education, which moves outside of the more traditional theory-based learning into a learning concept focused on musicians' practical experience. Mr Morrison states:

This is not to say that theory is at all ignored but that it is used to explain experience rather than to lead one to it—an important distinction that changes the game for music education.

The amalgamation of student life with real-world application and the life experience of performing with one of Australia's greatest musicians can only benefit those who choose to make music their life's work. I am very pleased to commend the academy to the council, and I wish these emerging jazz artists every success this year and into their future.

In closing, I would like to share my sincere condolences to Annette, family and friends, as last week saw the passing of David 'Daisy' Day. Also, condolences for the passing of Barbara Mac and to Johnny, family and friends.

FEDERAL FUNDING

The Hon. R.I. LUCAS (15:39): I join the Hon. Mr Gazzola in passing on my condolences to the friends and acquaintances of David 'Daisy' Day. Many of us who followed contemporary music throughout the decades have listened to and enjoyed his career and contributions over many, many years. I had the good fortune, on a limited number of occasions, of meeting him and, as I said, I express my condolences to his family, friends and acquaintances.

I want to address quickly two issues today. One is obviously the vexed issue of federal state funding. As members would be aware, the South Australian Liberal Party has been on the record since before the last state election opposing various federal government decisions in terms of funding cuts in a number of areas.

What I do want to place on the record now is some good news in relation to federal funding for South Australia, which of course the state government has not wished to advertise or publicise. At the recent COAG, the decisions that were taken by the Prime Minister and the Treasurer in rejecting the push from Western Australia and some other jurisdictions has meant that South Australia's favoured position in relation to GST funding continues for 2015-16. That is, in 2015-16, we (South Australia) will receive \$571 million more in GST funding than we received in 2014-15.

So, in one single year there will be more than a half a billion dollar increase in GST funding to South Australia because the existing arrangements have been continued. That is an issue that the state government and the state Liberal Party were as one on; that is, we continue to support the policy of horizontal fiscal equalisation, which gives favoured status to South Australia in terms of GST funding allocations.

The importance of that \$571 million figure is that last year in the budget papers, Treasurer Koutsantonis and Treasury estimated that we would see an increase of \$359 million in 2015-16. They were still expecting an increase of GST funding, but at the level of \$359 million. By the time of the Mid-Year Budget Review in December of last year, Treasury estimated that we would see an increase in GST funding of \$425 million.

The COAG decision has now seen the final determination that we will actually see an increase of \$571 million just in that one year. What that shows is that South Australia will now receive an unbudgeted windfall for next year, for one year alone, of \$146 million. It is not in the budget papers, it is not in the Mid-Year Budget Review, but it was announced by the Prime Minister and the Treasurer at the COAG. South Australia will now have the benefit of an extra \$146 million of unbudgeted expenditure to spend in 2015-16.

This is significant. The massive slug to the ESL, which was imposed last year, is about \$90 million and the cruel and heartless threat to remove pensioner concessions by Treasurer Koutsantonis and Premier Weatherill equates to approximately \$30 million. Both of those decisions are more than compensated now by the windfall profit of the GST for next year.

So, for those members in the caucus who want to support the Liberal Party in protecting pensioners, the GST not only more than covers the pensioner concessions, but also allows the reversal of the massive slug of the ESL on family homes. It is also enough money for those hardy campaigners on the steps of Parliament House to reverse the government's decision on the closure of the Repat. There is an unbudgeted \$146 million windfall as a result of the COAG decision, more than enough to meet the expenditure on those three expenditure items.

POSITIVE LIFE SA

The Hon. K.L. VINCENT (15:44): Two years ago I spoke in this place, also in this format, about Positive Life SA, to commend the work it does in the community on a shoestring budget. Today I will again speak about Pos Life SA, but on a much sadder note. News has just come through to my office that Pos Life SA has not been awarded a contract this time with SA Health. Without funding, their services provided on a very frugal basis to their community—people affected by HIV—will effectively have to cease on 1 July after more than 20 years as an incorporated body.

So, a refresher on the work of Pos Life SA. The organisation used to be known as people living with HIV Aids SA, but is now Positive Life SA. Positive Life SA is a small community organisation based in the inner southern suburbs, and they provide community support and engagement to people living with HIV in a non-judgmental, peer-based fashion. They practise what they preach: all of the board is HIV positive.

At their modest Glandore premises they run a range of programs and services, they connect with the community and provide peer support programs, including pos day out, HIV treatment forums, planet positive, living up, pos on pos and chat club. Their services include complementary health services and an emergency food program called 'the hive', a small loans program, no interest loan schemes and a positive speakers bureau. They also have health promotion resources, short-term support referrals to other agencies, advocacy treatments information, a community drop-in reading library, internet access and family space and games areas.

The organisation has very much evolved to become an independent voice for people with HIV in South Australia, ensuring that their lived experiences of HIV directs the provision of effective health and wellbeing support services and activities. As a peer-driven organisation, Pos Life is led by a community-elected HIV positive board of management and has grown from modest beginnings to become an integral provider of information, advocacy and support to positive people across South Australia.

Since July 2009 Positive Life SA has been reorienting its services from individual client case management to a 'population health promotion' approach, involving the delivery of lifestyle engagement and change management programs that build HIV positive people's capability for self-management, health and increased quality of life.

As someone who is passionate about human rights, I have continued to be impressed that the Positive Life SA adheres to the keystone principles and practices of the Ottawa Charter 1986

and the Jakarta Declaration, and actively works to balance the wishes and needs of individuals with long-term health issues affecting the wellbeing, longevity and quality of life of all HIV positive people.

Additionally, Positive Life SA is committed to the principles underpinning the greater involvement of people living with HIV, principle 1994, and actively seeks to involve and sustain HIV positive people in all aspects of the organisation. In the past two years both myself and my office staff have attended various events, forums and educational opportunities that Pos Life has run. We have always been impressed by the professionalism, passion and dedication of their staff, volunteers and board members.

To learn today that the tender for the services that Pos Life SA has been dedicated to running for two decades has instead been awarded to a partnership between a Victorian organisation and a local semi-government organisation is incredibly disappointing. I will certainly investigate as to whether the same services will be provided under this partnership, but I am sad to say at the outset that it is not to say that the Victorian council does not do a great job, but that they certainly are not local and they do not appear to be community based in the same way that Pos Life has been to date. I will investigate that, but I have to say that this appears to be a sad day.

They do not have a board, as I understand it, that is 100 per cent HIV positive. Pos Life SA is committed to and lives the concept 'Nothing about us without us'. It is a devastating slap in the face for South Australians with HIV and the gay community that the health minister has awarded the contracts in this fashion. It is also incredibly disheartening to the staff and volunteers of Pos Life. I sincerely thank all those involved with Pos Life over the past two decades and wish them all the best with their future endeavours. I will continue to work to make sure we get no loss of services here in South Australia.

Time expired.

ROTARY CLUB OF BURNSIDE

The Hon. G.A. KANDELAARS (15:49): Last week I had the pleasure of representing the Minister for Sustainability, Environment and Conservation, the Hon. Ian Hunter, at the Rotary Club of Burnside's Leadership in Conservation and Volunteer Annual Award Presentation. The awards were initiated by the Rotary Club of Glen Osmond in 1984 as the Ranger of the Year Award, and the award has been broadened to the Leadership in Conservation Award as well as including the Volunteer of the Parks Award.

In 2009 the Rotary Club of Glen Osmond closed its doors with some members moving to the Rotary Club of Burnside. Thankfully, the Burnside club agreed to carry on with the awards. The attendees at the award night included members of the Burnside Rotary Club and other Rotary Clubs, staff from DEWNR and the member for Bragg, Vickie Chapman, who is an honorary member of the Burnside Rotary Club.

The Leadership in Conservation Award recognises the dedication of a DEWNR staff member. In particular, it recognises outstanding service such as innovation in a program and excellence in leadership, the positive impact made to the parks system and the support given to volunteers and community groups. This year's annual recipient was Dr Andrew Sharp, Landscape Programs Coordinator for Natural Resources Northern and Yorke, DEWNR.

Andrew has gained recognition for the program and project activities that are being undertaken in the region. He is well recognised for his team leadership and ability in meeting agreed milestones and the delivery of successful outcomes. In particular, he is recognised for the reintroduction of the mainland Tamar wallaby to the Innes National Park and the recovery of the yellow-footed rock wallaby population in the southern Flinders Ranges.

The Volunteer of the Parks Award is awarded to an individual or couple who exemplify the spirit and dedication of the DEWNR Friends of Parks movement. In particular, the award recognises outstanding service such as innovation in a program and a positive impact made to the parks system. This year's recipient was Peter Townsend, an active member of the Friends of Cobbler Creek Recreation Park. His contributions to the park are numerous. He is an accomplished leader, project initiator and project manager, and much of his time has been spent in leadership and supervision activities on a wide range of project initiatives undertaken by the group.

Peter's initiatives include the manufacture, installation and maintenance of park furniture, heritage stabilisation and, in particular, the Teakles Ruins restoration. He also supports a number of eradication programs including the control of the European olive and Coolatai grass infestations. Peter is involved in grant applications and management, and this has ultimately led to the conservation of the natural porosa woodland habitat and the development of shared use trails in the Cobbler Creek Recreation Park. Over the years Peter has developed and maintained a positive working relationship with parks rangers and officers to deliver a productive partnership enhancing the amenities of the park, benefitting both the volunteers, staff and the wider local community.

The dedication and commitment shown by staff and volunteers who work in and with DEWNR onsite in the regions are enormous. They work incredibly hard to protect and conserve some of South Australia's most unique and valuable landscapes and natural assets. Public land management issues undertaken by DEWNR staff and volunteers are varied and complex. Not only do they include wildlife programs and species protection, education and visitor management, but also they work on emergency operations, bushfire suppression, and search and rescue activities.

Regardless of the task, staff and volunteers are driven by their passion for our environment and a real commitment to making a difference. I congratulate and thank all nominees for the Leadership in Conservation and Volunteer of the Parks awards for their hard work and significant contribution. I also express my gratitude to the Burnside Rotary Club for hosting these awards.

CLIMATE CHANGE

The Hon. M.C. PARNELL (15:54): Today I want to talk about climate change, and I begin by acknowledging the incredible contribution made by Senator Christine Milne in the federal parliament. As members would know, Senator Milne stepped down today as the Parliamentary leader of the Greens and Senator Richard Di Natale has been elected, unopposed, as our party's new federal leader.

What is not commonly known is that Senator Christine Milne is far and away the most knowledgeable and experienced member of any parliament in the field of climate change. She was the principal architect of the clean energy package, including the Clean Energy Finance Corporation, the Climate Change Authority and the related financial and structural bills. This was a world-leading package of legislation, and as history will show, its demolition by the Abbott government is a matter of international shame for Australia and has harmed a reputation amongst developed and developing countries alike.

Senator Milne's legacy is particularly relevant for South Australia. If South Australia was a separate country, it would be one of the top in the world when it comes to renewable energy. Currently, one in four homes has solar panels on the roof, and we are leading Australia in terms of grid-connected wind power. But other states are catching up, and some local councils are even taking it upon themselves to take climate change action in the face of federal government inaction.

In particular, the cities of Melbourne and Sydney already have developed plans to meet 100 per cent of their demand from renewable sources, and I am pleased that just last week Adelaide City Council has also shown some vision in this area. In our state, we cannot simply rest on our laurels. We must continue to innovate and take bold steps to drive investment momentum and create the jobs that our manufacturing and construction sectors so desperately need.

With natural advantages, particularly in relation to wind energy, South Australia has been an obvious candidate for interstate investment, some of it driven by the now-threatened renewable energy target and other investment driven by political processes, including the recent decision by the ACT government to fund a new wind farm development in our state.

Another of my federal colleagues, Senator Scott Ludlam (who was elected as a deputy leader of the Australian Greens today) spent several years developing an energy plan for Western Australia. This plan includes a comprehensive, independently-costed plan for the entire state to be powered by renewable energy by 2029. The modelling shows that for every million dollars of public or private money invested in renewable energy it creates 12 jobs. Contrast this with the gas industry which creates only five jobs per million dollars spent.

We can contrast this with the state government's inconsistent approach to renewable energy and fossil fuels. They claim to champion both and fail to see the inconsistency in this policy. Most alarming is the government's inability to understand the need to leave the bulk of remaining fossil fuels in the ground if we are to avoid dangerous climate change.

We have an environment minister and an EPA who play virtually no role in the approval or regulation of fossil fuel activities. Decisions that are fundamental to the environment, to public health, to the future of the economy are made by a mining department which is a textbook case study in regulator capture. That was the evidence before the Natural Resources Committee inquiry into fracking, and it is true.

Of course, the climate 'denialism' and the outright vandalism of the federal Liberal government is peerless, but just because they are worse does not let state government off the hook. Despite over 13 years in office, they have not moved at all on their statewide plan for electric cars in the state fleet; we still do not have universal access to solar panels on state-owned public housing; and yet they are happy to do battle with rural communities in the South-East who refuse to accept gas mining on their agricultural land.

The energy market is changing at a rapid pace; it is certainly changing much faster than the government energy regulators appreciate. In the last fortnight, the announcement of the Tesla home battery is being described as a global energy game changer. Of course, before we even get that product here in South Australia we already have, or we will soon have, access to a locally manufactured home energy storage product by Zen Energy made here at Tonsley Park in South Australia.

Additionally, we have seen reports in recent days that at least two energy companies are interested in advancing solar thermal technology at Port Augusta. This is a further sign that industry, as well as business and residential consumers, are ready to act. But what we need is something more than vague sentiments from the government. We need a two-pronged approach aimed at promoting renewable energy and energy efficiency, as well as moving away from fossil fuels.

This government must accept the reality that unbridled promotion of fossil fuels and urgent action on climate change cannot coexist. The government needs to choose, and the choice is crystal clear: stop undermining the progress being made on renewable energy with crazy notions that fossil fuels have a long-term future, because they don't.

Bills

WORK HEALTH AND SAFETY (INDUSTRIAL MANSLAUGHTER) AMENDMENT BILL

Introduction and First Reading

The Hon. T.A. FRANKS (16:00): Obtained leave and introduced a bill for an act to amend the Work Health and Safety Act 2012. Read a first time.

Second Reading

The Hon. T.A. FRANKS (16:01): I move:

That this bill be now read a second time.

Every year, on 28 April, we mark International Workers Memorial Day. Every year, a memorial service is held to remember those who have died in their workplace and to mourn with their family and friends. Those family and friends have suffered immensely because of the tragic death of those family members. Every year, we see the statistics of workplace fatality and workplace injuries rising and increasing in terms of overall number, and every year there is a push to strengthen our workplace laws to ensure that workplace safety is prioritised to reduce the number of workplace fatalities.

We need safer workplaces, and we are working towards safer workplaces. We need a pledge from governments across our nation and across the world to put their efforts and to redouble their efforts into ensuring that every worker who goes to work comes back home to their loved ones uninjured and alive.

The SafeWork South Australia figures show that in our state we have already had four recorded workplace fatalities this calendar year alone, and we are only at the start of the month of

May. It is a scary thing to know that four workers have already lost their life in this state this year. That is four sets of families, four circles of friends, and the many in the community who have been touched by those deaths. Of course, we need to look at what is causing those fatalities, and we also need to investigate what we can do to stop them. When I talk about these statistics, I am, of course, talking about the number of families affected by workplace fatalities, and here in South Australia there were 12 notifiable work-related fatalities recorded in the period 1 July 2010 to 30 June 2011.

SafeWork SA's website indicates that in the year 2011-12 there were 10 workplace deaths; in 2012-13, there were 19 workplace fatalities; and in 2013-14 there were 14 such fatalities. These SafeWork Australia figures show that 185 workers were killed at work in 2014; that is one death every two days. The work-related death toll is even higher, with 233 work-related deaths in 2014. Furthermore, according to the Australian Council of Trade Unions, 7,000 Australians die every year from occupational diseases.

Clearly, there is an argument that we need safer workplaces and that we need to strengthen workplace laws. We need to set the highest bar for deterrence so that employers take seriously the work health and safety of their employees. I know that the majority of employers already do the right thing and that they follow occupational health and safety procedures, but we do know that we do have a small minority who do not.

I rise today to introduce this industrial manslaughter bill, which seeks to introduce important reforms to improve the safety of workplaces in our state through the principle of corporate criminal responsibility.

The primary objective of this bill is to ensure that culpable employers are held responsible for their actions. This bill seeks to introduce industrial manslaughter. The offence covers the situation where an individual or corporation's conduct causes the death of a worker, where that individual or corporation's recklessness or negligence caused serious harm and, obviously, death to that worker. Within the bill an employer is guilty of an offence if:

- the employer breaches their duty of care;
- the employer knew or was recklessly indifferent that the act or omission constituting the breach would create a substantial risk of serious harm to a person; and
- the breach causes the death of a person.

As I said earlier, this bill seeks to capture an absolutely tiny minority of employers who expose workers to unnecessary risk of harm. This bill will apply only where a worker dies as a result of the actions or omissions of that employer.

As the current statistics show, we still have an unacceptable and high number of workers who die every year at work. This has far-reaching implications not only on those workers' families but of course on all who are left behind, particularly their children, who must survive without a parent, or their spouse or partner, who must keep a shattered family together, or that person's parents, who have to come to terms with that death and face the emotional turmoil of burying their child.

It has implications, of course, on sisters, brothers, grandparents, cousins, friends and, indeed, co-workers and communities, especially those workers who witness or discover these tragic deaths, as well as emergency workers and those who attend the scene of these often horrendous workplace incidents.

Companies, industry sector and employers must do everything they reasonably can to prevent workplace injuries and deaths. This bill seeks to ensure that culpable employers are held responsible for workers' deaths at work. If they act recklessly or negligently, if they do not take responsibility for the safety of their workers, penalties will apply. The penalties in this bill I believe are high, but I note that they are not the highest in our land. The penalties suggested in this bill are up to 20 years' imprisonment for individuals or fines of up to \$1 million.

Members may be aware that I previously introduced a similar bill in 2010 and I also moved a similar amendment when we debated the work health and safety legislation, the harmonised legislation, in 2012. I move this bill again this year in order to invite other members of this chamber and, indeed, across the parliament, to work collaboratively on this piece of legislation. I know that

traditionally the Liberal Party has held strong views on this topic, and I invite them to also contribute their thoughts on this particular law reform, and I encourage members of the government and the crossbenches to actively participate in the debate.

I note that Senator Nick Xenophon, who was previously a member of this chamber, moved a very similar bill to the one that I introduced today and he also moved to introduce the offence of industrial manslaughter in this place. I also commend the Hon. Alison Xamon, former Greens MLC in WA, for her extensive consultation in producing a similar bill in that state.

My intention in introducing this bill today is to see it referred to the Parliamentary Occupational Safety, Rehabilitation and Compensation Committee for exploration and examination to ensure that the community of South Australia can have its voice heard on this issue and hopefully come to a position where, across the party divide, we can work to a consensus position that we bring back to this chamber.

I would like to talk about the maximum penalty as currently drafted in this bill. As I noted briefly before, my office has given much consideration to the appropriate maximum financial penalty—and I note that this bill does not contain the highest of penalties. I am certainly open to stronger penalties should the parliamentary committee, through its inquiry, recommend that but I would say that this would be a minimum amount. The Work Health and Safety Act 2012, for example, provides in section 31 for a maximum penalty of \$3 million for reckless conduct by a body corporate which exposes a worker to risk of death, serious injury or illness, rather than actual death.

My office had originally thought of imposing a maximum penalty of \$5 million as per the ACT's industrial manslaughter bill. However, we believe it would be appropriate for the committee to examine that maximum penalty and also ensure that communities, stakeholders and families have their voices heard on what not only the financial penalty but also the sentence might be. A price, of course, can never be placed on a life, and this law is chiefly about deterring that tiny minority of employers from cutting corners and putting their employees at risk, and so the Greens believe it is now time for this committee to have that discussion.

We hope that next year on International Workers Memorial Day we do not see new faces in the church when we come to have that service. Unfortunately, the reality is that we probably will, but I would hope that legislation like this would be in place within this next year to ensure that, where it does, justice is served and the strongest tools at our disposal are there to dissuade reckless behaviour on the behalf of employers.

The main goal of this bill is to ensure that culpable employers are held responsible for workers' deaths and to ensure that all employers are taking their duty of care to their employees seriously. Every single workplace death is significant. Each one is a tragedy that will affect the lives of many others forever. If an employer is negligent or recklessly indifferent to exposing workers to serious risk to their safety, and a worker dies as a consequence, this should be recognised by our law as a criminal offence. Such an offence already exists in other jurisdictions, such as the United Kingdom.

As legislators, it is our responsibility to ensure that employers have a genuine incentive to provide a safe workplace. We have many carrots in our system, but we do need a few sticks. The measure proposed in this bill would indeed be a stick. I would note that, by a sentence being able to be applied, then those who seek to insure themselves out of culpability would not be in a position to simply insure themselves out of their financial liabilities, but that a potential prison sentence would be that very big stick.

Of course, it is more beneficial generally and more cost effective for an employer to have their workers arrive home safely rather than to have to pay out potential fines as a result of a serious breach of their duty of care. This bill will capture only those employers who are indifferent, careless or callous towards the safety of their workers. The offence of industrial manslaughter captures only the worst employers and even then only in the tragic event of a worker's death.

I would like to thank the families of those who have contributed to this bill, those who have spoken to me who have lost a loved one, or who work to advocate for those who have lost loved ones. Voice of Industrial Death and the CFMEU certainly stood by me and launched a call for this bill last week. I know it has been a long-held union campaign to see industrial manslaughter created

as a recognised crime, and I look forward to working with many across the union sector, those in the labour movement, those in the Labor Party and those on the crossbench and the opposition benches, so that next year we actually have legislation in line with that which exists in the United Kingdom, that provides that great disincentive for behaviours where we see a worker needlessly lose their life. With that, I commend the bill to the council.

Debate adjourned on motion of Hon. J.S. Lee.

Motions

COMMISSIONER OF POLICE

The Hon. R.L. BROKENSHERE (16:13): I move:

That this council calls on the state government to immediately—

1. Note the achievements of the outgoing Commissioner of Police, Gary Burns, during his 46-year policing career;
2. Thank the outgoing Commissioner of Police for his dedicated service to South Australia; and
3. Congratulate the incoming Commissioner of Police, Grant Stevens, on his appointment and welcome him to the position.

Mr Burns joined SAPOL in 1969 and has had a 45-year distinguished policing career. Upon graduation as a young cadet, Commissioner Burns served in uniformed patrols and in country locations, where I also believe he distinguished himself as a very good country footballer on the Yorke Peninsula, according to the locals. Whether that is a rumour, I am not sure, but I know he did play football over there and enjoyed that, amongst his general community involvement. He returned to Adelaide, where he joined the then newly-formed Special Task and Rescue group, known as the STAR force.

Commissioner Burns served in the STAR group for 12 years and he later returned and became the officer in charge of the STAR group. By the young age of 33, he had attained the rank of senior sergeant, and at 37 was appointed an inspector. Less than a year later he was promoted to chief inspector and, shortly afterward, superintendent. You can clearly see that he was on a strong growth path in his career as a police officer.

In 1998 he undertook research on projects conducted by Focus 21 and STAR group in the USA and Canada, and he joined the senior executive group in the year 2000. He then became a project team leader at Focus 21 and, upon conclusion of that operation in 2000, he was appointed assistant commissioner. He served as assistant commissioner in operation and support services, human resources and the southern and northern operation service. He was then seconded to the Department of the Premier and Cabinet in 2003. Commissioner Burns then worked in the security and emergency management office for 12 months. He was in charge of implementing whole-of-government counter-terrorism, security and emergency management reviews. He then became the deputy commissioner in April 2007.

His responsibilities included providing strategic leadership to SAPOL, and reforming statewide policing and operations. He was also a member of the National Counter Terrorism Committee, board of management for the Australian Crime Commission, CrimTrac, the Australia New Zealand Policing Advisory Agency, the National Common Police Services, and the Australia and New Zealand Police Commissioners Forum.

Mr Burns was appointed as Commissioner of Police on 21 July 2012 after the retirement of longstanding police commissioner Mal Hyde. Of course, over and above all the other commissioners that he served and officers he worked with, I was always confident that he was well positioned to be another very good South Australian police commissioner, following his years of working with Mal Hyde, who was also acknowledged as an excellent police commissioner.

He made statements in the media that he would confront the heavy budget cuts by slashing red tape and paperwork and make police more visible on the beat. He has probably had to deal with bigger budget cuts than any police commissioner that I can think of in my nearly 20 years in this parliament. Some of the decisions that we are seeing made today are decisions that he would not have taken lightly, but he has to balance up making sure we have a safe community, that he comes

in on budget and also that he gives opportunities to grow modern policing. Whilst I have always been opposed to these massive budget cuts that SAPOL are facing right now and into the forward years, Commissioner Burns is to be congratulated for getting on with the job and delivering good policing services, notwithstanding the challenges.

As a young man of only 25, Commissioner Burns was awarded the Australian bravery medal in 1978 for his heroic act of bravery in saving the lives of two elderly women in a cottage fire. He ran into the cottage wearing a nylon shirt and thongs, but managed to pull the occupant to safety. He then ran into a neighbouring property, which was also alight, and assisted the occupant to safety. He received first and second-degree burns during that, but obviously, as you would expect from someone with that capacity for bravery, he was concerned about not his own safety but that of the two elderly women. He was rightly awarded the Australian Police Medal for distinguished service.

Commissioner Gary Burns has a huge list of achievements, but I think one of them, which is very much a point of difference and did bring quite a lot of debate to the community, but has been readily accepted now—and I understand police enjoy them—is that he made quite a significant visual difference to the South Australia Police. After 30 years, or thereabouts, of the light blue shirts and the dark blue pants he rolled out the new dark blue uniform, which is becoming common across policing jurisdictions in South Australia—and, in fact, in a lot of policing organisations in other countries.

He has managed to achieve ongoing reductions in quite a lot of areas of crime. He has also managed to achieve high public satisfaction and confidence rates in policing, with something like 83.7 per cent of the community satisfied with South Australian police and 89.6 per cent satisfied with their professionalism. That is well above the national average.

Additional information I would like to include in this motion are the cold case murder investigations that are being coordinated by a new special operations team that was formed in 2014, when Police Commissioner Gary Burns allocated an extra 14 officers to Major Crime. These officers are looking at cold cases with the help of new technology. Gary Burns has always been proactive and forward-thinking, and has been constantly seeking to engage with new technologies that might not only keep the community safer but also help solve some of these old cold cases. I trust there will be success there.

Commissioner Burns was instrumental in arranging weekend courts to clear people who had been arrested over the Christmas and Boxing Day period to ease overcrowding in the prisons. In January 2013 Adelaide was rated the safest city of the nation's 30 largest cities under his watch as commissioner, and he has certainly increased transparency within SAPOL. For example, SAPOL is now publishing all data from the expiation notice system online via the South Australian Government Data Directory.

I have had the privilege of working with Gary Burns from the point of view of the relationships you have as a member of parliament, as a police minister and a shadow police minister, including, on one occasion, travelling with him interstate. I was able to observe first-hand his professionalism and dedication, his enthusiasm for policing, and also the fact that he had great respect from the officers, something that is very important for any commissioner. In fact, police officers have regularly said to me that they are very pleased that Commissioner Burns has never forgotten his operational role and that he very much understands the challenges for rank and file police officers on the beat looking after the South Australian community.

It is a very big job being a police commissioner. Not only does it take dedication and commitment from the person appointed as police commissioner, it also has a big impact on the time available for family, and I want to put on the public record my appreciation for Commissioner Burns' wife Denise, who has been a real stalwart throughout his career. When you go to public or social policing functions, most the time you will see her there supporting Commissioner Burns. They have a lovely farm and property they will be retiring to, and I wish them every success for a long, happy and healthy retirement. Again, I say 'Well done' to a commissioner who will go down in the history books of South Australia as someone who achieved a lot and who has had strong support and appreciation throughout the South Australian community for his efforts.

That leads me into the next part of my motion, which is to congratulate the soon-to-be new commissioner for South Australia, Mr Grant Stevens APM, currently a Deputy Commissioner of SAPOL. It is great when you see bipartisan support for an appointment such as this. As I have said to Mr Piccolo, he certainly has Family First support in the appointment of Mr Grant Stevens. It is important for the confidence of policing that the parliament shows strong support for our commissioners. I think it is fantastic that on this occasion we see someone who has come up through the ranks of SAPOL being rewarded with the peak position, but a position that commands and demands so much dedication.

South Australia Police, as you may know, Mr President, is the third oldest police force in the world. I would argue that South Australia Police would have the best record when it comes to the way they have structured themselves and the way they keep to a minimum any allegations or issues regarding corruption, etc., and the way they have collaboratively worked, and continue to work, with ICAC as it considers recommendations on the way forward with the Police Ombudsman and police complaints and the like.

Grant Stevens being a modern, intelligent and well-seasoned police officer is a very good appointment. Mr Stevens joined SAPOL as a cadet when he was 17 years old, so he has already been in the police force for 37 years, and I expect that he will have a long and distinguished career, given that he is quite young. He will have a very long career as our South Australian police commissioner.

Mr Stevens became a detective early in his career and he has accumulated more than 20 years' experience in crime branches of SAPOL, including serving in or leading numerous metropolitan CIB teams and drug investigations. Some of Mr Stevens' career highlights to date include creating and managing the Paedophile Task Force in 2003 and establishing SAPOL's Sexual Crime Investigation Branch in 2004.

He led a project in 2010 which led to the implementation of Neighbourhood Policing Teams and currently, as deputy police commissioner, Grant Stevens has also developed a range of programs designed to enhance service. He is currently responsible for the following services: Crime Service, Metropolitan Operations Service, Operations Support Service and Security and Emergency Management Service.

I have also had the privilege of attending functions where Mr Grant Stevens and his lovely wife have been at our table. I have gotten to know them as a family and I am confident that they will do a great job as a family unit to further enhance South Australian policing. Again, I commend and congratulate our future police commissioner, Mr Grant Stevens, and wish him and his family every success into the future.

COMPULSORY PROPERTY ACQUISITIONS

The Hon. J.A. DARLEY (16:28): I move:

1. That a select committee of the Legislative Council be established to inquire into matters related to the compulsory acquisition of properties as part of the state government's north-south corridor upgrade, including:
 - (a) current acquisition policies and procedures of the Department of Planning, Transport and Infrastructure (DPTI) including a comparison of the effectiveness of these policies compared to past practices of DPTI and the Rehousing Committee;
 - (b) the role of the Crown Solicitor's Office in the acquisition process;
 - (c) the effect the compulsory acquisition process has had on dispossessed owners, including:
 - (i) their ability to purchase another property;
 - (ii) changes to personal, financial and psychological circumstances;
 - (d) DPTI's requirement to negotiate, in good faith, with dispossessed owners;
 - (e) the fairness of compensation offers made to dispossessed owners;
 - (f) the use and relevance of market value when considering compensation;
 - (g) valuation practices and methodology used in determining compensation;

- (h) the ability for dispossessed owners to exercise their legal rights; and
 - (i) any other related matters.
2. That standing order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.
 3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.
 4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

This motion is the result of my being contacted by a number of constituents who have either had their properties compulsorily acquired or, even more disturbingly, have had their properties earmarked for acquisition without further word as part of the government's Torrens to Torrens project. In some of these instances I have advocated for constituents and assisted them in their dealings with the Department of Planning, Transport and Infrastructure. I have to say at the outset that the process has been nothing short of frustrating, even for me.

During my time as CEO of the lands department some 30 years ago, and more recently as the Valuer-General, I oversaw the compulsory acquisition of many properties for projects, including the Adelaide Entertainment Centre, and in all of these cases there was an emphasis on treating dispossessed owners respectfully and acknowledging the sensitivities of the fact that we were, effectively, taking their home from them, albeit with compensation. I cannot say that my recent experience with these constituents has reflected these same sorts of attitudes. Instead, constituents have come to me complaining of intimidation, coercion, bullying and a general sense of helplessness. For all of the people I have encountered it certainly has been a case of David being defeated by Goliath.

The government has indicated that over 100 properties have been acquired 'amicably'. I have not encountered one person who has described their experience with the acquisition process, or their outcome, as 'amicable'. I have met with people who have held their property freehold for over a decade, only to be faced with the unexpected prospect of entering into a new mortgage in order to place themselves in a similar position prior to the acquisition—and those are the lucky ones. The unlucky ones were given such meagre compensation for their properties that they were forced into either inferior properties or inferior locations.

Some of the people I talked to are aged well into their 70s and 80s, and simply were not in a position to finance a new loan, so at a time in their lives when they should be enjoying the fruits of their labour and their retirement they have instead found themselves in a stressful financial situation. There has been little or no regard for the fact that in some cases these people have lived in their family homes for 20 or 30, or even 50, years. There has been even less regard for their mental health and the toll this process has taken on them personally.

It is heartbreaking to meet with a constituent and watch them decline mentally, emotionally and, in some cases, physically over the course of the acquisition process. These people have not asked to be in this situation, nor have they tried to stand in the way of progress. They have simply asked that they be treated fairly and within the spirit of the legislation that enables the government to acquire their family homes.

In fairness, under the previous minister, the acquisition process appeared to be more generous, and there was certainly a greater understanding of the sensitivities of forcibly taking a person's home. In more recent times, however, that approach has simply gone out the window. I do not know what has changed, but clearly the acquisition process is not working any longer and the department has moved so far away from the spirit of the legislation that it warrants review.

The terms of reference that I have proposed (and I thank the opposition for their support on this issue) highlight those areas that require scrutiny. Most importantly, the committee will provide dispossessed owners with an avenue to detail their experiences with the acquisition process. This is not the first and it will not be the last time that people find themselves being dispossessed of their

homes. We need to ensure that the acquisition process is fair and reasonable for all parties involved. With that, I commend the motion to the house.

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

FRASER, HON. J.M.

The Hon. T.T. NGO (16:34): I move:

That this council—

1. Acknowledges the positive contribution to Australian society that former Prime Minister Malcolm Fraser has made;
2. Acknowledges Malcolm Fraser's policy in promoting multiculturalism and acceptance of refugees that has laid the groundwork for a peaceful and diverse Australia of today; and
3. Notes, in particular, the leadership former Prime Minister Malcolm Fraser demonstrated in dealing with the resettlement of about 200,000 Asian and Middle Eastern migrants and refugees, especially more than 50,000 displaced Vietnamese, during and after the Vietnam War.

It is with great sadness that I rise to speak about the life and times of former Prime Minister Malcolm Fraser who passed away recently. Born on 21 May 1930 in Melbourne, Malcolm Fraser was as died in the wool as a Victorian conservative could be. He was educated at Tudor House, now Geelong Grammar, before studying at Oxford University where he graduated with a degree in philosophy, politics and economics. He was the son of a grazier.

Despite all of this, Mr Fraser would prove to be one of the most progressive leaders this country has ever seen in the way he dealt with social policy. It is his leadership on Asian immigration during the Vietnam War which I would like to focus on today. Before the social upheaval of the 1970s, Malcolm Fraser was elected to the seat of Wannon in Victoria in 1956. At the time he was the youngest MP ever elected to federal parliament. In 1966 he entered cabinet as minister for the army, but it was in 1975 when he was named the Liberal Party's opposition leader after beating Billy Sneddon in a ballot that Malcolm Fraser began to make his mark on the Australian society that we enjoy today.

Much commentary focuses on that fateful day of 11 November 1975 when he was appointed Prime Minister due to the sacking of Gough Whitlam. Commentary has also focused on his many achievements during his prime ministership such as signing a treaty of friendship with Japan and enacting the Aboriginal land rights act, agreeing to the exclusion of the apartheid South Africa from international sports, enacting a law that established SBS. I have also previously spoken in this place about the importance of SBS in our community, giving the current federal government's willingness to cut its funding. He established the human rights commission, now the human rights and equal opportunity commission.

Despite all this, I want to focus on the leadership he demonstrated as an opposition leader. It is no secret that at the time the Whitlam government, the union movement and significant elements of the Labor Party were opposed to the entry of thousands of Vietnamese like myself fleeing prosecution from a brutal communist regime. There were various reasons for this. Whitlam never denied that he told the cabinet in 1975:

I'm not having these f-ing Vietnamese Balts coming into this country with their religious and political prejudices against us.

Of course, 'Balts' was a reference to the Baltic states and their peoples who were fighting the repressions of Soviet communism imposed on them from Moscow. In 1975 refugees from Baltic states demonstrated against the Whitlam government's recognition of the incorporation of the Baltic states into the Soviet Union.

These demonstrations showed that despite their often low political profiles, refugees from communist countries could have long memories and a high degree of political solidarity, motivation, organising ability and public support. It seems that the Baltic demonstrations against Whitlam clouded his thinking on the question of admitting Vietnamese refugees.

The Labor Party, for years, had been fighting within itself the pro and anti-communist elements. While Gough Whitlam had done a great deal to restore harmony within the Labor Party,

he was aware that the general public still viewed the party as sympathetic to communism. Put simply, it does not seem like the Labor Party of the 1970s was in the business of importing those whom they believed would be Liberal voters to Australia, even on such dire humanitarian grounds.

Other than the political reasons I have already discussed, there have been suggestions that Gough Whitlam's opposition to accepting asylum seekers from Vietnam was motivated by a policy not to upset the communist regime in Hanoi. It is reported that a message from Canberra to the embassy in Hanoi instructed it to advise the North Vietnamese government that Australia, '...would be very sorry to see the refugee question affect...' relations between the two nations.

Notwithstanding this, I believe Gough was simply trying to build relationships with our communist neighbours and was the first leader of a Western country to visit China in 1971. Many would agree that it was this visit that opened Australia's door to form a close relationship with China today. And China is our biggest trading partner, which contributes to our high standard of living. I can understand that Gough did not want to upset the new Vietnamese communist government by accepting people fleeing that regime. Unfortunately, it was not a proud period in the ALP's history, as many Vietnamese military personnel who served with our diggers were abandoned and left behind.

Successive Australian governments of today from both Liberal and Labor parties are doing the same thing Gough did. The Australian government often tried to avoid conflicts with our Asian neighbours, with economic benefits often taking precedence over human rights. While Malcolm Fraser was no free-market economist, he favoured the continuation of industry protection, which left Hawke and Keating with the heavy lifting to implement the reforms that opened our economy to the world. Fraser still opened us up to the world with his social reforms.

I would argue that, by effectively dismantling the White Australia policy, Malcolm Fraser actually laid the platform for the economic growth of our nation. Hawke and Keating's economic reforms would have succeeded only with a socially-mobile population, one in which Asian immigrants would play an important part.

Although the White Australia policy was officially dumped in 1966 by Harold Holt, with further reforms removing discrimination in 1973, comparatively few Asian migrants arrived, because the Whitlam Labour government cut the overall migration intake. Malcolm Fraser had always been a fierce opponent of communism, particularly in Vietnam. He did not let politics cloud his view, even as opposition leader.

As opposition leader, Malcolm Fraser said on 22 April 1975 that the government's response to South Vietnam's situation was 'petty and miserable'. He believed that Australia could and should be doing much more—pretty brave for an opposition leader. Could you imagine Tony Abbott saying that instead of, 'Stop the boats'?

The union movement also worried about the impact that the mass immigration of 'cheap labour' would have on Australian workers. When discussing the bipartisan nature of the White Australia policy, it was not just a social view: it was an economic one, too. Certainly, amongst the left and its unions, the White Australia policy was seen as an important and necessary way of supporting Australian workers. This certainly goes against the number one core value of a unionist, which I am proud to be, and that is solidarity of all workers regardless of race, colour or faith.

It must be noted that the ACTU and the Labor Party, which was led by Gough Whitlam, now opposition leader, were less accommodating. Bob Hawke, the then ACTU leader, said on 29 November 1977:

Any sovereign nation has the right to determine how it will exercise its compassion and how it will increase its population.

Regardless of this, I must stress that, when Bob Hawke became prime minister, he was a very popular MP in the Asian community as he allowed more Asians to migrate to Australia through refugee, family reunion and skills visas. Unions of today have learnt from the past and campaign to defend workers' rights not only in Australia but also in poorer nations. Unfortunately, xenophobia has been creeping back into Australian political debate in recent times, particularly regarding the foreign ownership of our assets.

In the recent New South Wales state election, I am concerned that fear of Chinese and Asian ownership of assets was used to win votes. I did not like a TV commercial from a union which portrayed images of the Chinese government and its flag as a buyer of the New South Wales electricity assets. The advert portrayed an anti-Chinese outlook on investments in this country. As far as I am concerned, the New South Wales government has not given any indication that it will sell its electricity assets to a Chinese company or other overseas interests. We are not sure who the successful buyer will be, but I am sure whoever can give the New South Wales government the best deal for its people will end up with the asset.

I do not think that it is wise for political parties to constantly attack Chinese investors when we are so dependent on that investment to grow our economy. For the past 20 or so years, our standard of living has grown due to foreign investment. The majority of the resources we have sold have been purchased by the Chinese. Without money flowing in to grow our economy through the export of our resources, we will have more towns closing down and more people out of work. Treasurer Joe Hockey said that recent revenue write-downs showed another \$25 billion lost due to the slowing down of the Chinese economy, which is making our iron ore a lot cheaper than it was a few years ago. One of the main reasons that New Zealand's economy is going gangbusters is its heavy investment in China.

During the New South Wales election, there was another TV commercial that had an article from *The Advertiser* with a photo of Mr Li Ka Shing, majority owner of the company which has the majority share in SA Power Networks (formerly ETSA). Again, it portrayed anti-Chinese/Asian investor sentiment in this country. Mr Li is a great friend of South Australia and has regularly visited Adelaide. I know that various premiers, ministers and opposition leaders have caught up with Mr Li for lunch or dinner whenever they have visited Hong Kong. I had the pleasure of meeting Mr Li when I was an adviser to then treasurer, Jack Snelling, and I found him very grounded and courteous. He speaks highly of South Australia because we are a stable state in cultural diversity, with economic and political standing. Mr Tim Soutphommasane, the Race Discrimination Commissioner, tweeted recently:

It's disappointing to see some NSW political adverts using inflammatory language about foreign investment. Let's not licence xenophobia.

I notice that in Victoria electricity assets are owned by non-Chinese investors, but that did not seem to feature at all. Also, the controversial east west link project in Victoria was awarded to a French and Spanish consortium. If that had been a consortium of Chinese investors, the question I would ask is whether it would have become a political football at the last Victorian state election. Given what happened in New South Wales, it might have been.

It is unfortunate that anti-Chinese or anti-Asian sentiment has been used and continues to be used by our political leaders to create fear, score political points and gain votes, starting with the gold rush era and then the White Australia policy, the fear of the Japanese after World War II to now where xenophobia dominates debate about our assets and natural resources.

Any asset sale is up to the Australian government of the day and it is up to politicians like ourselves to regulate the conditions of any sales to protect the interests of Australia, not the investors. It is very disingenuous for political parties to use the fear of Chinese investment to win elections and then turn around and tell Chinese investors that they love them and their money when they are in government.

Similarly, the submarine debate should be about 12 submarines being built in Australia so that it can provide people with jobs in advanced manufacturing and the long-term national security of our nation. This debate has nothing to do with Japan or its people. The debate should be about local jobs, building our capabilities, security and pride. I believe politicians and community leaders should not use xenophobic messages as a way to win votes. They should not too readily use the word 'racist' for the sake of damaging their opponents, either. Overuse of the word 'racist' by political groups for political gain runs the risk of downplaying what racism really is. It also does not help the image of this great country abroad but, more importantly, it divides and creates a lot of anxiety in the community.

I can remember in the eighties when Asian immigration was at the forefront of federal political debates between Labor and Liberal. That was when I and many Asian people copped the most abuse on the street. The South Australian community and its political leaders must be congratulated for not playing the fear card of foreign investment or, in this case, anti-Chinese investor sentiment. I believe this is due to close friendships and working relationships with all sides of politics over many decades. Credit must also go to our media for its continuing support and putting a stop to any prejudice.

Where in the world can you find a Vietnamese Governor as well as Japanese-born, Malaysian, Italian, Greek and Vietnamese (just to name a few) political leaders of a state? In South Australia we all know how important it is for foreign investors to drive our relatively small economy. We need capital and tourism, and China is important to achieving both. The Premier has already announced the South-East Asia Strategy and will lead a large business delegation on a trade mission to China soon. I am sure if the opposition returns to government it will be doing the same.

I want to conclude by returning to Malcolm Fraser and his time as prime minister. When he was in power about 200,000 Asian and Middle Eastern migrants, including 56,000 Vietnamese who applied for refugee status as well as an additional 2,000 boat people, arrived in Australia. In November 1977, just before what would be Malcolm Fraser's re-election to a second term as prime minister, HMAS *Ardent* intercepted a boat with about 180 Vietnamese asylum seekers which was heading for Darwin.

Despite opposition from senior National Party minister Peter Nixon, Malcolm Fraser's coalition government was accommodating to the boat people and the matter did not become an issue in the election campaign. I believe our Governor, His Excellency Le Van Hieu, was on that first boat that arrived in Darwin. The Governor told me that his boat was not allowed to land for two days until the Australian authorities worked out what to do with them. Malcolm Fraser intervened. In Fraser's foreword to one of his books he wrote:

A great test came at the end of the Vietnam War where there was a major exodus out of Indo-China. Australia responded to that challenge with an open heart, with generosity and compassion. Mr Hieu Van Le AO, Lieutenant-Governor of South Australia, was on the first boat that came into Darwin Harbour. The authorities were stopping people getting off the boats until I was told about it and were immediately instructed that they should be welcomed and given whatever immediate help they needed.

Previously in this place I have spoken about early migrants breaking down barriers for later arrivals. Leaders like Malcolm Fraser helped break down racial barriers in Australia, because he did not sing from the song sheet of old Australia. Instead, he had a vision of a modern Australia which incorporated Asians, and he led society to this position.

On behalf of many ethnic communities in Australia, especially the Vietnamese community, I thank Malcolm Fraser for his leadership, both in opposition and in government, in promoting multiculturalism. His policy of accepting many refugees from Vietnam laid the groundwork for successive governments to follow. I commend this motion to the council.

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

Bills

MOTOR VEHICLES (DEMERIT POINTS FOR DISABILITY PARKING AREA OFFENCE) AMENDMENT BILL

Introduction and First Reading

The Hon. K.L. VINCENT (16:56): Obtained leave and introduced a bill for an act to amend the Motor Vehicles Act 1959. Read a first time.

Second Reading

The Hon. K.L. VINCENT (16:58): I move:

That this bill be now read a second time.

Today I introduce a bill to amend the Motor Vehicles Act of 1959, namely the Motor Vehicles (Demerit Points for Disability Parking Area Offence) Amendment Bill 2015 on behalf of Dignity for Disability. My contribution on this bill will probably be somewhat brief, and that is because the proposal that we are putting forward today is quite simple.

Since I was elected to this place in 2010, some five years ago now, one of the most frequent calls I receive to my office remains the issue of disability accessible car parking, in particular the lack of available disability car parking spaces, car parks that one can utilise with a valid disability parking permit. While the fine for parking in accessible spots currently attracts a \$341 fine, this is not seen to be an adequate deterrent. People are still regularly flouting this rule and taking away the space from a person who legitimately needs access to it to go shopping, spend time with friends, go to work, attend appointments or go to the library, work or study locations.

Essentially, this is a very simple bill. It ensures that those found parking in a valid permit space without a permit will attract not only a fine but also a demerit point against their driver's licence. All the usual appeal processes against a fine and against demerit points will still apply; that is, if you forget to display your valid permit you could apply for relief from the fine and the demerit point. I understand that there has been some concern in the community about this, so I want to put on the record that the same appeals mechanisms will apply.

My office is regularly told about people parking in disability access permit parks without a permit. While there is some policing of this by local councils and other authorities, there is still not enough policing occurring. I recently appeared in a Channel 9 television investigation that showed just how widespread parking in disability spots in and across the Adelaide area is.

While policing of accessible car parks is essential, I am hopeful that this bill will also bring about cultural change, which is much needed. It is far too common still in 2015 to hear excuses for parking in a disability access car park without a permit like, 'I was only there for five minutes.' Well, even if it is only for five minutes, to break the law for five minutes is still wrong. I find it quite amusing when people give this response and say things like, 'I was there only there for five minutes and nobody else came along needing the park.'

The first question is: how could that driver possibly know that, since they were presumably in a shop or another venue and were not actually out there watching the park? Secondly, this excuse hinges on the false notion that respect is still being delivered adequately if the respect for one person comes after the respect of another; that is to say that you do not respect someone properly if you expect them to wait for their human rights and for that respect to be given to them.

As I said earlier, what if a car rolls up 30 seconds after you went into the shop, taking the accessible car park, waiting to use the only available parking spot that is suitable for unloading a wheelchair or other mobility aid or that is close to the entrance so that a person who cannot walk very far can get to the shop safely? The lack of available disability access car parks puts people in a place of great risk of injury. For example, if they are a wheelchair user, they could be lower to the ground and may be less visible to other drivers, particularly those in vans, four-wheel drives and trucks.

There is also the issue of where someone might mobilise slower than a person without a disability, which raises obvious safety concerns in a busy and sometimes not well-lit car park. While I acknowledge that I have received a small amount of opposition to this bill, with comments such as, 'Demerit point offences should only apply where a clear safety concern applies to the offence,' given the examples I have just given, I think that the safety element of disability access car parks is one that cannot be underestimated.

I would also like to talk about a recent campaign that came out of a Russian disability rights organisation called Dislife. This campaign was called 'More than a sign'. This campaign involved people using secret cameras to validate whether or not a car pulling in to an accessible car park had the permit displayed. If there was no permit displayed, the organisation would activate a hologram which depicted a man in a wheelchair yelling, 'Stop!' The car would then pull over, of course, thinking that there was a person in front of the car. The hologram message would then go on to talk about the fact that we often forget that people with disabilities and those using disability access car parks are more than a sign. The hologram message ended with, 'I face many challenges every day. Your only challenge is to respect my rights.' Really, I think that says it all.

I also think the other cultural change needed pertains to the potential change of the symbol that is used to signify disability access car parks. It is quite well acknowledged now, particularly in the disability community, that not all disabilities are visible; in fact, most of them are invisible. So

perhaps there is a need to change the sign to recognise that this is the case, particularly because even years after campaigns such as 'Check the permit, not the person' there still seems to be an 'us and them' attitude to the use of disability access car parks where if a person does not look disabled it is assumed they are not, and are therefore not entitled to use a permit space even if they have a disability access parking permit displayed in their car.

While the support of this bill from the community has been huge and overwhelmingly positive, I acknowledge that I have also received other comments, such as suggestions that this would be overregulation; that is, governments or parliaments stepping in to take away from the rights of people in that community. I do not consider this measure to be an example of overregulation. I consider that overregulation would be something that impinges on people's civil liberties or on their ability to run a business in the way they would wish. This does neither of those things. This is already an offence, so already you should not have the liberty to park in an access park without a permit. This simply seeks to align the severity of that offence—that is, taking away someone's ability to easily and safely access their community—with the effect that it is having on the community.

When I talk about this on radio, online or on TV I have been overwhelmed by stories flowing into my office by email, phone or online; stories of people with disabilities or chronic illnesses or age-related disabilities being trapped in parking spots, missing appointments, or being in unsafe situations. One such story I heard of was where a woman who was a wheelchair user was unable to get back into her car because she had had to park in a non-accessible car park, and she therefore had to ask a stranger to reverse her car out of that space so that she could get in with her wheelchair.

Essentially, what we are talking about here is community members and taxpayers being deprived of the opportunity to access the community safely and easily. This certainly demonstrates that we need to change social attitudes in relation to this issue, and I hope this bill will be one part of a conversation that will lead to a raft of reforms needed in this realm. I hope the support of members of parliament will reflect the broad community support that exists for this bill, and I thank those members who have already indicated their support. I commend the bill to the chamber.

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

Motions

DISABILITY AND EDUCATION

The Hon. K.L. VINCENT (17:08): I move:

1. That a select committee of the Legislative Council be established to inquire into and report on access to the South Australian education system for students with disabilities, their families, and support networks, including:
 - (a) the experience of students with disabilities, additional learning needs and/or challenging behaviours, and their families and advocates in the South Australian education system, including early childhood centres, junior primary, primary and high schools;
 - (b) the experience of discrimination, including victimisation and harassment, of students with disabilities, including, but not limited to, educational institutions failing to provide students with the support needed to reach their full academic potential on an equal basis with non-disabled students;
 - (c) the experience of segregation, restraint, lack of social opportunities and inadequate supports for personal care requirements, and other personal care routines such as toilet use for students with disabilities;
 - (d) the current level of initial and in-service training for teachers and other staff regarding students with disabilities, and suggestions for broadening and improving such training;
 - (e) the appropriateness or otherwise of the current DECD and school-based policies and funding mechanisms for behaviour management for students with disabilities;
 - (f) the availability of specialist DECD staff, including speech pathology and psychology staff in rural and regional South Australia; and
 - (g) any other related matter.
2. That standing order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.
4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.
5. That the committee hearings be disability accessible and resourced with Auslan interpreters as required.

Since I came into this place some five years ago, matters concerning children's daily life at school have formed a significant part of the constituent workload with which my office deals. My office is aware of and advocating for a number of families and individuals who have felt disappointed, frustrated, isolated and disrespected by their experience with the current education system in South Australia. However, the tipping point came over Easter this year when a story—which I am sure members would be aware of—of a 10-year-old boy on the autism spectrum being placed in a cage-like structure made of pool fencing in a Canberra classroom made headlines around the nation, and rightly so.

Currently in the Australian Capital Territory an expert panel has been established to work in conjunction with an investigation into how this inappropriate, unacceptable and inhumane structure, reportedly made, as I said, out of swimming pool safety fencing, came to be installed in this Canberra classroom. This investigation will be looking at who was involved and the response of the education and training directorate.

It is on the public record that this structure was installed in a public school on 10 March 2015 and was removed subsequently on 27 March. The ACT government has resolved to have a broader look at the policy framework and practices that support schools in responding to the needs of students with disabilities or other additional learning needs and challenging behaviours.

Following this appalling incident, Dignity for Disability has continued to be approached by families and individuals with concerns about how students with disabilities are treated in South Australian schools. Children and their parents have a right to expect fair access to education in South Australia. It is something that I would hope we take as a given, yet it is not so for many students with disabilities. I am aware through my discussions with concerned parents that certainly all is not well when it comes to providing an equal, fair and well-rounded education for students with disabilities in our education system.

As members would have heard in the media in recent weeks, here in South Australia children as young as four years of age are being suspended from Department for Education and Child Development sites and, while parents may blame the school and the school may in turn blame the parents, it is time to work together as a community to get this situation sorted out.

The working life of classroom educators has changed dramatically, and the reliance on school support officers (or SSOs as they are known) to deliver programs to children with disabilities is increasing and problematic. As hard-working and as dedicated as they may be, the work of SSOs is no substitute for qualified developmental educators.

Parents have contacted me in dismay over situations where, for instance, they are telephoned by their child's school on a daily basis and asked to come and collect their child from school due to the child's behaviour. The child's behaviour could be a normal, everyday part of their disability and may reasonably be expected at times to be arguably disruptive, yet the effect of this is that because the school cannot cope, the parents cannot work.

I am hearing stories of parents who are told by school principals that their child cannot attend school full-time due to a lack of support resourcing in that school. Not only is this flatly unacceptable from a human rights and an educational development perspective, but I also think it is flatly insulting when the school continues to receive full school fees for the full term from that family, regardless of the fact that their child may not be able to attend full-time.

Additionally, talking about the effect of parents being asked to come and collect their children from school, according to a 2011 Productivity Commission report, the workforce participation rate of primary carers of people with disabilities stands at just 54 per cent compared to 80 per cent of people

with no family-caring responsibilities. The economic ramifications of family carers being pulled out of the workforce in this way to support their child when the education system cannot presents an unacceptable cost to families and the economy, as well as a human rights concern.

The National Assessment Program—Literacy and Numeracy, more commonly known as NAPLAN, is once again taking place. Under nationally agreed protocols, students with disabilities are entitled to sit the test, with some adjustments as required. It is the responsibility of schools to inform parents of their rights for these adjustments and it is imperative that schools are appropriately resourced to provide the necessary supports.

Currently SA continues to spend just one-third of the national average per student with disability or other special need, and it is time we lifted our game. This committee, if established, will inquire into and report on the experiences of children, students and families in our education system. It is necessary because there are clearly far too many instances that indicate to me a level of discrimination that the broader community would not accept.

I am especially interested in finding practical solutions, such as suggestions for broadening and improving teacher and support staff training, in order to ensure that all students are adequately supported to achieve their full academic potential, regardless of disability. As I have said earlier in this place, it is unacceptable to believe that many of the barriers that people with disabilities continue to face in South Australia in 2015 are intrinsic within us. They are the result of a society that has failed to keep up with the rapidly diversifying needs of the people whom this community comprises and whom we need to support.

Children with Disability Australia released an important paper entitled 'Inclusion in education: towards equality for students with disability'. It is important because it makes recommendations based on research about ways to empower educators to look at an education for students with disabilities as a rights-based issue. Certainly, while the resourcing of teachers, schools and classrooms is an issue, I hasten to add that we should all recognise that it does not cost money to recognise a student's humanity. From that 2013 issue paper I would like to place on the record some of the elements of teacher education, which research shows will result in more positive attitudes towards inclusive education:

- teacher education that enables teachers to develop an understanding of ableism, to recognise ableist values and practices and to seek to disestablish ableist attitudes, including consideration of representation of people who experience disability;
- support to move beyond deficit thinking, entrenched within the special education paradigm, towards an approach to education which welcomes and celebrates diversity; and
- learning about and developing an understanding of inclusive education.

Other points include:

- engaging in critical reflection about beliefs and practices;
- building confidence for inclusive education through reflective practice on developing knowledge of flexible pedagogy and universal design for learning;
- engaging with critical disability studies in order to develop understanding of the social construction of disability and the role of the teacher in reducing ableism;
- developing an understanding of diversity as a resource rather than a problem, and learning to presume competence and hold positive expectations of all children;
- learning about available supports for facilitating inclusive education;
- developing an understanding of the importance of building relationships with children in order to meet their individual needs;
- developing an understanding of the importance of listening to people who experience disability, including children, and drawing on the disability rights movement in striving

toward inclusive education. Within this, providing opportunities for respectful engagement with people who experience disability and their families; and

- establishing strategies for ongoing collaboration with other teachers, including the provision of a theoretical toolbox to assist with engaging in ongoing critical thinking and critical reflection. I understand that that is a lengthy list, but I think it is important to get those points on the record because they make some salient points and they also talk to many of the measures that this committee I am seeking to establish will look into as well.

I think the need to challenge critical thinking and reflection about disability, and recognising people with disabilities and their families where appropriate in the case of children, are critical. As one of the recommendations of the report said, we need to move away from the automatic presumption of incompetence of people with disabilities and, rather, focus as we would with any other student on their capabilities, their capacity and their abilities to learn.

They might not always learn in the same way that students without disabilities do but, as somebody put to me in a conversation last week, we would not give up on a child because they had not learned all the necessary skills that we would expect of an adult in six to eight months, a year or perhaps even 10 years. We keep striving and find the right way for that individual to learn, and the same principle needs to apply for people who may learn differently due to disability, regardless of their age.

There is clearly a request for more awareness and knowledge on the implementation and use of inclusive and assistive technologies in classrooms as well as other measures to facilitate inclusive education. It is clear that community members are also keen for students with disabilities to have the opportunity to develop physical skills while being in the classroom, something that is reported to me as not currently occurring on a broad scale.

Just as in developing our Disability Justice Plan for South Australia, I think the parliament truly benefitted from consulting with people who were directly affected by policies and practices in the justice system area as well as using their knowledge as people living with disabilities every day. That is why I established that select committee, to get those real life stories that prove there are problems and to use that everyday personal experience and expertise to identify practical ways forward. I am certainly of the belief that a committee will be of benefit for the same reasons in this area.

As well as the other supports that we need to look at promoting for students with disabilities which I have outlined in this speech and which are also outlined in the proposed terms of reference, there is one other example that I would like to make brief mention of—the Marrakesh Treaty. Australia signed the Marrakesh Treaty in June of last year, 2014. Its official title is the Marrakesh Treaty to Facilitate Access to Published Works for Persons who are Blind, Visually Impaired, or Otherwise Print Disabled. It is estimated that, if properly acknowledged, this treaty could give an estimated 285 million people with vision impairment and other print disabilities around the world access to more books published in accessible formats, including large print, braille or audio formats, for example.

The treaty also allows for exemptions to copyright law to enable organisations to produce and distribute books and other materials in formats that are accessible to people with a range of disabilities. The aim of doing so is that, by allowing exemptions to copyright law, people with a vision impairment in particular will be able to access more literature than ever before.

I think it is particularly important that we acknowledge this, because it is one thing to recognise the rights of people with disabilities on a cognitive or philosophical level and to recognise their right to participate in education alongside their peers; however, if we do not provide students with disabilities with the practical supports needed such as a book or textbook in an accessible format and other measures that I have talked about, then we are not truly recognising the rights of people with disability in a practical sense and, therefore, not at all.

In summing up, I would like to leave members with what I hope is a troubling thought. It is not often you will hear me quoting George W. Bush, but I think that this is a particularly relevant and well-articulated quote. George W. Bush once described various forms of systemic bias as the 'soft bigotry of low expectation'. It seems to me that this phrase captures many of the essences of the

reality for far too many South Australian school students. It is also aptly describes some of the condescending attitudes and, as I said earlier, the presumption of incapacity (rather than capacity) that exists in the broader community in their dealings with people with disabilities.

I hope that members will support the establishment of this committee so we can hear these real-life stories and utilise that real-life everyday expertise to establish practical ways forward. I look forward to the contributions of others and commend the motion to the chamber.

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

Bills

FAMILY RELATIONSHIPS (SURROGACY) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 18 March 2015.)

Clause 1.

The Hon. T.A. FRANKS: I wish to speak at clause 1 because I had flagged in my second reading speech that I would seek to move amendments to this bill to address areas of equality for potential single commissioning parents and same-sex couple commissioning parents. I am informed by parliamentary counsel that I am unable to do that in this particular amendment bill that the Hon. John Dawkins has put before us and given some reasons by parliamentary counsel why that is the case.

In terms of the recommendation from parliamentary counsel that I perhaps introduce either my own private member's bill, or my own suggestion that I put this into the inquiry that has been flagged by the Weatherill government to look at areas of equality of gender identify and sexuality, I indicate that I will be considering both of those options.

The Hon. J.S.L. DAWKINS: I thank the Hon. Tammy Franks for putting that on the record. I appreciate the communication she and I have had on this bill and I understand the need for her to put that on the record, and I thank her for doing it. That is informative for not only this debate but for other matters that will be in front of the parliament in months to come, I presume.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

The Hon. J.S.L. DAWKINS: I move:

Amendment No 1 [Dawkins-2]—

Page 4, after line 9 [clause 4, inserted section 10FA(3)]—Insert:

- (ea) the information required under section 10HA(2)(b)(xi);
- (eb) information explaining the relationship between this Part and the Assisted Reproductive Treatment Act 1988 and, in particular, how in vitro fertilisation procedures under that Act are, or are not, able to be provided in respect of altruistic surrogacy;

This amendment was drafted to address concerns that I had after having contact with a constituent couple who had been told by an IVF provider that they were unable to have any eggs harvested and frozen until a recognised surrogacy agreement had been put in place. So, this amendment is to clear up any ambiguity in the law, particularly for service providers. I note at this point that it is not my intention to prevent the harvesting of eggs by service providers from prospective parents before a surrogate is found.

I now wish that the committee consider this amendment, which would allow the bill's proposed state framework for altruistic surrogacy, which would be developed by the minister if this bill becomes law, to include information which will clarify the relationship between the Family Relationships Act 1975, particularly the sections relating to surrogacy, and the Assisted Reproductive

Treatment Act 1988, and specifically how this may affect potential commissioning parents using altruistic surrogacy.

Amendment carried; clause as amendment passed.

Clauses 5 and 6 passed.

Clause 7.

The Hon. J.S.L. DAWKINS: I move:

Amendment No 2 [Dawkins-2]—

Page 6, after line 7—Insert:

- (3a) Section 10HA(2)(b)(vii)—delete subparagraph (vii) and substitute:
- (vii) the surrogate mother, her husband or domestic partner (if any) and both commissioning parents each have a certificate issued by a counselling service that complies with the requirements of subsection (3);

This amendment has been drafted to ensure that the partner of a surrogate, whether the relationship between the surrogate and their partner be matrimonial, de facto or domestic in nature, will be entitled to counselling prior to a surrogacy agreement being put in place between the parties. Individuals closely associated with a surrogate will be significantly exposed to the process, from the impregnation to the birth of the child, and therefore, in my view, should have access to counselling services to assist them during their partner's surrogacy journey. For the information of honourable members, this potential amendment was raised with me by a lawyer who has extraordinary expertise in surrogacy legislation across the commonwealth as a suggested practical improvement to the current bill and law. I commend the amendment to the committee.

Amendment carried.

The Hon. J.S.L. DAWKINS: I move:

Amendment No 3 [Dawkins-2]—

Page 6, after line 12—Insert:

- (6) Section 10HA(2)(b)—after subparagraph (x) insert:
 - (xi) the agreement states that the commissioning parents will, in accordance with any requirements in the State Framework for Altruistic Surrogacy, take reasonable steps to ensure that the surrogate mother and her husband or domestic partner (if any) are offered counselling (at no cost to the surrogate mother or her husband or domestic partner) after the birth of a child to which the agreement relates (including, to avoid doubt, a still-birth).

The issue which this amendment hopes to address was brought to my attention by a constituent who has acted as a surrogate and therefore has significant experience of the practical implementation of current legislation. The suggestion was also supported by an expert surrogacy lawyer, whom I referred to in the previous amendment, who has made several practical suggestions to this bill.

The amendment would enable both the surrogate themselves and their partner, regardless of whether the relationship between the surrogate and their partner is matrimonial, de facto or domestic in nature, to be offered counselling after the birth of the child which was born as a result of the surrogacy agreement. These constituents and experts who have suggested this practical amendment to me believe that counselling for the surrogate and the person closest to them, as their partner, is vital to ensure the mental health and wellbeing of the surrogate couple after parting with the child born as a result of the surrogacy agreement. I commend the amendment to the committee.

Amendment carried.

The Hon. J.S.L. DAWKINS: I move:

Amendment No 4 [Dawkins-2]—

Page 6, after line 12—Insert:

- (7) Section 10HA(3)—after paragraph (a) insert:

- (ab) the counselling provided to each person referred to in that subparagraph must, unless it is not reasonably practicable to do so, be provided by the same counsellor;

Note—

Examples where it might not be reasonably practicable to do so would include where the counsellor has a conflict of interest with one of the parties, or is unavailable due to illness.

- (ac) except as contemplated by paragraph (ab), the counselling must be consistent with—
- (i) any guidelines related to such counselling published by the Australian and New Zealand Infertility Counsellors Association; and
 - (ii) any relevant guidelines published by the National Health and Medical Research Council;

- (8) Section 10HA(3)(b)(i)—delete subparagraph (i) and substitute:

- (i) that the person to whom it relates has received counselling about personal and psychological issues that may arise in connection with a surrogacy arrangement; and

- (8) Section 10HA(4)—delete subsection (4)

I have moved this amendment after consultation with an expert surrogacy lawyer who I mentioned before and who has had significant experience in the practical implementation of current laws and how they might be improved for the benefit of all parties involved in altruistic surrogacy. The amendment will ensure that the counselling provided to the surrogate, their partner—regardless of whether that relationship is the result of a marriage or de facto or domestic relationship—and the commissioning parents is conducted where practicable by the same qualified and registered counsellor.

This will enable the counsellor involved to have a holistic view of all the relationships between all of the parties involved in a prospective surrogacy agreement and enable them to issue or not issue a certificate based on the substantial information which will be gathered through this holistic approach. This could help nip—I think that was the term that the lawyer used to me—any potential issues which could arise during the life of the agreement in the bud, so to speak, before the agreement is executed. I commend the amendment to the committee.

Amendment carried; clause as amended passed.

New clause 7A.

The Hon. J.S.L. DAWKINS: I move:

Amendment No 5 [Dawkins–2]—

New clause, page 6, after line 12—Insert:

7A—Insertion of section 10HAB

After section 10HA insert:

10HAB—Medical decisions affecting surrogate mother or child

- (1) For the purposes of this Act, the Consent to Medical Treatment and Palliative Care Act 1995 and any other Act or law, a question relating to any medical treatment to be provided to a surrogate mother or an unborn child to which a recognised surrogacy agreement relates (including, to avoid doubt, a question relating to who can consent to such treatment, whether or not it relates to the pregnancy) is to be determined as if the recognised surrogacy agreement did not exist.
- (2) Nothing in this section limits the operation of an advance care directive under the Advance Care Directives Act 2013.

In explaining this amendment I would say to the committee that, while this amendment reflects existing law of the state of South Australia, after speaking with the legal expert in the field of surrogacy whom I mentioned earlier, I decided that it would be my intention with this amendment to

reinforce that the surrogate mother—who is giving one of the greatest gifts that any person could ever give to another—has the right to conduct the pregnancy, insofar as it does not contradict the recognised surrogacy agreement agreed to by all parties, as if that surrogate was the natural mother of the child that would be born through the pregnancy that resulted from the agreement. I commend the amendment to the committee.

New clause inserted.

Remaining clause (8), schedule and title passed.

Bill reported with amendments.

Third Reading

The Hon. J.S.L. DAWKINS (17:39): I move:

That this bill be now read a third time.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (17:39): I rise to indicate that I will not be supporting the Hon. Mr Dawkins' bill for reasons which I have outlined previously in conversations with him in this place. I am still not persuaded that the bill may not have such inadvertent negative impacts on commissioning same-sex parents and, until such a time as I can be reassured of that, I find that I will not be able to support this legislation.

Bill read a third time and passed.

Motions

SAMPSON FLAT AND TANTANOOLA BUSHFIRES

Adjourned debate on motion of Hon. T.T. Ngo:

That this council—

1. Acknowledges with gratitude the inspirational efforts of the emergency services staff and volunteers in fighting the Sampson Flat and Tantanoola bushfires which resulted in the declaration of a major emergency on 3 January 2015;
2. The dedication and professionalism demonstrated by SA emergency personnel and their colleagues from NSW and Victoria over the 6 days before the fire was contained, prevented much worse destruction and any loss of life; and
3. Also acknowledges the work of the many agencies, community groups and individuals involved in establishing and running the relief centres at Golden Grove, Sandy Creek, Willaston and later Gumeracha and those now still involved in the recovery phase led by the State Recovery Office and the wider community for their enormous generosity during and after the emergency.

(Continued from 25 February.)

The Hon. A.L. McLACHLAN (17:41): I rise to speak in support of the motion brought to this chamber by the Hon. Tung Ngo. The essence, obviously, of the motion is that it acknowledges with gratitude the inspirational efforts of our emergency services in fighting the Sampson Flat and Tantanoola bushfires.

The details of the fires at Sampson Flat and Tantanoola that ravaged our countryside earlier this year have been well recorded in this chamber. I do not propose to revisit the details of the fires, as they were described in detail by the Hon. Tung Ngo in moving this motion. The danger that these fires presented to our community was matched by the dedication and professionalism of our state's emergency services. I congratulate them on their performance, not only for their dedication and professionalism, but more particularly for the courage they displayed in the face of adversity and danger to their person.

All those who contributed to the state's response to the fires have our unstinting gratitude. Their efforts prevented even greater destruction and, more importantly, ensured that no lives were lost.

As members of this chamber would know, I have had a long association with St John Ambulance. I have spoken previously in this place on their contribution to fighting the fires and caring

for the communities impacted. Nevertheless, it is worth reminding the chamber that St John worked closely alongside other emergency services and supported other agencies during the bushfires. St John was one of the many agencies that put in an extraordinary effort while the fires were being fought, and afterwards when the communities were taking their first steps to repair and rebuild.

I extend my personal thanks to all those who came from other states and stood side by side with our emergency services personnel in our time of need. I think in speaking in support of this motion that I should probably make a few comments on volunteer firefighters. They occupy a unique place in our society. They willingly volunteer to undertake dangerous and life-threatening work. They do not seek reward. They do so from the purest of motives, to serve their community and to keep it safe. I salute them, for they volunteer in the full knowledge that they will potentially face life-threatening situations.

I also acknowledge the contribution of their families. Volunteers give up their time that they would otherwise spend with their loved ones, to train in their craft. Their families have to nervously await their return when they have been called to duty. For every volunteer firefighter who fought in these fires, there was a family watching the fires on the television and trying to put out of their minds that their loved one may not return.

The state willingly accepts the efforts of its volunteer firefighters. It must, in doing so, pay tribute to the families of the volunteers who offer up those they love for the protection of all in the community. Having regard to the dangers our communities face, I reflect on whether we do enough for our volunteers in the emergency services. Perhaps these fires should serve as a stern reminder of the important role our volunteers play in protecting our communities and encourage us to do more to ensure their welfare, as well as growing their numbers, building upon their level of training and improving their equipment.

I am proud of my party's relentless pursuit of ensuring access to cancer compensation for CFS volunteers. Being a volunteer does not, nor should it ever, mean that you forgo certain rights and entitlements that would otherwise be available to someone sharing the same risk but as a full-time employee. Perhaps it is time we revisited our attitudes to volunteers and look for a new compact between the state, the people and those willing to step forward to defend their neighbours from adversity and danger.

Disappointingly, there is an attitude that inhabits some parts of the organs of our state that the term 'volunteer' equates with 'amateur'. I reject this shallow notion. The fact that it is still maintained by some demonstrates to me that there is still work to do in ensuring that all who live in this state will completely understand the value of our volunteers and their contribution to our state. We in this parliament should seek to lead this endeavour.

I close by reiterating my support for the motion. The fires—a constant threat to us in this land—have again shown us that our community still has men and women who we can be justly proud of. I support the motion.

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

Resolutions

HUMAN ORGANS TRAFFICKING

The House of Assembly agreed to the amendments made by the Legislative Council to the resolution concerning the joint committee on the operation of the Transplantation and Anatomy Act 1983.

The House of Assembly members appointed thereto are Mr Duluk, Ms Digance and Ms Vlahos.

Bills

THE UNITING CHURCH IN AUSTRALIA (MEMBERSHIP OF TRUST) AMENDMENT BILL

Introduction and First Reading

Received from the House of Assembly and read a first time.

At 17:48 the council adjourned until Thursday 7 May 2015 at 14:15.

*Answers to Questions***VOCATIONAL EDUCATION AND TRAINING**

In reply to **the Hon. K.L. VINCENT** (3 June 2014). (First Session)

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): I have been advised—

The National Centre for Vocational Education and Research reports that students cite a number of reasons for not completing a course. These include:

- Changing jobs
- Transferring to more preferable training and education, including using the VET system as a pathway to university
- Deciding that selected competencies of a course are sufficient to secure a job and the full qualification is not needed
- Family and personal reasons.

TEEN BODY IMAGE

In reply to **the Hon. S.G. WADE** (28 October 2014). (First Session)

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): I have been advised the following:

Peer education is regularly used in a variety of contexts and 'can directly effect on the social environment, provide positive role models and help change social norms' and 'Studies have shown that peer initiatives can improve knowledge, and change attitudes, self-efficacy and behaviours.' (Story et al, 2002)

The Body Image Campaign takes as its basis the well-established peer education approach and moves it into a digital context.

In the academic literature 10 frequently used justifications for adopting peer education have been identified:

1. It is more cost-effective than other methods (Jones, 1992; HEA, 1993; Peers et al., 1993).
2. Peers are a credible source of information (Perry, 1989; Woodcock et al., 1992; Clements and Buczkiewicz, 1993; Jarvis 1993).
3. Peer education is empowering for those involved (HEA, 1993).
4. It utilizes an already established means of sharing information and advice (Finn, 1991; Clements and Buczkiewicz, 1993; Jarvis, 1993).
5. Peers are more successful than professionals in passing on information because people identify with their peers (Clements and Buczkiewicz, 1993; Peers et al., 1993).
6. Peer educators act as positive role models (Perry and Sieving, 1993; Clements and Buczkiewicz, 1993).
7. Peer education is beneficial to those involved in providing it (Klepp et al., 1986; Ford and Inman, 1992; Hamilton, 1992; HEA, 1993; Phelps et al., 1994).
8. Education presented by peers may be acceptable when other education is not (HEA, 1993).
9. Peer education can be used to educate those who are hard to reach through conventional methods (King, 1993; Rhodes, 1994).
10. Peers can reinforce learning through ongoing contact (Jay et al., 1984; Kelly et al., 1991).

The Office for Women is very pleased to have the YWCA of Adelaide as a key partner for the Body Image Campaign.

In relation to the campaign run in the US, in 2013, New York City launched its public education campaign 'NYC Girls Project' aimed at girls aged seven to 12 years to tackle the issue of girls' low self-esteem and negative body image. Recognising that girls as young as six and seven were struggling with body image and self-esteem, New York City developed a two part initiative to 'help girls recognise that their value comes from their character, skills and attributes—not appearance.'

In the first part of the initiative New York City used a public education campaign on buses, subways, and phone boxes. The campaign featured a diverse group of girls within the target age group doing activities such as reading, playing sports and drawing with the words 'I'm a girl. I'm smart, a leader, adventurous, friendly, funny. I'm

beautiful the way I am.' The campaign also invited girls to share what makes them beautiful the way they are with the #ImAGirl hashtag.

In the second part of the initiative a girls' self-esteem program was developed: 'Full of Ourselves: A Wellness Program to Advance Girl Power, Health, and Leadership'. Emphasising girls' personal power and overall mental and physical well-being, this eight-session program was designed for girls 10-15 years old.

An evaluation of the girl's self-esteem curriculum produced as part of the NYC Girls Project 'Full of Ourselves' campaign found that participants showed sustained, positive changes in girls' body image, body satisfaction, and body esteem.

The NYC Girls Project is a widely regarded program and unique in tackling the issues with a city wide focus. The appeal of this wider focus is that it reaches more girls than traditional programs. It is also unique in targeting young girls in recognition that many of the social attitudes about women's bodies and body image are embedded in a woman's psyche at a very early age.

Advice from The Office for Women advised that a peer education approach together with social media strategies would have a greater reach than traditional group program methods in which attitudes about women's bodies and body image are developed.

The Office for Women will undertake internal evaluation at various phases of the campaign.

SUICIDE PREVENTION

In reply to **the Hon. J.S.L. DAWKINS** (18 November 2014). (First Session)

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): I have been advised:

The State Government does not determine curriculum that is delivered in nationally accredited VET courses. This is the responsibility of the Australian Skills Quality Authority (ASQA), which is the national VET regulator.

The Media, Entertainment and Arts Alliance provides members with a Code of Ethics for which journalists should follow when reporting which is outlined on their website.

DOMESTIC VIOLENCE

In reply to **the Hon. T.A. FRANKS** (18 March 2015).

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): I have been advised:

I can confirm that the death of Ms Kerry Michael in Tasmania in February this year was not reported to the South Australian Coroner. The matter is within the jurisdiction of the Tasmanian Coroner and will remain there for hearing.

The South Australian Coronial Investigation Section may be required to provide access to information and investigation material.

I understand that the Senior Research Officer (Domestic Violence), who works with the Coroner and the Office for Women to research and investigate open and closed deaths related to domestic violence, will make contact with the Coroners Court in Tasmania and offer the assistance required in sourcing records or documents to progress their investigation.