

LEGISLATIVE COUNCIL

Wednesday, 3 June 2015

The **PRESIDENT (Hon. R.P. Wortley)** took the chair at 14:20 and read prayers.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

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

Ministerial Statement

KIRNER, HON. J.E.

The **Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:20)**: I seek leave to make a ministerial statement, 'Rock on, Joan Kirner.'

Leave granted.

The **Hon. G.E. GAGO**: Last Monday, Joan Kirner, the first female Premier of Victoria and lifelong advocate for women's political representation and for social justice, passed away at the age of 76. An inspirational and tireless supporter for a whole generation of Labor women, Joan Kirner leaves behind a wonderful legacy, not just of political firsts and political achievements but of a warm, engaging and witty woman whose company was a delight to all who met and knew her.

An only child from a working class family in Essendon, on the wrong side of the Yarra, Joan grew up to be a school teacher. In fact, access to quality education was to become a constant theme in her life, and one of her greatest political legacies was the establishment of the Victorian Certificate of Education. In the early 1970s, Joan became president of the Victorian Federation of State School Parents Clubs and it was in this unlikely sounding role that she became recognised as a formidable advocate for education. This in turn led to her election as a Labor member of parliament in 1982.

Her parliamentary career culminated in her elevation to the role of Premier of Victoria following the resignation of John Cain. Having been a resident of Victoria around that time, I still recall the thrill of a woman becoming premier. Joan embodied a spirit that was optimistic and often disarmingly ordinary and accessible for a politician, yet beneath it there was a dauntless, unrelenting determination. She was an inspiration to me in those days and will remain one to me for the rest of my life.

Her two years as Premier were challenging (to use the classic political understatement) but never dull. The 1992 Victorian election was won in a landslide by Jeff Kennett and Joan subsequently quit parliamentary life a year later. But Joan was not defeated, nor did she slide gracefully into quiet retirement. If anything, it was to be possibly the most productive period of her life, which included the development of a rock'n'roll career. Who can forget her in her leather jacket clad cover version of 'I Love Rock 'n' Roll' by Joan Jett? She is a reminder to all female politicians in particular that it should be possible for us to be able to sing, dance and laugh as well as making a real difference and making real change for the better in the world.

Joan immeasurably changed the Australian political landscape, through her role as one of the key founders of Emily's List in the mid-1990s. This organisation, to support the election of progressive women to power, has assisted more than 400 women in state and federal elections. For the first nine years of Emily's List, Joan was essentially the unpaid CEO of the organisation. Her phenomenal hard work and her visionary stewardship were vital to the creation of Emily's List as the powerful political force it is today.

There are many women in power today who this week will be thinking of Joan with deep fondness for her tireless efforts. One of those women who benefited from Emily's List, including

myself, of course was Julia Gillard, our first female prime minister, who has written movingly of the friendship and inspiration that Joan provided her.

Joan understood the particularly harsh and sometimes deeply personal criticism so often thrown at women political leaders in this country. Joan reminded us that we can and must rise above such shallow and vindictive behaviour. Her wicked wit, her empathy, her ability to light up a room with her warmth and, above all, her deep generosity of spirit showed us how we can triumph above such barriers. We won't forget Joan—rock on, Joan Kirner.

CRIMINAL ORGANISATIONS LEGISLATION

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) (14:25): I table a copy of a ministerial statement by the Deputy Premier, John Rau, relating to serious and organised crime.

DEFENCE SHIPBUILDING

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:25): I table a ministerial statement made by the Minister for Defence Industries relating to naval shipbuilding in Australia.

Members interjecting:

The PRESIDENT: Order!

Parliamentary Committees

JOINT COMMITTEE ON THE OPERATION OF THE TRANSPLANTATION AND ANATOMY ACT 1983

The Hon. T.A. FRANKS (14:25): I move:

That the standing orders be so far suspended as to enable me to move an instruction without notice to the Joint Committee on the Operation of the Transplantation and Anatomy Act 1983.

Motion carried.

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

1. That it be an instruction to the Joint Committee on the Operation of the Transplantation and Anatomy Act 1983 that the joint committee be authorised to disclose or publish, as it thinks fit, any evidence or document presented to the joint committee prior to such evidence and documents being reported to parliament.
2. That standing order No. 396 be suspended to enable strangers to be admitted when the joint committee is examining witnesses, unless the joint committee otherwise resolves, but they shall be excluded when the joint committee is deliberating.
3. That a message be sent to the House of Assembly transmitting part 1 and requesting its concurrence thereto, and advising the House of Assembly of part 2 of this resolution.

Very simply, I note that this is a procedural motion in order that the Joint Committee on the Operation of the Transplantation and Anatomy Act 1983 have the means to have evidence heard in public. It was an administrative oversight.

Motion carried.

Question Time

VOCATIONAL EDUCATION AND TRAINING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:27): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about training.

Leave granted.

The Hon. D.W. RIDGWAY: Evidence presented to the Budget and Finance Committee shows that the baseline number of training places prior to Skills for All was some 86,561, which is 5,561 more than the 81,000 places that are now promised. Can the minister explain why she has claimed that changes to the vocational training funding would see a return to the sustainable levels of training effort that existed prior to Skills for All when, in actual fact, there are now fewer places funded?

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) (14:27): The information that I have is that the total number of training places provided pre Skills for All, which was 65.4—

The Hon. D.W. Ridgway: What, 65.4 positions?

The Hon. G.E. GAGO: Thousands; it is 65.4 thousand. In 2015-16 it is planned to have 80.4, so the honourable member is just completely wrong.

VOCATIONAL EDUCATION AND TRAINING

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:28): There was evidence given by the agency to the Budget and Finance Committee, I think in 2013, that says that the figures were 86,561, which is 5,560 more than the 80.4 or the 80,400 now promised. So are you suggesting that the evidence that was given to the Budget and Finance Committee was incorrect?

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) (14:29): The numbers that I have been given are quite clear. The pre Skills for All, which was prior to 2012-13, was 65,000—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: The Hon. Mr Lucas, if you want to ask a question, ask a supplementary; do not do it while she is trying to reply.

The Hon. G.E. GAGO: Skills For All was introduced in 2012-13. So, pre Skills for All would be the financial year prior to that, which would be 2011-12. So, that is pre Skills for All. Skills for All was introduced in 2012-13. The training hours then shot up to 104, which is not surprising—huge amounts of additional money were made available.

Pre Skills for All was 65.4. The proposed training for a number of subsidised training places available for 2015-16 is 80.4, so approximately 81,000. It is above pre Skills for All training levels and so, too, the funding continues to be above pre Skills for All. It was sitting on about \$259 million, and in 2015-16 the proposed figure is \$285 million. There is some more money in the training system, more training activity than pre Skills for All and, as we said, Skills for All was the result of significant additional once-off money being made available to the system to enable us to achieve our goal of 100,000 additional training places.

SKILLS FOR ALL

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): Given the confusion around the document the minister has—

The Hon. G.E. Gago: You're just wrong; you're always wrong.

The PRESIDENT: Order!

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

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: Given the confusion around the document the minister is quoting from, will the minister table the document?

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) (14:31): I am happy to make the source of these documents available.

Members interjecting:

The PRESIDENT: The Hon. Mr Lucas, a supplementary question?

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The Hon. G.E. Gago: I haven't quoted from the document.

The Hon. D.W. Ridgway: You have; you were just reading from it then. You were reading from a document.

The PRESIDENT: Order! In order for the minister to table that document there has to be a motion. The Hon. Mr Lucas.

SKILLS FOR ALL

The Hon. R.I. LUCAS (14:32): Mr President, a supplementary question arising out of the answer: will the minister seek advice and bring back an answer to reconcile the fact that the chief executive at the time, Mr Ray Garrard, on 2 May 2013 wrote to the Budget and Finance Committee and in that correspondence indicated the baseline numbers pre Skills for All in 2010-11 for training places was 86,561, and will she take advice and bring back a reply to reconcile Mr Garrard's reply on 2 May 2013 with the figure that she is going to identify the source of 64,000 which she has claimed in this house?

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) (14:32): The opposition can go sort out their own confusion—

The Hon. R.I. Lucas: No, there's no confusion. This is your CEO, rampaging Ray Garrard—

The PRESIDENT: Order!

The Hon. G.E. GAGO: Mr President, they come into this place with all sorts of assertions, all sorts of inaccurate information. Mr President, they are bringing in incorrect—

The Hon. R.I. Lucas: He's your man!

The Hon. G.E. GAGO: —inaccurate information—

The Hon. R.I. Lucas: He's your man!

The PRESIDENT: The Hon. Mr Lucas, please refrain.

The Hon. G.E. GAGO: —all the time. They can sort out their own confusion. What I'm happy to do, my responsibility, is to provide the source of information and I'm quite happy to do that.

Members interjecting:

The PRESIDENT: The Hon. Mr Ridgway, it is standing order 452. The Hon. Ms Lensink.

Members interjecting:

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

NATIONAL PARTNERSHIP AGREEMENT ON SKILLS REFORM

The Hon. J.M.A. LENSINK (14:33): My question is to the Minister for Employment, Higher Education and Skills. If the government believes contestability is at the heart of the National Partnership Agreement on Skills Reform, as stated yesterday by the Premier, how does the minister reconcile guaranteeing 90 per cent of new places to TAFE as at all consistent with the agreement?

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 (14:34): It is interesting that not only yesterday did the Hon. Michelle Lensink repeat an almost identical question to that which her leader asked yesterday, but she has asked almost the identical question again.

The Hon. I.K. Hunter: It's what they call strategy!

The Hon. G.E. GAGO: Yes, strategy: just keep repeating the same old question. I answered it absolutely comprehensively yesterday, and I am happy to repeat it all again. But it just beggars belief that they continue to ask exactly the same questions again. I have made it very clear that the objective of WorkCover is to move to a highly—

Members interjecting:

The PRESIDENT: It is very disrespectful to be carrying on and interrupting while the minister is trying to speak. Just desist and allow the minister to finish her answer.

The Hon. R.I. Lucas: She's talking about WorkCover.

The PRESIDENT: Well, when you are trying to speak and you have the whole rabble across the other side rabbiting at you, I can understand someone making a misquote. So, leave her go; the minister has the floor.

Members interjecting:

The PRESIDENT: The minister has the floor. Minister.

The Hon. G.E. GAGO: The whole objective of WorkReady is to generate a highly contestable, sustainable VET training system that will be phased in over the next four years. As I indicated yesterday, WorkReady continues to provide contestability within the system; it provides 25 per cent of subsidised training in a contestable way, so it does still continue to provide a high level of contestability. I explained at length yesterday that high levels of once-off additional money were made available over the last three years.

That money was made available to enable us to achieve the government target of 100,000 additional training positions. We did that ahead of time, and those moneys are fully expended. I talked yesterday at length about the fact that during that time of additional once-off money the sector took advantage of that, many of the private sector operators grew their business to take advantage of that additional money, and many new operators came into the marketplace. As I indicated, those moneys are fully expended, we are now contracting back, and we are still ahead of pre Skills for All funding levels and also training activity, so we are still doing extremely well.

However, it is not surprising to see that that will result in some contracting back within the sector. I went to great lengths yesterday to outline the position that TAFE SA was in. The government has made a policy decision to provide support for TAFE to enable it to transition into more innovative and flexible training models and to be able to operate in a more sustainable way in a more competitive market. I explained yesterday several times that I have set TAFE the target, by '18-19—

The Hon. R.I. Lucas: By '18-19?

The Hon. G.E. GAGO: —that it must be on dollar to dollar parity with the private sector for all commercial training activity, and that would underpin a fully contestable training system. As you can see, the contestability is very important to WorkReady, and we have made specific commitments and there are specific milestones along the way in achieving that.

I indicated that I understood how difficult 2015-16 was going to be because of the coming together of a number of different elements, including the impact of the pipeline. With that additional once-off money being made available there was a flourishing of training activity. That has resulted in large numbers of enrolments. Many of those people are still in the system and enrolled in courses. Under WorkReady we have said we will honour those enrolments and will continue to subsidise those who were subsidised to the same level that they were subsidised under Skills for All, and we will honour that.

There is almost 40 per cent—so it is almost \$100 million—of training funding that will go to fund current enrolments, so that is the thing that is, in effect, having a big impact on the ability to

open up new enrolment positions in a contestable way but, as I said, there is light on the horizon and that situation will be relieved in 2016-17.

As completions occur, those funds will be diverted back to contestable new enrolment subsidised positions. It is the priority of WorkReady and it is the priority of this government to ensure a sustainable, flexible and efficient system. Our priority is not to use public money to subsidise jobs for training providers, but rather to subsidise training outcomes for students to obtain jobs in areas of high economic priority.

NATIONAL PARTNERSHIP AGREEMENT ON SKILLS REFORM

The Hon. J.M.A. LENSINK (14:40): A supplementary question to the minister's answer and, in particular, her reference to phasing in over the next four years: how does that reconcile with the fact that the agreement concludes in 2017, which is only two years away?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:41): It does beggar belief. I have just outlined that at least 25 per cent of this year's subsidised training remains contestable. I have just explained how money from completions for the year after will be injected back into contestable new enrolment provision. What element of that explanation doesn't the Hon. Michelle Lensink understand?

Contestability continues to underpin WorkReady. It continues to remain a pillar. I am absolutely confident that WorkReady does comply with our national partnership agreement, and I think it is an outrage and a disgrace that the federal government are putting that money at risk by renegeing. They are prepared to renege on an agreement, and we know that renegeing on agreements is not foreign to this federal Liberal government.

Just before I came into the chamber, the commonwealth advised me that they have withdrawn from the national project agreement for remote Indigenous public internet access, training and maintenance for the APY lands, and that they will not be providing the agreed grant funding for the third year of the agreement, 2015-16. Shame! This will have a significant impact on the APY lands, where there are two internet access sites at Amata and Mimili. Those sites provide considerable community benefits, including local employment opportunities and digital literacy training, as well as access to online services and functions. Obviously, DSD will be working with the APY lands to find some way for them to transition through this, but it is a disgrace.

We see that the federal Liberal government finds it quite easy to simply renege on deals, walk away, and wash its hands. It cannot be trusted in these agreements. We also see that the minister and South Australian senator, Senator Birmingham, is prepared to withdraw money that goes to students for training outcomes so they can get jobs. That is the money he is threatening to withdraw: money that goes to students to help them train to achieve jobs. It is outrageous using that as a political football to blackmail students. It is a disgraceful and shameful thing that he is doing.

VOCATIONAL EDUCATION AND TRAINING

The Hon. S.G. WADE (14:44): My question is to the Minister for Employment, Higher Education and Skills. Can the minister advise the house if high school students studying certificate I or II vocational programs as part of their SACE year 11 studies will still have access to funded certificate III programs next year as SACE year 12 students?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:44): In terms of the specific qualifications, I just do not have that level of detail here but, in terms of the principles of the TGSS system, we have consulted extensively with DECS and providers to ensure that the priority qualifications and curriculum remain in place. There are subsidised training places available and, as I said, we have consulted very closely with DECS. Clearly, our SACE programs and those pathways into VET and the pathways from VET into university are a very important part of our training program.

VOCATIONAL EDUCATION AND TRAINING

The Hon. S.G. WADE (14:45): Supplementary: will the minister undertake to bring back an answer to that question?

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): If the information is available, I will.

INNOVATION VOUCHER PROGRAM

The Hon. J.M. GAZZOLA (14:45): I seek leave to make a brief explanation before asking the Minister for Science and Information Economy a question about the Innovation Voucher Program.

Leave granted.

The Hon. J.M. GAZZOLA: It is very important that the state government supports small to medium sized enterprises, as transforming South Australia's economy will be built on the ability of our manufacturers to adopt new ways of doing things so that they can create globally competitive businesses. Will the minister provide the chamber with more details about how the government is doing this?

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) (14:46): I thank the honourable member for his most important question. Innovation is, of course, one of the strongest enablers of economic growth in an increasingly globalised world. South Australian businesses must compete on the basis of value, not lowest cost, and to do that, they must innovate.

Innovation involves decisions made by business and government to invest in exploring new ideas. By committing to innovation, our businesses can develop new products and establish new markets. It also obviously increases productivity and profitability through the creation of higher value goods and services and ultimately builds a more sustainable economy and drives job creation.

Science and innovation is the key to prosperity. If we want a strong economy our investment in science is vital. That is why the state government is investing more than \$250,000 in a range of projects aimed at helping small to medium sized enterprises develop new manufacturing processes and products. There is \$1.1 million being dedicated to the Innovation Voucher Program, which sits as part of the state government's Manufacturing Works strategy.

This voucher program provides vouchers of between \$10,000 and \$50,000 to help manufacturing SMEs collaborate with organisations such as universities and private research companies to overcome technical problems to deliver innovation. The successful applicants in the latest rounds include:

- Hardcore Diamond Products, which has been awarded \$20,000 for a project with the University of South Australia to conduct experiments with molten alloy infiltration for the production of specialised drill bits;
- Seapa Pty Ltd—\$27,000 for a project to help design and prototype an enhanced basket system for oyster farming;
- PRB—\$42,000 for a project with ITEK Ventures of the University of South Australia to design and prototype a vehicle immobilising device to be used during high-speed police chases;
- Home Support Services—just under \$17,000 to work with the University of South Australia to develop a software solution to monitor medication use, identify hospitalisation risks and potentially reduce healthcare costs;
- Critical Asset Protection—\$50,000 for a project with Industrial Monitoring & Control;
- Measurement Engineering—\$50,000 for a project with Brent Honeybone to develop a software solution to enhance innovative irrigation;

- Coiltek—\$30,000 for a project to commercialise a product that will improve metal detector performance;
- Sunscreen Umbrella—\$15,000 to undertake a detailed analysis of an esky product to improve its quality and durability.

These vouchers align with one of this government's key economic priorities: growth through innovation. They will enable small to medium sized enterprises to create partnerships with research technology organisations in order to develop new processes which they may not be able to do on their own. So, I congratulate each of the enterprises on their voucher funding and look forward to seeing the results of these partnerships.

STOLEN GENERATIONS COMPENSATION

The Hon. T.A. FRANKS (14:49): I seek leave to make a brief explanation before addressing a question to the Minister for Aboriginal Affairs and Reconciliation on the topic of stolen generations compensation.

Leave granted.

The Hon. T.A. FRANKS: As members are well aware, this is National Reconciliation Week. Indeed, we should be very proud of our role in this past week, also marking the anniversary of the 1997 apology by Dean Brown to the stolen generations, the first in the country. We know there has been a bill passed in the council that was supported by all but Labor elected members for stolen generations compensation. Obviously, I introduced a bill that went to a committee inquiry that was supported by all members of that inquiry by the Aboriginal Lands Parliamentary Standing Committee.

In response to questions in the previous week's sitting, the minister advised the Hon. Terry Stephens, through the processes of question time, that he would be conducting meetings and that he would be coming back with some statements about that. I ask the minister: what concerns does the government continue to hold with regard to a stolen generations reparations or compensation scheme? How are those meetings progressing? In what time frame will the government be making a statement on this issue?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:51): I thank the honourable member for her question and her continuing interest in this matter and the efforts she has gone to to progress this matter in the past and also her continuing efforts to inquire about this and keep the matter alive at the moment. As I have previously said, I have been having a range of meetings, the most recent one, I think, the week before last, organised by the ALRM with a number of their clients who have been affected by past forced removals. That was a meeting with about 25 or 30 members of the stolen generations at Tauondi College. I want to place on the record my thanks to the ALRM for organising that meeting. It was very instructive to me, as a minister, to hear a range of issues.

There are a number of issues of concern that will form the basis of the next steps that are taken in relation to righting some of the wrongs of the past, in terms of first removal of Aboriginal children. Some of the areas that were of concern from that meeting, and from other meetings I have had, include better recognition and acknowledgement of what happened and a better understanding of the history of these issues, particularly through education. As the honourable member has mentioned, there are bills that have been before the council before. Individual compensation is an issue; so is better access to information held by government and by churches and other organisations and issues such as public recognition, memorials, healing gardens and other things and also about what changes to make in future policy to make sure that what has happened in the past does not happen in the future.

I will be consulting still further on what the next steps are. In the coming months, when there are more decisions about what those next steps are, I can assure members who are interested in this matter that I will talk to them. I haven't got a finite time frame on when there will be decisions about what those next steps are, but I can assure members that I will keep them informed as we go forward.

STOLEN GENERATIONS COMPENSATION

The Hon. T.J. STEPHENS (14:53): Supplementary question: will the minister confirm that the funds that are certainly available in the Victims of Crime Fund that are sitting there can be used, and the government is interested in pursuing that avenue of funding?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:54): As the minister I am keeping a very open mind and am prepared to look at all possible options, and certainly that is one that has been talked about in the past.

SKILLS FOR ALL

The Hon. R.I. LUCAS (14:54): I seek leave to make a brief explanation before directing questions to the Leader of the Government on the subject of training.

Leave granted.

The Hon. R.I. LUCAS: As indicated earlier, the then chief executive of the department then known as DFEEST, I think was the acronym (further education, employment, science and technology), wrote to the Budget and Finance Committee in May 2013. That was in response to a series of questions which he took on notice in the Budget and Finance Committee in April 2013. A series of questions was put to him; very briefly, the one which was most important was:

Will you provide to the committee, on notice, what the original schedule was—

that is, the Skills for All—

and how you are ahead of it, and how you will be ahead of it in terms of the forward years. I think the plan was a six-year plan, was it not? Was it from 2010-16?

Mr Garrand says:

Six, yes; we were due in 2016 for the 100,000. As I said, at this stage, we are probably a couple of years ahead of it.

I seek leave to have incorporated into *Hansard* without my reading it a purely statistical table based on the advice provided by Mr Ray Garrand, then CEO, to the Budget and Finance Committee in May 2013.

Leave granted.

Jobs Strategy 100,000 Training Places (Calendar Years)								
Target	2010	2011	2012	2013	2014	2015	2016	Total
Baseline (2009)	86,561	86,561	86,561	86,561	86,561	86,561	86,561	
Annual target (above baseline)	7,568	19,098	21,561	16,644	13,675	14,404	7,343	100,292
Total	94,129	105,659	108,122	103,205	100,236	100,965	93,904	
Measure	Actual		Preliminary	Target				Total
	2010	2011	2012	2013	2014	2015	2016	
AQF course enrolments	95,781	104,970	139,595	103,205	100,236	100,965	93,904	
Cumulative progress above target	1,653	964	32,437	n/a	n/a	n/a	n/a	
Total extra places	9,220	27,629	80,663	n/a	n/a	n/a	n/a	

The Hon. R.I. LUCAS: Without going through all the detail, that answer from Mr Garrand indicates that the pre Skills for All baseline figure of training places was 86,561, and then details for each calendar year through to 2016 the actual and the estimated number of training places. Very

quickly, I note that for 2015 he estimates the number of training places for calendar year 2015 will be 100,965 and for calendar year 2016, 93,904, as I say, compared to the baseline figure of 86,561 and compared to the figure the government has indicated of 81,000 training places.

My question to the minister is: given her claims in the house today that the pre Skills for All figure was in the order of 64,000 training places, and this factual evidence from the chief executive officer of one of the government's departments at the time, will she now provide information as to what the actual number of training places was for calendar year 2013 and calendar year 2014 and what the estimated number of training places for calendar year 2015 and calendar year 2016 are so that the gaps in this table can be filled out and compared?

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) (14:57): I thank the member for his questions. I'm happy to take those on notice and bring back a response. But, as I have indicated in my answer to the previous question, the advice I have is that for the financial year 2011-12, pre Skills for All, it was 65.4 and for 2015-16 it was just under 81,000, 80.4. As I said, for calendar years, I would have to take that on notice.

The PRESIDENT: The Hon. Mr Kandelaars.

Members interjecting:

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

WATER INDUSTRY ALLIANCE SMART WATER AWARDS

The Hon. G.A. KANDELAARS (14:57): Thank you, Mr President. My question is to the Minister for Water and the River Murray. Can the minister advise the chamber about recent achievements in the South Australian water industry and its growing role in raising South Australia's profile around the world?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:58): I would like to thank the honourable member for his most important question. This government's strong focus on water and a great sense of cooperation between industry, research and government is certainly paying great dividends for the state.

The high calibre of expertise and innovation was clearly on show at the 2015 Water Industry Alliance Smart Water Awards which I attended on Friday 22 May. I think this was also attended by the Hon. Michelle Lensink. These awards are a great way to recognise Water Industry Alliance members who have excelled in their field of work. The awards recognise excellence across six categories, reflecting the breadth of innovation and leadership in the South Australian water sector. The winners included:

- Sentek for its drill and drop soil moisture, salinity and temperature management solution that has revolutionised soil moisture, fertiliser and salinity management;
- Optimatics who, in partnership with SA Water, MWH Global and C3 Global (since acquired by Bentley Systems, I am advised), have developed the innovative distribution optimisation tool;
- Primary Industries and Regions South Australia for exceptional leadership at a state and national level in the delivery of the South Australian River Murray Sustainability Program;
- MWH Global (in partnership with SA Water, C3 Global and Optimatics) for developing the Predictive and Operational Analytics: Tools for the Adelaide Metropolitan Water Distribution Network;
- the Goyder Institute for Water Research for its 'Climate Ready SA Research Project' and for consistently providing high-quality, independent science and new knowledge in the field of water; and

- the 2015 Chairman's Award winner, Mr Peter Dillon, for his outstanding contribution to the South Australian water industry.

In addition, both Environmental Water Services and Department of Environment Water and Natural Resources received high commendations for their contribution to the field. I would like, on behalf of at least the Hon. Michelle Lensink and myself, who were both in attendance, to congratulate all the winners and the nominees.

I would like to thank the Water Industry Alliance for once again putting on a great event that encourages professional development and networking opportunities but also fosters a sense of cooperation across the industry. These awards generate and promote a greater awareness of our state's capabilities in the field of water and research and this is certainly paying off.

Our Water for Good policy has received considerable recognition and attention internationally as a highly innovative policy for water security. As a result, many delegations have come to South Australia, I am advised, over the last five years to learn from our experiences. It is a great compliment to our state when the expertise of South Australians is sought out by other countries and regions as a way to solve their own water shortage problems.

Countries such as the United States, India, and China are increasingly looking to South Australia to assist them to address various water issues. Recent media reports for example in both California and the Colorado River Basin have reported an interest in using South Australian and Australian expertise to help solve their looming water crisis. I understand there are some announcements to be made about some excellence in that area in the coming weeks.

We want to capitalise on the interest being shown in our state's expertise across business research and education institutions and government, and that is why we are looking at establishing a model that will facilitate access to key water capabilities across the private sector, across government and research and education institutions. It is clear that the water industry provides an excellent avenue for South Australians and South Australian businesses to broaden their economic and research capabilities, as well as generating additional export and employment opportunities. Once again I would like to congratulate the organisers of the event for a fantastic display of South Australian expertise.

HIGHGATE PARK DISABILITY SERVICES

The Hon. K.L. VINCENT (15:02): I seek leave to make a brief explanation before asking the minister representing the Minister for Disabilities questions about Highgate Park and the state of the accommodation and service provision for residents at that place.

Leave granted.

The Hon. K.L. VINCENT: As I understand it, there are about 85 people currently living at Highgate Park in Fisher Street at Fullarton. Mr President, you might recall that it was previously known as Julia Farr. It has been pointed out to me that in another century this building was considered an outstanding gift to people with disabilities and was well recognised for its lifestyle programs and stimulating supports.

Recently, I have been contacted by a number of constituents who are family carers of people who reside at Highgate Park and are in receipt of group-funding packages through Disability SA or another relevant state government department or agency. They are extremely concerned about the less than adequate service provision at Highgate Park for their family members, including the maintenance of the ageing building no longer fit for purpose, and the lack of future planning for the residents there. Many of these families feel that the government is approaching this with a 'there will be no solution' approach.

It has also been pointed out that only two and a half floors of the nine-floor building are devoted to residential care at this point. Often only two of the six lifts work, I am told. In fact, when I attended Highgate Park for a meeting with NEAMI earlier this year, I was told that the lifts only work on a wing and a prayer. It was a substantial wait for me to get a lift to the seventh floor and it is not practical for me, nor many other mobility-aid-using residents of Highgate Park, to take the stairs.

I understand that one deinstitutionalisation program of the state government, that is, the re-homing of the residents of the former Strathmont Centre, is proceeding quite well. Dignity for Disability wonder if the same planning, thought and care might be invested into what used to be known by the less than acceptable name 'The Home for Incurables', now known as Highgate Park. It would be a shame to see Highgate Park become known as an 'incurable' problem. My questions to the minister are:

1. Does the minister acknowledge that Highgate Park is no longer a fit-for-purpose residential facility and that the costs of maintaining the ageing building no longer seem sustainable?
2. Is the minister aware that often only two of the six lifts at Highgate Park work?
3. With the ageing resident population at Highgate Park, a significant number of residents using mobility aids and a large workforce present in the building on weekdays, what is the evacuation plan for that building in the event of a fire or other emergency?
4. What planning has been undertaken by the minister with the social housing minister to identify accommodation options for residents at Highgate Park?
5. Will the minister embark on developing a whole-of-government approach to this issue?
6. Has a cost-benefit feasibility study been undertaken in relation to the ageing facility at Highgate Park and whether it is a cost-effective model to provide high quality services to residents?
7. Has the minister discussed with the planning and/or social housing ministers state government-owned land currently sitting unused or vacant that may be identified for potential social housing for people with disabilities?

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) (15:06): I thank the member for her questions and will refer them to the Minister for Disability in another place and bring back a response.

SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS (15:06): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question about suicide prevention training in journalism and public relations.

Leave granted.

The Hon. J.S.L. DAWKINS: The minister will recall that on 18 November last year I asked her questions regarding the possible implementation of a program called Mindframe for government-funded journalism and public relations education courses. As I have previously indicated, Mindframe is a resource that was developed in consultation with media, public relations, professionals, academics and suicide prevention and mental health experts.

Mindframe provides new journalists and people and associated fields with the skills to reduce stigma and discrimination experienced by people with mental illness, inform on appropriate reporting and communication about suicide and mental illness and, primarily, minimise harm and copycat behaviour.

In the minister's response it was mentioned that the usual process for those courses is to have strong industry input, and the minister was of the view that the industry professional and other codes of conduct would encompass suicide protocols for the media. The minister could not categorically confirm that so she graciously offered to bring back an answer. On 6 May this year, the minister brought back the answer and it states:

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.

I visited the aforementioned website and viewed the code of ethics, which is quite generic with no mention of mental illness or suicide. In light of this response my questions to the minister are:

1. Notwithstanding the Media Alliance code of ethics already in place, will the minister or her department insist on the use of Mindframe in media, public relations and journalism courses conducted by government-funded institutions?

2. Alternatively, what information or advice does the minister have that the current code of ethics in place ensures that mental illness and suicide prevention are satisfactorily incorporated?

3. Will the minister commit her department to investigate if the current code of ethics is as effective as the Mindframe resource?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:09): I thank the honourable member for his questions. As I indicated in my initial response, it is most inappropriate for me, as minister, to be determining curriculum for training—or higher education, for that matter—which I am also responsible for. There are processes involved, particularly at a more national level now.

We've gone from state-based programs to a nationally accredited program, which I think is a very positive thing. It means that similar curricula are accredited around the nation and similar standards are able to be maintained around the nation, so I think that is a positive thing. It would be most inappropriate for me to be determining curriculum. That's a matter for industry to identify and also educators. Certainly, I'm prepared to encourage the industry to consider these things and for them to encourage those elements being added to curriculum in some way, but it's most inappropriate for me, as an individual, to be prescribing curriculum outcomes.

NATIONAL RECONCILIATION WEEK

The Hon. T.T. NGO (15:10): My question is for the Minister for Aboriginal Affairs and Reconciliation. It was great to see many honourable members, including yourself, attend the launch of National Reconciliation Week at a breakfast held last week that about 1,100 people attended. I also noticed the presence of many school students. Can the minister tell the house about the commencement of Reconciliation Week and some of the issues raised as part of this year's program?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:11): I thank the honourable member for his question and his interest in this area and his involvement through the Aboriginal Lands Parliamentary Standing Committee that other honourable members of this chamber are involved in, and his presence at many events in the time he has been a member.

This has been my first Reconciliation Week as Minister for Aboriginal Affairs and Reconciliation, and it has been a great honour and privilege to have attended a number of events recognising the importance of this week in our calendar. As members would be aware, National Reconciliation Week occurs every year from 27 May to 3 June, marking two significant events that have shaped our nation's reconciliation movement.

The day 27 May marks the date in 1967 which is probably the most historic and certainly most statistically successful referendum in Australian history, marking the proper inclusion of Aboriginal people into Australian society by being counted in the Australian census. The other significant date, 3 June 1992, was when the High Court of Australia delivered the landmark Mabo (No. 2) court decision. From 27 May to 3 June there are literally dozens of activities and events held right across South Australia and, indeed, the nation celebrating Reconciliation Week.

As the honourable member pointed out, the week kicked off on Wednesday last week with the annual Reconciliation Week breakfast organised by Reconciliation SA. It's a remarkable event that is held each year and attended by more than 1,000 guests including, as I said, many honourable members from this chamber and other members of parliament. I'm sure all attendees enjoyed the breakfast as much as I did.

I would particularly like to acknowledge and pay tribute to a group called Act Now, a socially conscious theatre performing group that performed their Responding to Racism program, which was

an excellent demonstration of the work they do right across South Australia. The guest speaker for the breakfast was Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Gooda, who unfortunately couldn't make the event in person due to a commonwealth government committee sitting but spoke to the audience via video.

In his speech, Commissioner Gooda reminded the more than 1,000-strong audience at the breakfast about the leading role the AFL has played in combating racism. Commissioner Gooda spoke about a defining image more than 20 years ago when one of the AFL's greatest Indigenous players, Nicky Winmar, took a powerful stand against the racism he was experiencing on and off the field. In one single moment, a proud and courageous young Aboriginal man who had been subjected to outrageous racial taunts ran to the middle of the field and lifted his shirt, pointing to his skin.

The Hon. R.I. Lucas: St Kilda jumper.

The Hon. K.J. MAHER: It was, as the Hon. Rob Lucas very proudly points out, a St Kilda jumper. Although they're not travelling as well as the Hon. Rob Lucas might like this season, I think all of us at that moment were St Kilda fans for that afternoon—Nicky Winmar pulling up his jumper, pointing to his skin and telling others on the field and those in the crowd and proclaiming to the rest of the world, 'I'm Aboriginal, and I'm proud.' It was a defining moment: it transcended the game, the sport, and sharply brought the focus onto community attitudes about Aboriginal people. I well remember that moment in 1993; it changed the game, it changed attitudes and behaviours.

It was poignant that our Aboriginal Social Justice Commissioner, Mick Gooda, reminded us of that moment at the reconciliation breakfast last Wednesday. I am sure Commissioner Gooda could not have foreshadowed what was about to take place just a few days later, on Friday night, at the Sydney Cricket Ground. During the AFL's Indigenous round, all teams have commemorative guernseys recognising and celebrating Aboriginal and Torres Strait Islander people and culture and the athletes who have contributed to shaping our national game. In fact, the AFL correctly points out that their Indigenous round is about bringing two cultures together.

So, when Adam Goodes, a proud Adnyamathanha and Narungga man, kicked a goal during the Swans-Carlton game and celebrated by showcasing his cultural identity with a dance, I thought, watching that game, good on him. What a great way to celebrate during the Indigenous round, particularly when afterwards he told the story of how he was taught that dance by a team of young Aboriginal players who, no doubt, would have been proud to see their mentor representing their shared culture to a national audience.

I celebrate Adam Goodes and what he has achieved on and off the football field. Adam is very active in his community, working with troubled Indigenous youth and having launched an Indigenous football academy, along with the Goodes O'Loughlin Foundation, which is aimed at empowering the next generation of Indigenous role models. His service to his community and to our nation culminated in Adam being named Australian of the Year in 2014. He has much to be proud of in his achievements, and clearly he is proud of who he is and what he does.

There is no doubt that over a long period of time the AFL has been a leading light in furthering the cause of reconciliation and combating racism in Australia. There are many concerning Closing the Gap statistics, but the AFL is one area where the over-representation of Indigenous people has been a positive force. Indigenous players make up around 10 per cent of the AFL list. If Adam Goodes, like Nicky Winmar and Michael Long before him, challenges attitudes and brings people to confront their own views, well that is a good thing.

Adam Goodes' celebration has resulted in some unfortunate comment over the last few days. Some of the comments come from people who probably have not had a need or opportunity to examine what reconciliation and associated issues mean to different people in modern Australia, while some other comments in the last few days have come from a much darker place, of resentment towards diversity and intolerant attitudes that are held by a very small number in our community.

With some of the ill-informed comments we have seen, there is a certain irony that the theme for this year's reconciliation breakfast was 'I'm not racist, but...' When Cathy Freeman carried the Aboriginal flag after winning her Commonwealth Games and Olympic races, she received misplaced condemnation and provoked controversy at the time. Despite the similarly misplaced condemnation

that Adam Goodes' actions have caused, I am certain he will continue to be a symbol of Aboriginal achievement and reconciliation.

At the same time, I have been very pleased by some of the very positive public contributions I have seen. Pieces in the local media by the likes of David Washington and David Penberthy stood out for me as worth reading and very positive on this matter. I cannot think of a better time for us to reflect on the week that is Reconciliation Week and acknowledge that our Aboriginal and Torres Strait Islander countrymen and women have every right to celebrate their cultural and professional achievements in a way that reflects their history. Reconciliation Week continues, and I encourage everyone in our community to support this important event on our nation's calendar.

LITERACY AND NUMERACY

The Hon. D.G.E. HOOD (15:18): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills a question relating to literacy and numeracy in our schools.

Leave granted.

The Hon. D.G.E. HOOD: It has recently been reported that several hundred senior high school students are failing to pass basic literacy and numeracy requirements, as outlined in the SACE certificate. Therefore, my questions are:

1. What effect is this poor literacy and numeracy having on the economy, the unemployment rate and the higher education sector?
2. What is the government doing to tackle this alarming statistic, both pre and post school leaving?

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) (15:19): I thank the honourable member for his most important question. His questions should really go to the Minister for Education and Children's Services, minister Close, who is responsible for junior and secondary school education, so I am happy to refer those questions to her.

In terms of issues to do with training and employment, there are a number of employment programs that we have in place that particularly focus on assisting those people with literacy and numeracy deficits, as well as digital literacy deficits. What those employment programs hope to do is to partner with industry and employers to help fill skills necessary to go on to successfully obtain employment.

There is, for instance, the ACE (Adult Community Education) Foundation Skills Program. That program involves a community learning gateway for people to improve their foundation skills: literacy, numeracy, digital literacy and employability skills. \$11.7 million has been committed to Adult Community Education between 2010 and 2016 and it is estimated that this will culminate in over 110,000 people participating in accredited and non-accredited training since 2005-06.

In 2014-15, a three-year ACE funding model has been implemented in response to the sector's proposal for a multiyear funding model, and the new funding approach for 60 per cent proven providers will assist ACE providers to plan for longer-term support and security of tenure, and help improve services to the community.

There is also an Aboriginal employment and training program that applies quite unique and innovative approaches to help increase the number of Aboriginal people in employment, and particularly address those who have literacy and numeracy deficits. There has been an investment of \$13.5 million in training and employment initiatives for Aboriginal people in 2013-14. There has been the formation of seven Aboriginal employment industry clusters, involving advanced manufacturing; community services; energy, water and resources; hospitality; professional services; retail; and the South Australian public sector. Each cluster is led by a senior industry champion and helps address the underrepresentation of Aboriginal people.

Jobless Families is another program that helps build family opportunities which provides professional and practical whole-of-life services that look at the whole family situation to particularly help break the cycle of long-term intergenerational joblessness that we know is often linked with poor literacy and numeracy rates. \$2 million was allocated to deliver the program in Playford from 2013-16 for 350 jobless families.

UnitingCare Wesley started delivering the program from January 2014, and I am advised that already 90 families are being assisted. There have been 98 training commencements and 54 people have gained employment, which is a very good outcome. There are also mature age employment programs and retrenched workers programs. All of those which we currently fund are able to address issues of literacy and numeracy where they occur.

APY LANDS, ROAD INFRASTRUCTURE

The Hon. T.J. STEPHENS (15:23): I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation questions about road infrastructure on the APY lands.

Leave granted.

The Hon. T.J. STEPHENS: Last year the commonwealth announced that it had committed \$85 million in funding for an upgrade of 210 kilometres of unsealed highway connections to communities on the APY lands as well as 21 kilometres of access roads. This project was reannounced by the state government in April, which included a state government contribution of \$21 million, bringing the total to \$106 million; however, there was no commencement date or timeline released. My questions therefore of the minister are:

1. When will work start on this project and when is the completion date?
2. Does the commonwealth funding have a time limit, given that it has been committed over a five-year period?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:24): I thank the honourable member for his questions. A few weeks ago when I was up in the APY lands, I was fortunate to meet some of the members of the team that are building the roads. I understand that preparation work has very well commenced, as the honourable member pointed out.

By way of background, the commonwealth and the South Australian government announced funding of a total of \$106.25 million, I think, to upgrade 210 kilometres of the main access road between the Stuart Highway and Ernabella. Additionally, as the member has pointed out, 21 kilometres of community access roads in Ernabella, Umuwa, Fregon, Mimili and Indulkana will also form part of the project. The state government's contribution is \$21.25 million and the commonwealth's contribution is \$85 million. I am advised that the project completion date is in the 2018-19 financial year.

The project supports a whole range of areas through improving infrastructure in this community. Many members from community councils told me that some of the other benefits, other than just ease of travel, include better access to education by being able to move around more freely, and better health outcomes with better access to the various medical centres across the lands.

The road at the moment is predominantly unformed, unsheeted and below the natural surface, resulting in flooding and inaccessibility at times. I note that the honourable member has been a regular visitor to the APY lands in his role as a member of the Aboriginal Lands Parliamentary Standing Committee. It is quite noticeable when you travel on the roads that some roads are almost like creek beds and are significantly below the natural ground level. The surface does become corrugated quickly, is susceptible to sand drifts and requires ongoing maintenance and grading.

The project will allow for the formation and sheeting of new pavement, predominantly along the existing alignment, with summary alignment in some places. I understand that a hearing of the Public Works Committee took place on 21 April in relation to this project, and the tender for the first trial pavement section from Pukatja to the Pukatja airstrip was called and closed on 21 April this year.

In relation to specific dates when other parts of the project are due to start, I will take that question on notice and bring back an answer.

ADELAIDE PARKLANDS

The Hon. M.C. PARNELL (15:27): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about Adelaide Parklands protection.

Leave granted.

The Hon. M.C. PARNELL: The O-Bahn is one of Adelaide's most important public transport services, and the government has long been considering how to improve its efficiency. Getting commuters into and out of the city faster by bypassing congested road junctions is a sound objective. However, the O-Bahn City Access project announced on 25 February has raised the ire of many South Australians because it proposes a new road through Rymill Park. Despite the proposed land swap that will see Rundle Road closed and returned to Parklands, there is still a great deal of concern about the impact of the new road on Rymill Park, one of the jewels in the crown of the Adelaide Parklands, which are also listed on the National Heritage Register.

In 2005, this parliament passed the Adelaide Park Lands Act. In that act, the parliament made sure that proposed new developments in the Parklands would go through a thorough process of public consultation which would not be able to be circumvented by measures such as major project declarations or crown development processes. In closing the second reading debate on the Adelaide Parklands bill, the then minister for environment and conservation, the Hon. John Hill, said:

The issue of whether or not new roads could be created was raised by the member for Morphett. I can assure him this legislation does not allow new roads. If the government wanted to put a new road through it would have to introduce legislation to achieve that, and I think that is the appropriate thing.

I thank the minister. In spite of those provisions, the government, two weeks ago, gazetted proposed changes to the City of Adelaide development plan which provide that new roads could indeed be put through the Parklands, not only without parliamentary approval but also without any public consultation. Under the provisions of the proposed DPA, new roads will be category 1 developments and the Development Assessment Commission will not be required to advertise or consult the community before granting approval. My questions of the minister are:

1. Was former environment minister John Hill wrong when he told the parliament that new roads through the Parklands required parliamentary approval?
2. As minister responsible for the Adelaide Park Lands Act, were you consulted and did you agree with the planning minister's Parklands zone DPA?
3. As the responsible minister, will you ask your colleagues, the planning minister and the transport minister, to negotiate in good faith with the Adelaide City Council, public transport users and relevant community groups to seek an O-Bahn solution that does not degrade Adelaide's Parklands?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:30): I thank the honourable member for his very lengthy question. I won't be engaging with him with his tricky lawyer tricks of saying: 'Was the minister wrong when they said this?' And, 'Are you wrong?' The Hon. Mr Lucas is picking up those bad habits that the Hon. Mr Wade and the Hon. Mr Parnell—

The Hon. G.E. Gago: Have taught him.

The Hon. I.K. HUNTER: —have taught him, that's right. Shame on you both. Mr President, I have to say, I am quite astonished at people in this place standing up for a small group of people who have no understanding of commuters who use the O-Bahn every single day. This project has the potential to take 30 minutes travel time off—

Members interjecting:

The Hon. I.K. HUNTER: Thirty minutes travel time off—

Members interjecting:

The Hon. I.K. HUNTER: Mr President, if they don't want to hear the answer that is up to them, but this will take up to 30 minutes travel time off peak hour travel experiences for people living along the O-Bahn track. They don't care about them, Mr President. They don't care about them one jot. This will take buses off of Dequetteville Terrace, buses off of North Terrace, so that cars don't have to bank up behind lines and lines of buses holding up traffic flow, but they don't care about that either. They don't care about the residents of the northeast of Adelaide. They don't care about people in Modbury. They don't care about people in Klemzig. They don't care about people in Paradise or Campbelltown. They don't give a damn about that. Well, I can tell them one thing for sure: we do.

*Matters of Interest***FAMILY TAX BENEFITS**

The Hon. T.T. NGO (15:32): The 2015-16 federal budget relies on unfair changes to family tax benefits (FTB), which were in the last budget. Following the unveiling of last year's federal budget a number of measures in it have fallen by the wayside. These include the GP co-payment and changes to Newstart Allowance to make those under 25 wait six months, which I discussed last year. I am glad that, after the community expressed its outrage, the federal government came to its senses and gave up on those changes.

However, the federal government continues to pursue changes to FTB that will unfairly impact low income families. These changes include ceasing FTB part B for families when their youngest turns six, down from 16. I believe that reducing the cut-off to six years old is mean and low. It suggests that somehow at the age of six children become independent and can look after themselves. It also does not take into consideration that whilst children are in primary school they still require a lot of looking after.

My question is: what if they get sick and cannot go to school, or the school sends them home? An employer will not want to employ someone who says they can only work between 9am and 2.30pm each day and will regularly have to take time off work to care for their sick children. Many honourable members have experienced parenthood and know how tough it can be to raise young children with two parents, let alone with a single parent. If honourable members have young children, try for the next few weeks to look after them by yourself and give your partner a break. I am sure that after a while many honourable members will love to have their partner back to give them a hand to raise their beautiful children.

Currently, a single parent who earns less than \$50,000 per year receives \$3,091.55 from Family Tax Benefit Part B. Modelling by the National Centre for Social and Economic Modelling of the impact that changes to family tax benefits and the new Jobs for Families will have on families shows that low income families will be worse off and that high income families will be better off if the changes are successful. It suggests that nine out of 10 low income families will lose out while nine out of 10 high income families will benefit. Around 80 per cent of families with children will have lower disposable incomes each year to 2018-19.

Worryingly, it also suggests that low income families earning up to \$47,000 will lose up to 7.1 per cent of their disposable income by 2018-19, whereas those with an income of more than \$120,000 per year should see a 0.2 per cent increase in disposable income, meaning that those earning in the bottom fifth will be worse off and that those in the top fifth will be better off under these changes.

On 10 May, the Prime Minister said, 'So, while we are very committed to this improved Jobs for Families childcare package, there will need to be savings in the family tax benefit area to fund it.' This statement suggests that the federal government would link the funding of the family's package to the changes to FTB. Some would say they were trying to blackmail the Senate or force it to choose between childcare reform and pushing low income families with children further into poverty.

I hope that the federal government comes to its senses and does not make these cuts to family tax benefits—to the most vulnerable families in our society. I suggest that the government considers continuing FTB until a child reaches at least high-school age, when they are more

independent. If savings are required, the federal government should look at other ways of achieving this will not unfairly affect low income families.

BOER WAR

The Hon. A.L. McLACHLAN (15:37): Members on their way to the council this week may have noticed at the foot of the striking equestrian memorial to our immediate east some wreaths and bales of hay beautifully bound by ribbon in patriotic colours. The Sunday immediately past, 31 May, was an important anniversary that has great relevance for this nation state. On that day in 1902, the Peace Treaty of Vereeniging was agreed and signed. This concluded the hostilities that are better known as the Second Boer War.

The Second Boer War was fought between Britain and the self-proclaimed republics, the South African Republic and the Republic of the Orange Free State. The peace treaty was a formative and important moment in the journey that created the modern state of South Africa. On Sunday past, a beautiful crisp winter's morning, a small gathering assembled at the foot of the South Australian War Memorial on North Terrace.

We gathered to remember the sacrifice of the men who lost their lives, to remember the men who served and to remember the horses that served and died. On 3 October 1899, South Australia was able to offer Britain a contingent of soldiers to fight in the South African war. The first contingent comprised six officers and 121 other ranks of South Australian infantry. They embarked on 2 November 1899 and departed from the Torrens Training Depot.

During the course of the war, there was a total of nine contingents raised by our state, all of which departed from the barracks just north of this chamber. Of great significance to all of us who claim to be South Australian is that the Boer War the first in which South Australians fought as a nation state under our own flag. It was still two years before we shackled ourselves with the bonds of Federation. For this reason, it is a very significant event in the history of our state. It is my view that it should receive greater recognition by community leaders and the community in general, and be a key component in the curriculum of our schools.

It is difficult to determine precisely how many South Australians served in the war, but there are estimates of around 1,531. It was a hard-fought guerrilla war and an early indicator of the battles that would be fought by Australians in years to come, and even to this day in Iraq. Britain was supported by Canada, New Zealand and the states of mainland Australia. The South Australians quickly developed a reputation for toughness and bravery which laid the foundation for attributes we instinctively associate with the ANZAC legend to this day.

Six Victoria Crosses were awarded and 161 bravery awards. Over 59 South Australian patriots died in the war. While their sacrifice preceded the ANZAC landings at Gallipoli, their battles were no less important in forging the character of our state, as well as the national character. All 59 South Australians who sacrificed themselves for our state are named on the memorial. One was excluded as he was executed for war crimes, and it was a famous case that I am sure is known to all members.

I ask all members when they walk past to stop and read the names. Those listed died for their queen and country, and we should reflect that their country at that time was not Australia but South Australia. The only Boer War memorials are located in the states. Our fine South Australian memorial was built from public donations and designed by Adrian Jones. It was unveiled on 6 June 1904 by the governor of South Australia, George Le Hunte, on the third anniversary of the Battle of Graspan.

It was considered at the time of its unveiling to be a significant commemorative work and it remains to this day one of the most significant war memorials in the country. There are now plans to build in 2018 a memorial on Anzac Parade in Canberra. The design is of four horsemen breaking through the trees in patrolling formation. This is to reflect their battle procedure which was such that three men would engage the enemy and the fourth would lead the horses to cover.

I support this endeavour, even its location in Canberra. While I acknowledge that the soldiers who served in the war from this continent fought for their respective states, for at that time the

Australian nation was a figment of the imagination of a very few, it seems a reasonable compromise to locate the new memorial in Canberra as it is the home of the parliament of the federation.

RELIGIOUS DISCRIMINATION

The Hon. D.G.E. HOOD (15:42): According to the secular International Society for Human Rights, 80 per cent of all acts of religious discrimination in the world are directed at and against Christians. With over two billion active Christians in the world, these numbers can be quite substantial. The Pew Research Centre estimates that over 75 per cent of the world's population lives in areas with severe religious restrictions.

According to the US Department of State, Christians in more than 60 countries face persecution from the governments or surrounding neighbours. It is been reported that this totals upwards of 300 million people. Of those people, it is estimated that 100,000 die every year, and that amounts to 11 people being killed every hour around the world simply for holding the Christian faith.

Despite the religious protections afforded in articles 18 and 19 of the International Covenant on Civil and Political Rights, which could be argued to be customary international law, persecution frequently includes legalised discrimination, violence, torture, imprisonment, relocation, forced conversion and even death. In Saudi Arabia, bans on the practice of Christianity extend to the prevention of having churches, selling Christmas cards or engaging in public Christian worship, and precluding Christians from even becoming citizens of that nation.

The Copts of Egypt by law are banned from being president of the Islamic Republic of Egypt, holding any high political or commercial position and attending Al Azhar University. Copts must get permission from the president to build or repair churches, yet mosques face no such restrictions. In Malaysia, Christians are deliberately given less access to employment, housing and education as policy of state.

It has been reported that up to 10,000 Christians have been murdered in Indonesia over the last few years due to their faith alone. This also occurs in parts of the Philippines, although it is much less frequent in that country. Christians in Pakistan are precluded from testifying against Muslims in court; however, a Muslim can testify against a Christian, and Christian schools have been subjected to bomb and gun attacks, as has been widely reported in the media.

Christians in Nigeria have been subjected to kidnappings, torture and the burning of their houses and churches merely for the faith they hold. Thousands of Christians have been killed in the last few years in the ensuing violence in that nation.

In Iraq, the Islamic State began telling Christians that they must leave, pay a tax for religious minorities, or convert to Islam or they would be killed. Many Christians, but also other religious minorities, have been killed, whether by beheading or some other means, abducted or physically harmed in one way or another. In Mexico, a guerrilla group there displaced 15 families when they converted to Christianity. The families slept in a stable for over a year and were prevented from recovering their belongings from their village.

Persecution of Christians is not limited to Islamic countries, of course; it happens everywhere. In Buddhist-majority Sri Lanka, religious tension led to 44 churches being attacked in a four-month period, with 140 churches being forced to close because of intimidation. In India, the rise of Hindu nationalism has led to the persecution of Muslims and of Christians. The government's affirmative action program for untouchables, so-called, guarantees jobs and loans for poor Hindus and Buddhists, but the same luxury is not afforded to Christians.

China has a population of approximately 70 million Christians yet, despite this large number of people, the Chinese government closed more than 100 so-called house churches and imprisoned dozens of priests in recent times. In North Korea, those caught practising Christianity are sent indefinitely to political labour camps, and family members are frequently sentenced to re-education camps. Offending, insulting and attacking Christians has become very common—too common—around the world.

As I said previously, 11 Christians die every single hour around the world simply for having the Christian faith. Those almost silent atrocities faced in the world today are frequently overlooked and rarely reported. Sadly, few people realise the extent to which this persecution occurs. In Iran, I

have personally known people who have had to flee their house leaving every single possession they had behind, just escaping that country, merely for the fact that they had converted to Christianity from Islam. This is all too common, and the world should not put up with it any longer.

FISHCARE AUSTRALIA

The Hon. G.A. KANDELAARS (15:46): Recently, representing the Minister for Agriculture, Food and Fisheries, the Hon. Leon Bignell, I attended the celebration of Fishcare volunteers' 20th anniversary at the Semaphore Palais Hotel. Established in 1994, the Fishcare program aims to raise community awareness of sustainable fishing practices and the importance of protecting our fish stocks.

It achieves this through giving advice and assistance to the public, educating recreational fishers about South Australian fishing rules and regulations, handing out fisheries information brochures and educational devices and attending community events throughout the state. The first group of 10 to 15 volunteers began their training in February 1995, and a few of those who undertook that training were there at the 20th anniversary and are still active volunteers, which is a great achievement.

In the past 20 years the Fishcare program has gone from strength to strength. During this time there have been in excess of 400 volunteers involved with the program, ranging in age from 18 to 80 years. From small beginnings, Fishcare has grown to include eight teams across the state, being the Limestone Coast, Victor Harbor, Metro South, Metro North, Yorke Peninsula, Whyalla, Port Lincoln and the Riverland. You will find them at jetties, beaches, boat ramps and rivers—anywhere that fishing takes place.

I had the pleasure of handing out a number of awards to Fishcare volunteers. Two recipients in particular were noteworthy and received the Premier's Certificate of Recognition for Outstanding Volunteer Service. They were Rex Saunders and Rob O'Brien. Rex Saunders has been a Fishcare volunteer for 20 years, with over 1,400 hours of volunteering. He has been team leader and assistant team leader for the Metro North Fishcare team and is now part of the Yorke Peninsula team. Rob O'Brien has been a Fishcare volunteer for 19 years and nine months, with over 1,100 hours of volunteering. He is a team leader in the Riverland Fishcare group. Both Rex and Robert have been highly involved with training.

Today there are more than 85 active Fishcare volunteers participating in the program. These volunteers have contributed over 460 years of service to the program and in excess of 50,000 volunteering hours—an impressive contribution of time, energy and effort to help fishers understand the rules and regulations applying to recreational fishing in South Australia.

Fishcare volunteers are a vital part of PIRSA's education and awareness program. They complement the valuable work of fisheries officers and fisheries managers in providing an important line of contact with the recreational fishing community. Anybody over the age of 18 with an interest in conserving our fishery resources and willing to provide information to the public can become a volunteer.

On weekends and holidays you will often find Fishcare volunteers at popular fishing spots providing fishers with advice and assistance on recreational fishing issues and promoting the need to protect and preserve our aquatic resources for future generations. In addition to regular patrols, volunteers attend countless community events around the state including field days, local shows and markets. They have become well known amongst the recreational fishing community and within local communities as a valuable and knowledgeable resource on fishing matters.

Over the past six years, Fishcare has also started presenting educational programs to year 4 and 5 students in schools right across the state. I understand this program is highly successful, with sessions presented to more than 60 schools from the West Coast to the Limestone Coast each year. The Fishcare schools program is a vital step in reaching some of our youngest fishers and helping to instil in them the respect for our aquatic resources and an appreciation for the need and importance of fishing rules. I commend Fishcare and its volunteers for their dedication and tireless efforts in spreading the sustainable fishing message and for the generous contribution to the community in which they live to help protect and preserve the health of our fishing stocks.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION

The Hon. R.I. LUCAS (15:51): I rise to again raise some concerns about the government usage of ICAC. My concerns are directed as to how the Weatherill government is using the ICAC, in my view, as an instrument of intimidation against public servants and staffers who are suspected of leaking in the public interest to journalists, the media and members of parliament.

In recent months, I have had further examples where public servants have indicated that the government has been referring issues to ICAC which, in the past, have been treated as leaks and if persons were found guilty would be guilty of breaches of codes of conduct and subject to disciplinary action within the public sector management regime. However, the Weatherill government has had some fondness for referring issues to ICAC.

I placed on the public record before the examples where ICAC commissioners, on two occasions, asked me to reveal the sources of information—one in relation to various dispute issues going on at senior levels of the Department of Premier and Cabinet; another in relation to claims I had made in Budget and Finance Committee and in the Legislative Council about rotting by public servants on the APY lands. In the politest possible way I told the investigators to get nicked and said that parliamentary privilege protected information provided to members of parliament and the ICAC could not require a member of parliament to reveal his or her sources in relation to these particular issues.

But there are also other examples. There is the Mary-Lou Corcoran example, the leak in relation to Premier Weatherill's agenda and strategic plans. I understand there has been a reference in relation to leak of information with the *Sunday Mail* story in relation to the number of complaints against teachers. Also, as I said, in recent months I have had further public servants raise issues with me about issues which they believe the government has referred to ICAC in terms of leaks of public information.

Many of us who supported the ICAC supported it on the basis that, essentially, it was there to root out corruption—I guess corruption in the form that most of us in everyday terms understood it. I guess many of us did not expect that the government would seek to use the ICAC in a very significant way to try and suppress the leaking of information which was embarrassing to the government and to ministers.

So, what has occurred since the establishment of the ICAC has been a deliberate strategy from the government and its officers of referring a number of these leaks to the ICAC for its consideration. Clearly under the ICAC legislation, if a public servant leaks something to a journalist and it is published, the ICAC can force a journalist to answer questions and to reveal the source of the leak. It is clearly in the government's interest to scare the bejesus out of public servants. It is in the Weatherill government's interest to try to get as much of these issues, if it can, to be considered by the ICAC.

In March of this year, to try to seek out how widespread this issue was, I lodged FOIs with all government departments and agencies to try to find out the extent of the government referring leaks or unauthorised release of information by public servants to ICAC for investigation. It will not surprise members to know that here we are in June, and I have had a reply from only one agency from the FOIs that went to all agencies back in March of this year. I am not holding my breath and expecting that this series of FOIs will reveal too much detail at all: again we will rely on leaks from public servants to try to get an indication of what has and has not been referred to ICAC.

There is potentially a very serious threat under the Weatherill government's usage of the ICAC to limit the flow of information to journalists, and I think that the media and journalists ought to be more aware of this particular issue. The ICAC clearly has the power to tap the phones of journalists and public servants, and these are critical issues. As I have indicated before, and I do so again, I think this particular aspect of the operation of the ICAC does need to be reviewed. I hope that the work of the Crime and Public Integrity Policy Committee will consider this as part of its ongoing work. I know from my discussions with my hard-working colleague, the Hon. Mr McLachlan, who is a member of that particular committee, that this is an issue he will continue to oversight and pursue.

POSITIVE LIFE SA

The Hon. K.L. VINCENT (15:57): This afternoon I would like to share with you some words that were spoken on the steps of parliament house a couple of weeks ago. Positive Life SA, often known as Pos Life, an organisation that is being shut down, held a rally to launch their so-called condom rescue, since SA Health will no longer fund their services. Geoff Hood, President of Pos Life, an organisation that has a board comprised 100 per cent of people living with HIV, had these words to say to the assembled crowd:

Thirty years ago, when Australia was in the grip of what was then known as 'the gay plague', or simply as AIDS, a few brave people started to speak up and change things. Most of those brave people are no longer with us: they are the ones who ensured that Australia had a peer-driven, community-based response to what we now call HIV AIDS. For 30 years this has been recognised globally as the best practice model for reducing HIV transmissions.

Our state government has now decided to dishonour the legacy of those courageous people by defunding Positive Life SA, the only community-based HIV organisation in South Australia. We have a state government that wants to silence community voice. It wants pretend that forming community advisory groups constitutes genuine consultation with the people most affected by its decisions.

PLSA has supported HIV positive people for more than 20 years. It has an impeccable financial record. It has met all its contractual obligations to SA Health. In spite of this, all government funding for HIV services has been hijacked by Centrecare Catholic Family Services and a bizarre partnership between the Victorian AIDS Council and SHine SA, previously known as family planning SA. How will a faith-based agency like Centrecare deliver impartial, non-discriminatory and supportive services?

This is Geoff Hood's question. He continues:

When did Victoria achieve zero HIV infections, making them the experts for South Australia?

In fact the most recent data from the Kirby Institute show that the transmission rate in Victoria is more than three times the SA rate. Victorian AIDS Council, fix your own backyard first!! We do not need more clinical services from a big, corporate organisation like SHine SA. As a gay man I can assure you that big is not always necessarily better. The quality of delivery is what is important.

Last year the Minister for Health, the Hon. Jack Snelling MP, along with all other state and territory ministers, signed the AIDS 2014 Legacy Statement. He has committed to working towards the virtual elimination of new Australian HIV transmissions by the end of 2020. Underpinning this Legacy Statement is the meaningful involvement of people living with HIV, in the development and delivery of HIV programs and policies. Now he has done a breathtaking backflip by defunding PLSA. His health bureaucrats are equally to blame for choosing this un-South Australian option for his approval. SA will now have the dubious distinction of being the first state or territory in Australia without a community-driven response to HIV.

As a member of the disability community, I strongly believe in the mantra 'Nothing about us without us'. I know that this is equally important to many living with HIV in South Australia. It is a great shame that people living with HIV will no longer have control over their own services and thereby their own destiny.

MEMBER FOR WAITE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (16:01): Last Wednesday night the member for Waite probably sat down at a Chinese restaurant with an expensive glass of bubbly and toasted his first 12 months since unceremoniously joining the Labor cabinet to create what he termed 'good and stable government'. Anger at Martin's decision was palpable, but here and there someone would play devil's advocate and ask, 'What if he really can deliver more from within cabinet? What if, even though he has responsibility for only 0.3 of 1 per cent of the total state budget, he can actually have a considerable impact on the state's economy? What if he has really maintained his core Liberal values? Maybe he can convince the entire Labor cabinet to sign off on Liberal policies.'

It seemed a stretch, but there were a few who were optimistic. Martin's anniversary causes me to think: what would those advocates say 12 months on? The question was aptly answered a few weeks ago when a survey of hundreds of Waite voters found that only 5 per cent of them would vote for him. That is the ultimate criticism that we as parliamentarians can receive. I would far sooner enjoy the superficial and childish name-calling that Martin directed at me yesterday than weather electoral annihilation. I live in the seat of Waite. It is an area which I love, and one of the jewels in that crown is the Repat Hospital and it is on the brink of closure. When that same hospital was threatened with cuts some years back, Martin as the local member called it 'a death by a thousand cuts'.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): He is the honourable member for Waite.

The Hon. D.W. RIDGWAY: The honourable member for Waite, thank you, Mr Acting President. He called it 'a death by a thousand cuts'. He is now sitting idly by while his precious facility is being slaughtered. Do his advocates still say the Hon. Martin Hamilton-Smith will be more effective for Waite as a Labor minister? The honourable member supported the removal of the pensioner concession payments, has supported Labor's exponential emergency services levy hike, and, of course, is very happy to see the Repatriation General Hospital close. The voices of his few advocates are becoming muffled. It is impossible to ignore the evidence that the Hon. Martin Hamilton-Smith has not delivered for Waite by any stretch.

Yesterday he was particularly sensitive about *The Advertiser* having revealed to the taxpayers that he had taken 13 overseas trips in his first 12 months. He had a stab at me for being critical of the government's involvement in overseas trips. What I am critical of is the government's absence at the coalface of trade negotiations. On a recent Chinese trip we saw Premier Weatherill photographed with Mr Patrick Zu and Mr Randall Tomich, who are responsible for the new Famous Australian Brands market access company.

He was there for a photo, as his ministers often seem to be, but what of the four years prior where relationships were being created and fostered? Where were those at the coalface? Who were those at the coalface? Some of them, including members of my team, were actually digging into their own pockets to forge those relationships. These trade opportunities have a long gestation. They take tireless investment and negotiation. They challenge language, cultural and logistical boundaries.

My criticism is that the government is not there for any part of that. They are only around for the handshakes and the photos. Mr Hamilton-Smith does not understand this. This is another example of what he cannot deliver for the people of Waite or South Australia as a Labor minister. I think the honourable member knows his electorate, by and large, and what they think of him, and he will not admit it, because he does not want to validate their views. In a recent opinion piece he said that the Waite electors have a view 'that they're unlikely to share with a clipboard wielding journo in a shopping centre survey'. Well, a lot of them have shared it with me. I would like to share some of the comments we have had from his electorate. They are as follows:

- 'Your so-called government is not what your voters endorsed.'
- 'You did the dirty on us and the electorate.'
- 'What an absolute turncoat and hypocrite.'
- 'You chose an absolute shocker of a government to feather your own nest.'
- 'You're not fooling anyone.'
- 'If he was fighting in the SAS, would he join the enemy if he considered them to be winning?'
- 'Say goodbye at the next election, or are you going to jump MHS? Stand as an Independent and see what happens if you think we will vote for you. The state is worse off now than before the election, and you are part of the blame.'
- 'Martin Hamilton-Smith is not worthy of Army recognition.'
- 'You are a disgrace to the services. Show some intestinal fortitude.'
- 'Shame on our local member. I voted for him, sorry to say. From hero to zero.'

Some of those comments were in direct response to his opinion piece, which incidentally signed off with him attacking one of his media critics by saying, 'I'm okay. How are you doing?' I think that that comment on its own pretty much sums up the honourable member's character and his line of thinking. He is not asking: is South Australia okay or are the people of Waite okay?

He is a Labor minister with all the trimmings of a ministerial office. He has abandoned the mess he is leaving in Waite for his sanctuary in the hills, which we saw recently—a lovely house in the electorate of Heysen. He will continue to traverse the globe, shaking hands and smiling for the

cameras, secure in the fact that his increased pension awaits his retirement. He is okay and that is all that matters.

Motions

MARRIAGE EQUALITY

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (16:06): I move:

That this council—

1. Notes the Irish public have overwhelmingly voted 'yes' in the referendum on the 34th Amendment of the Constitution (Marriage Equality) Bill 2015; and
2. Congratulates the people of Ireland for voting in favour of legalising same-sex marriage.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! Members in the gallery are not able to take photos. They need to approach the chair about the taking of photos.

The Hon. R.I. Lucas: I think the minister has probably organised it.

The Hon. I.K. HUNTER: Wrong again, Mr Lucas.

The Hon. R.I. Lucas: He doesn't understand the standing orders.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Order! The honourable member will proceed.

The Hon. R.I. Lucas: Does he have a seconder behind him?

The Hon. I.K. HUNTER: Thank you, Mr Acting President. I have moved my motion. Do I need a seconder?

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): You have moved the motion. Is there a seconder? It has been seconded. The Hon. Mr Hunter.

The Hon. I.K. HUNTER: Thank you, Mr Acting President. The Hon. Mr Lucas, poor man, he cannot get anything right today. On 23 May, Irish citizens voted resoundingly in favour of allowing same-sex couples to marry—62 to 38 per cent I think was the final tally. For a country known for its deeply held religious beliefs, a country which until recently shared its Australian ambassador with the Vatican, this was certainly no small victory for supporters of marriage equality.

I take this opportunity to congratulate the Irish people for joining a growing list of countries and jurisdictions where marriage equality has become a reality. I think they were 19th in the queue. The Netherlands was the first country, of course, to legalise same-sex marriage in 1999. Since then, a total of 20 countries—I think Greenland just recently unanimously voted to endorse same-sex marriage as well, taking it to number 20—as well as 37 states in the United States of America and several states in Mexico have all made it legal for same-sex couples to marry. There is no doubt that the recent vote in Ireland has had the strongest impact on the momentum for marriage equality in Australia. As *The Age* newspaper wrote following the referendum:

...the Irish vote demonstrated that the question of marriage equality is not one of morality or religious dogma, but of human rights. If this can be understood in Catholic Ireland, why not in secular Australia?

This seems to echo what many Australians are thinking. While opinion polls have consistently shown that well over 70 per cent of Australians are in favour of marriage equality—and there have been growing numbers of members of parliament from all political persuasions publicly supporting this change in principal, it has taken the Irish referendum to really bring the matter to a head in this country. Since the referendum, the issue of gay marriage has dominated news, talk shows, public debate, Facebook, Instagram and various other social media.

Just last week 53 of Australia's biggest companies, including banks, airlines and department stores, took out a full-page advertisement in *The Australian* in support of marriage equality. On Monday 1 June, opposition leader Bill Shorten introduced a Marriage Equality Bill into federal parliament.

I have said many times in this place that marriage equality requires a multipartisan approach if it is to be successful. I am pleased to see there has been a genuine attempt at this by the federal Labor Party, with Tanya Plibersek having written to Liberal members of parliament over a year ago (I understand) in the hope of bringing a bipartisan bill to the parliament. I remain hopeful that a Liberal member will take up the offer to replace Ms Plibersek as the seconder of the bill, although that must hurt her personally because I know she is a very strong supporter of this change, or at least to co-sponsor a bill if they do not want to be a seconder.

Of course, a multipartisan approach is needed, I believe, not just for symbolic reasons, but to ensure there is sufficient support on the floor of parliament to see any bill pass. It is not often that I agree with the Prime Minister but on the occasion that he spoke about this and said that the parliament must own this change, I happen to agree with him. It is also essential, I think, for the Prime Minister to listen to the strong and vocal support of the Australian community in this regard and allow his members a free vote on the bill. After all, the Liberals tell us over and over again that every vote is a free conscience vote for them, but why not on this one?

The Prime Minister has refused to enter into the debate to this point, stating that his priority is to pass the small business budget measures and focus on the economy. That is laudable enough, but parliament is surely able to deal with more than one issue at a time. We do it in this place all the time. If the Prime Minister was truly serious about focusing on the economy then my suggestion would be to tackle marriage equality now and ride the benefit of the pink dollar in terms of the fantastic investment in gay marriages that would be occurring all over this country. I assure you, Mr President, I would probably be enticed into a third marriage celebration if that were the case, and honourable members in this place would be very welcome to attend—perhaps we can share the bill.

The Hon. J.M.A. Lensink: That's not the way it works.

The Hon. I.K. HUNTER: No, indeed, that is not the way it works. It is important that we get on with this. The movement has clearly taken on, I believe, an unprecedented strength and momentum out of the Irish result, particularly in the business sector, which is pleasing, and I do not believe this is going to dissipate any time soon as an increasing number of politicians of all political persuasions are saying: it's time. We have the Irish to thank for that increasing momentum.

However, while I am personally grateful for every step closer that we get to marriage equality, I am disappointed that it has taken a sense of shame to kick the debate along. We should legislate for marriage equality, not because everyone else (including Catholic Ireland or, God forbid, even Alabama) has now done it: we should legislate for marriage equality for no other reason than because it is the right thing to do. As Sean Kelly recently wrote in *The Monthly*:

I'm thrilled with the victory of the 'Yes' vote. I'm also disappointed with Australia's continuing failure to allow gay marriage. But I'm not disappointed in comparison with Ireland. I'm disappointed because it's wrong.

Of course it will be fantastic when we finally achieve the goal of passing legislation that will allow same-sex couples to marry if they want to, but how we get there is also important. It should not be about party politics. It cannot be about party politics if we are to be successful. It should not be because we are afraid of appearing backward. We should do it because it will make us a better, more equal and tolerant society and because we believe that it is wrong to deny a group of people a basic human right. Surely, that should be sufficient argument. As the Irish Prime Minister Enda Kenny said following the referendum:

With today's vote, we have disclosed who we are: a generous, compassionate, bold and joyful people.

Is it not time that we as Australians disclose that we are also a generous, compassionate, bold and joyful people? Is it not time that all Australian couples who love each other can celebrate that love and shared commitment by marrying each other at home, surrounded by their families and friends? Is it not time to embrace that dearly held value of equality for all in Australia and pass marriage equality legislation in our federal parliament? Yes, it is time.

Debate adjourned on motion of Hon. J.M.A. Lensink.

O-BAHN TUNNEL

The Hon. J.A. DARLEY (16:14): I move:

1. That a select committee of the Legislative Council be established to inquire into and report on the state government's O-Bahn access project, with reference to—
 - (a) any alternative transport routes and/or proposals prepared by the Department of Planning, Transport and Infrastructure, in respect of the O-Bahn extension proposal;
 - (b) any alternative transport routes and/or proposals in respect of the O-Bahn extension proposal, including any considered by the state government;
 - (c) any alternative proposals to save time for commuters, that do not include major road works, including pre-validation of fares;
 - (d) any investigations, undertaken by the Department of Planning, Transport and Infrastructure, into road traffic movement in Grenfell Street;
 - (e) any cost-benefit analyses related to the O-Bahn extension proposal;
 - (f) the community impacts of the O-Bahn city access project proposal, including any adverse effects on local residents, local traders and businesses and, community events;
 - (g) the impacts of any likely disruption during the construction phase of the O-Bahn city access project proposal;
 - (h) any likely adverse impacts on Rymill Park after construction of the proposed busway tunnel and highway connection to Grenfell Street;
 - (i) any potential impacts of the O-Bahn city access project proposal on the current Royal Adelaide Hospital site, the Adelaide Zoo and other surrounding sites;
 - (j) how the O-Bahn extension proposal fits in with the state government's Integrated Transport and Land Use Plan;
 - (k) the cost benefit of extending the O-Bahn to suburbs including Golden Grove and/or surrounding suburbs; and
 - (l) any other relevant 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.

Last Sunday, around 1,000 people attended a picnic rally at Rymill Park. The picnic rally was organised by the Rymill Park Alliance, which is made up of 11 community and residents' groups and represents several thousand members. Guest speakers included the Rt Hon. Lord Mayor of Adelaide, Martin Haese, and my colleague Senator Nick Xenophon. Also in attendance were a number of my parliamentary colleagues: the Hon. Mark Parnell, the Hon. Tammy Franks and the member for Adelaide, Rachel Sanderson, as well as a number of Adelaide City councillors.

We were all there for one reason: to voice our concerns over the government's \$160 million planned O-Bahn city access project, a proposal that involves tunnelling a dedicated O-Bahn track through the Parklands, constructing a four-lane highway connection to Grenfell Street and the resulting closure of Rundle Road. The government has argued that the O-Bahn project is an election promise that it intends to fulfil. It has tried to divert attention away from the fact that the current proposal—the one that cuts across the heart of our Parklands—is actually quite different from that proposed during the election.

It is one thing to gain support for an underground tunnel that does not impact on the enjoyment of our Parklands and surrounding businesses and residents and quite another to build a four-lane highway across Rymill Park. The minister has also tried to turn this issue into an argument between residents from what he calls the 'affluent eastern suburbs' and residents from Adelaide's northern suburbs. He is quoted in the media as saying, 'There's obviously some people who live in the eastern part of the city, they enjoy their particular part of the city and they think it should be free from other people enjoying that part of the city.' What absolute nonsense!

According to the organisers of the rally, the 855 signatures collected for the petition against the proposal showed that they came from 98 different postcodes: 17 per cent were from the city itself and 21 per cent were from our north and north-eastern suburbs. The fact of the matter is that this is not just about residents living in the East End or traders and businesses in the East End: it is about our future vision for this city.

The government's proposal is ill conceived and, if it proceeds its current form, one which I think we will all live to regret in years to come. Rymill Park is, without question, one of our city's most valuable assets. Its sprawling green lawns, its large lake and its kiosk are all iconic features of the park that have made it a true South Australian landmark that is enjoyed by all. Of all the Parklands, Rymill Park attracts the most visitors, some half a million per year, and it is home to the most community events, including the Adelaide Fringe, Clipsal 500, the Tour Down Under, the Adelaide International Horse Trials and Carnevale in Adelaide.

The government's proposed O-Bahn extension places all this at risk. It has raised concerns not just from the select few but from all sections of the community—and rightly so. According to government figures, more than 31,000 people use the O-Bahn on weekdays, making it the most popular public transport network in Adelaide. Nobody is arguing against the merits of extending the O-Bahn, and building on that patronage by providing better travel times the passengers, but let's explore all the options, let's consider all the alternatives and make a decision that is in the best interests of our city.

The Public Works Committee will not be considering this proposal beyond the economics and viability of the project. We need to be considering it in a much larger context and in a lot more detail. We need to consider all the alternatives, all the potential impacts, including the social and environmental impacts, and all the long-term ramifications of this particular proposal which has not yet been subject to scrutiny and which differs significantly from that originally proposed.

I am proposing that all of these matters be examined and subject to proper scrutiny through the committee process before we plough through Rymill Park. We need to consider all the O-Bahn extension proposals prepared by the Department of Planning, Transport and Infrastructure. We need to look at which ones of those were considered by the state government and how they differed from the current proposal. We need to consider the cost benefit analysis of the project and the outcomes of any investigations into traffic movement in and out of Grenfell Street.

We need to consider how the project fits in with plans for the RAH site, and whether there are other measures that will save time for commuters travelling into the city; the community and environmental impacts of all the proposals; the effects on local residents, businesses and traders; and we need to consider why it is that the government has refused to entertain extending the O-Bahn to suburbs including Golden Grove. Only then will we be in a position to make an informed decision about what is best for our city and this is a decision which affects all of our city.

Adelaide has a reputation as one of the most liveable cities in the world. This reputation is built on features like Rymill Park. I sincerely hope that the government will see sense and support this motion before making any decision that could jeopardise our Parklands and our reputation as one of the most liveable cities in the world, a reputation that we have strived so hard to achieve. With that I commend the motion to the council and I look forward to hearing from other honourable members on this very important issue.

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

WASTE MANAGEMENT

The Hon. J.M.A. LENSINK (16:21): I move:

That the Legislative Council requests the Environment, Resources and Development Committee to inquire into and report on waste management policies in South Australia, with particular reference to—

1. The efficacy of the solid waste levy in providing equitable encouragement of resource recovery compared to landfilling or stockpiling of materials;
2. The adequacy of regulatory and legislative powers within the Environment Protection Act 1993 to manage the waste sector, including licence enforcement and current penalties;
3. Best practice methods in the resource recovery and waste sectors;

4. Minimisation of hazardous risks in the resource recovery and waste sectors;
5. Relevant themes from the 2015 EPA/ZWSA Waste Summit which will inform this inquiry; and
6. Any other matter.

I move the motion standing in my name, namely that the Legislative Council refers the matter of waste management policies in South Australia to the Environment Resources and Development Committee. The catalyst for this particular inquiry has been the latest incident of a fire at one of the facilities at Wingfield, which is a precinct which has been established for a number of transfer stations and resource recovery businesses, and so it serves as an important hub for what might otherwise go to landfill to be transported to one location so that it can be sorted, so I think that that particular precinct has been very useful to a number of businesses that operate out of there.

I think 'unfortunate' is probably an understatement to use in terms of labelling the number of fires that we have had at Wingfield. They are unacceptable; they are unacceptable for the surrounding community, and they are unacceptable for the broader waste industry in South Australia who have come a long way in South Australia in terms of their practices and professionalism and the amount of resources that they prevent from going into landfill and turning into new products. For this reason, we are seeking to refer this matter to a parliamentary committee—the Environment Resources and Development Committee—which we think is the most appropriate venue for that.

There are a number of questions which arise from this particular situation. I will not go into some of the specific details because I understand that there may be legal processes in place but I think that the issues which are germane are how the solid waste levy operates in providing encouragement of resource recovery. That has been a policy over some time to have a preferential treatment for resource recovery rather than landfilling of materials. There are some who would say that the fact that the levy is not levied on materials which come in which are to be recycled can lead in some instances to the abuse of that levy not being applied and therefore materials are stockpiled. The tale goes that the particular site will say, 'Those are going to be recycled', but that never ends up happening.

In the past, there have been a number of discussions in relation as to whether differential levies should be applied and so forth. I think policymakers on all sides have been keen for the industry to have a unified voice in terms of what would be the best way forward. The issue of the quantum of the levy will, no doubt, be raised. It has gone up considerably since this government took office, and I note it will be rising to \$63 a tonne in 2016-17.

We have had a number of internal reviews of the quantum of the waste levy, particularly by the EPA and/or Zero Waste South Australia—they have reviewed those—but that has not led to changes in legislation or particular changes in policy direction and, no doubt, various stakeholders will wish to raise the Waste to Resources Fund, as well. However, within the terms of reference we are interested in how the application of the solid waste levy does or does not preferentially apply to various materials and how that impacts on whether they are recycled or not.

There are also questions as to the compliance ability within the Environment Protection Act 1993—so whether those might need to be improved to manage the waste sector more efficiently, including licence enforcement and the current penalties, best practice methods in resource recovery and waste sectors—that is term of reference No. 3 in the motion as it stands. Certainly the methods have improved considerably in recent decades in that area.

It is an inherent risk when materials are kept on particular sites in large quantities that there is more likely to be combustion of those materials, and whether there are ways in which that can be ameliorated and the risk reduced. That gets on to the fourth point which is minimisation of hazardous risks in the resource recovery and waste sectors. The relevant themes is point No. 5 in the motion, from the 2015 EPA Zero Waste SA waste summit which took place on 3 March this year—that was a one-day summit. A number of stakeholders were there: the EPA, people from the waste and resource recovery sector, local government, community groups such as the Conservation Council of South Australia, Zero Waste and so forth—and a document is provided from that summary of key themes.

One of the suggestions that came out of that, and some of the discussion which I think found a lot of resonance with the audience, was in particular from the New South Wales speaker who talked about changes to their practices over there, a gentleman by the name of Mr Stephen Beaman, who is the Director of Waste and Resource Recovery Branch, New South Wales EPA. In particular there was some discussion about up-front levies and something which is known as mass balance reporting which, I am told, holds some attraction for the stakeholders in South Australia.

The next step from that particular waste summary is that the EPA and Zero Waste have distributed this report and it has been presented to the EPA board. I think that it is quite a useful practice for our committees to look at these issues in a bit more detail and in that way we can look at them in some depth and take evidence from a number of stakeholders who can inform our deliberations.

I do note that the EPA will be conducting its own inquiry, in particular into the Wingfield fire, so clearly the EPA would be one of the first agencies that we would need to speak to when we start to take evidence. I would like to emphasise again—and I made these sorts of comments on radio this morning and would like to repeat them—that these fires in no way reflect on the broader waste and resource recovery sector.

At the time it took place, one of their representatives, Mr John Fetter from the South Australian Waste Industry Network, was quoted extensively on radio, and he certainly endorsed the comments from the waste summit and expressed some frustration at what was taking place. People in that sector have expressed similar sentiments to me, so this is something I will be raising at the Environment, Resources and Development Committee, and we look forward to gaining support from my colleagues and endorse the motion to the house.

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

The Hon. J.M. GAZZOLA: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

TRANSFORMING HEALTH

The Hon. R.L. BROKENSHERE (16:32): I move:

That this council calls on the government to—

1. Stop the closure of the Repatriation General Hospital; and
2. Listen to the broader community regarding the Transforming Health changes.

This is a simple but very important motion. I do not believe there has been proper debate whatsoever on issues around Transforming Health. Whilst I acknowledge that health has a huge impact on the budget of any government and that as we have an ageing population we are going to see an ever-increasing demand on health, to cut the budget to the extent that this government is proposing for political expediency rather than for the best interests of the community is something that I believe the parliament should have a much bigger say in.

I am not sure what the actual amount of money the government wants to save with respect to Transforming Health, but the talk around South Australia is that it could be about 10 per cent of their budget. As it is the largest budget within government, we are talking of somewhere around \$500 million—half a billion dollars a year. To cut half a billion dollars out of health is a serious, serious issue, because a budget cut of that size is going to have impact on one of the most important aspects of anybody's life, and that is the health and wellbeing of those people.

I congratulate and put on the public record my appreciation of a highly respected and former Labor member of parliament who served the western suburbs for some period of time. In fact, it was not that person's fault that they missed out on being in parliament in 1993 but rather the fault of that person's government, the Labor government, because of the State Bank. Mr Kevin Hamilton, and his good wife, Maureen Hamilton, have been absolute champions in highlighting the concerns and problems around the closure of the Repatriation General Hospital and also the issues around Transforming Health.

It is not only them: it is interesting that there are other Labor members: the former deputy leader of the Labor Party in this state, Mr Ralph Clarke, was at a meeting I was at with my colleagues. Another was the former federal Labor member for Port Adelaide, Mr Rod Sawford. So, we have former Labor members of parliament coming out publicly saying that what this government is doing is wrong.

In fact, Ralph Clarke went so far as to say that he could not agree whatsoever with the decision to downsize and close the emergency department at The Queen Elizabeth Hospital, because he said that, when he was the deputy leader of the Labor Party and the Hon. Mike Rann was the leader, they made an absolute commitment to the western suburbs people to actually enhance and grow The Queen Elizabeth Hospital for them. He said it was a thorough and complete broken promise and that, to paraphrase what he said at the meeting at the Semaphore Port Adelaide RSL, the Labor Party today in government should hang its head in shame.

I will not make all my remarks on this motion today, but want to focus on the first part of the motion and then seek leave to conclude my remarks. The first part of the motion is to do with the closure of the Repatriation General Hospital. We have returned members of the defence forces out on the steps of parliament right this very minute who have been there for something like 60 days now and who are actually standing up for what the rank and file returned men and women in this state are saying, and that is that they do not want to see a closure of the Repatriation General Hospital.

The government is hanging its hat on the fact that it has advice from the Veterans Advisory Council that they no longer see the need for the continuation of the Repatriation General Hospital. I will pursue that matter in the near future. I, and I am sure many of my colleagues in this parliament, have received letters from individual sub-branches of the RSL saying that they are absolutely opposed to the closure.

I understand that at the moment the official position of the RSL is that it is also opposed to the closure, but I can only say that I understand that to be the situation based on the submission that they put to the government when submissions were called, and over 5,000 submissions were received. I do not believe there has been an updated position from the RSL, and therefore I take it that the RSL is still opposed to the closure of the Repatriation General Hospital.

I went to a briefing with some of my colleagues at the invitation of the honourable Minister for Health, Jack Snelling, and the person in charge of this restructure, Transforming Health, Professor Keefe. In those discussions I raised some basic issues that I am well aware of. We all have stories we can tell about our own family members who have had a relationship one way or another with the Repatriation General Hospital, and I am one of those. As just one example, I spent way too much time out there when I was a young person visiting my father after World War II.

Some of that time was spent when he had 13 major operations to try to give him some quality of life from injuries in the war and some of that time was actually at Ward 17, because he came home, like so many returned people, with some psychiatric matters, as you would if you were several years on the HMAS *Sydney* as in this example of my father. For him it was good as he got off, with two others, but tragically he lost all of his 645 mates. You do not have that happen to you and not end up with some psychological health matters as well. I have seen Ward 17 time and time again. That is just a personal example, but there are hundreds of thousands of those examples.

The government's argument and the spin that is being brought by some of those people who support the government in the closure of the Repatriation General Hospital is, 'Oh, well. It's tired and it's rundown and it's going to cost a lot of money to rebuild it.' It is not as tired and rundown as one would think and the reality is that there has been a deliberate attempt by this government, basically since they have been in office, to make it look like it is rundown. It has hardly seen a paintbrush. I suggest that if you do not paint your own home every now and again it is going to look a little rundown. Just as the case was with the RAH, where there was probably somewhere in the tune of \$250 million spent building new infrastructure prior to the decision to close that down and build a brand-new hospital, there has also been millions of dollars spent at the Repatriation General Hospital.

The other fact is that there is something like \$250 million of money apparently allocated that we will hear more about on budget day (18 June) into the forward estimates for upgrading and building some new accommodation in other areas to offset the closure of the Repatriation General

Hospital. I would suggest that we would be better off putting that \$250 million into a staged rebuild of the Repatriation General Hospital and that would be better for health outcomes for South Australians. If they are going to spend the money somewhere, acknowledging that they have to do some capital works upgrades, why are they not going to spend that money at the Repat?

Further to that, why is the government misleading the South Australian community and particularly the veterans, by saying, 'Okay, the sacred and most important facility is Ward 17, the psychiatric unit.' Tragically, Australia is going to be in conflict ongoing into the foreseeable future; that is the reality we face. The wars and conflicts that our troops, men and women, are going to now will actually have even higher mental health illness matters as a result than even World War I and World War II because of the very nature of these particular conflicts that they are going to encounter and are encountering right now.

So there will be an increased demand for psychiatric support for post-traumatic stress disorder as it is now known. Back in my younger day, it was actually called war neurosis. To me it is the same thing. It means that it is a special type of mental health illness that you pick up when you are in those sorts of conflicts. It is different to other mental health issues and therefore they need specialised dedicated care and facilities to help them get well, and Ward 17 has done that for so long.

But do you know what? I have discussed this matter with Martin Hamilton-Smith and I am incredibly disappointed that he has not stood up and fought for veterans. I am incredibly disappointed that someone who has actually been in the services and is now given the absolute privilege of representing them in the state arena of government has not stood up and fought for the saving of the Repatriation General Hospital. I say 'Martin, why have you not stood up? Please explain to the community of South Australia why you have not stood up.'

The men and women are saying to me that they are disappointed. When I go to these meetings they actually have a poster and they have named Martin Hamilton-Smith as a traitor on that poster. That is how they treat people who let them down—the Hon. Martin Hamilton-Smith is a traitor. That is a serious issue, but that is what these returned people see. I would ask him to stand up in cabinet and say, 'We can go no further with this.'

I am told that the Hon. Martin Hamilton-Smith, the Minister for Veterans' Affairs in South Australia, and others have said, 'Well, we haven't made a decision yet on whether or not we are going to locate a new Ward 17'—for which I think they have about \$15 million allocated—'we might still build that on the campus.' How can they do that?

The Transforming Health document states that you cannot have a stand-alone psychiatric facility of any type, let alone specialised psychiatric facilities for returned men and women. You cannot have it as a stand-alone facility. It clearly states that it has to have surgical and medical facilities there with it. I know that, and I am no psychiatrist. I am not the Minister for Veterans' Affairs but I do know that, as I explained earlier in my remarks. They are again misleading the community because they actually want to simmer things a little bit, and that is wrong.

The minister indicated that one option may be to build a new psychiatric ward or unit on the new RAH site. He said that there is plenty of land there. That is the absolute wrong place to build a psychiatric ward. One of the important facets about where Ward 17 is located at the moment is that it is located in an open, spacious area away from hotels, away from where you can walk just across the road (like with the new RAH) and access illicit drugs or other drugs. It is actually a quarantined area to a certain extent. It also has a lot of open space and gardens. It allows people to get out and sit in that open area, and that is what you need with psychiatric illnesses, when you are rehabilitating and getting well again. When you are trying to get well you need that open space. Even the beautiful gully breezes that come down off the foothills are of benefit to those people.

The other point that I want to raise—and I am going to have more to say in my summing up after other colleagues have spoken—is about expressions of interest. I have had some indications of possible bidders for part of that campus and of some of the allegations and discussions that have already occurred behind closed doors and the absolute rush to now get expressions of interest. However, I also want to touch on this one key point now: the government says that we have more acute care beds per capita than any other state.

The Hon. S.G. Wade: They bragged about it.

The Hon. R.L. BROKENSHIRE: That's what they say, and it is true. To a great extent, it is a good thing. Now the government is saying that they actually want to pool down those bed numbers to at least the national average and hopefully, they are saying, a little below the national average. They also forget that we have a greater proportion of an ageing population than any other state in Australia.

I would suggest that we will actually never be able to look after our constituents—the South Australians who need medical and surgical care and hospitalisation—if we are going to try to set up at around the average. What are they going to do? They are going to push them in and then push them out. They will go out before they are well enough to be home and they are going to come back in, which will not help their budget. They will not be able to get a lot of those people through day surgery. What we are seeing is the closure of 300 beds at the Repatriation General Hospital. Apparently we are going to see about 55 new geriatric-cum-psychiatric beds built at the Flinders.

The Hon. S.G. Wade: Rehabilitation.

The Hon. R.L. BROKENSHIRE: General rehabilitation beds. In some of the documents I have read, they actually call them geriatric-psychiatric, but rehabilitation-type beds are going to go in there. Just from the closure of the Repat, we will be at least 200 beds down for a start—for a start. I cannot understand how they are going to make it work. If they were to listen to people like Dr David Pope, who has had the intestinal fortitude to come forward and speak up at these meetings—and I congratulate him because he is a dedicated and experienced emergency surgeon and specialist—if they were to listen to people like Phil Palmer, who heads up the ambulance employees union, they would know that their plan is doomed to failure.

I would like to work as one MP with the government to help it in the way we go about delivering health services into the future, but the government has not engaged the community or the parliament—there is no debate. The agreement that was signed between the federal and state governments back in the mid-1990s—I have had that checked through the federal government health department—this government can slip away with the assets of that property, even though it is commonwealth assets handed over, because it only had to stay there for five years. Unfortunately, there is no legislation that gives us a chance to hold back and try to negotiate a better point.

I never thought I would be in the parliament, working under any government that would close the Repatriation General Hospital. It was the furthest thing from my mind. I never thought a government would go down that track, and now we have one that has and it is wrong. There is a lot more to say about this. There is a lot of business to do today, so I will seek to adjourn my introductory remarks on this motion to the next Wednesday of sitting.

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Are you seeking leave to conclude your remarks at a later time?

The Hon. R.L. BROKENSHIRE: I am, sir.

Leave granted; debate adjourned.

Bills

LOCAL GOVERNMENT (ELECTIONS) (DISCLOSURE OF POLITICAL AFFILIATION) AMENDMENT BILL

Introduction and First Reading

The Hon. R.L. BROKENSHIRE (16:51): Obtained leave and introduced a bill for an act to amend the Local Government (Elections) Act 1999. Read a first time.

Second Reading

The Hon. R.L. BROKENSHIRE (16:52): I move:

That this bill be now read a second time.

This is not a complicated bill. It is something that many people feel passionate about, and I have to say that I join those people. It will be interesting to see what the parliament thinks about the bill and

whether it agrees with the intent of the bill, on behalf of a lot of communities, in bringing some transparency into the matter of council elections. People know, when they go to vote at a state election, whether a person is a member of a political party or whether they are an Independent.

The Hon. S.G. Wade: Unless they are wearing a Family First T-shirt.

The Hon. R.L. BROKENSHIRE: They certainly know who the candidates are. They may have had to go through the saga of people dressing up in look-alike party colours to try to solicit votes, but when they register they register as an Independent or they register as a member of a political party. That is not the case when it comes to council elections. In fact, councillors only have to declare whether they are a member of a political party when they do their declarations after they have been elected.

Once upon a time, that might have been sufficient because there was not the interference from political parties, as is often the case, when grooming potential members of their party for state or federal government or, indeed, trying to control councils for whatever reason they may have. That never used to be the case and therefore there was probably no need for this measure.

However, we have seen an increase in the number of people who are interfering in processes involving political candidates. I advise and declare that some members of Family First have run as councillors, as happens with all parties, but we have never actually interfered or encouraged them for any political reason at all. It has been their choice because they wanted to do their civic duty for their local council.

Time and time again, we have seen political interference, and one such example is Charles Sturt council, to the point where I do not believe it has been able to deliver outcomes that are in the best interest of the ratepayers they serve because the councillors are there for primary political purposes and not the primary political purpose of serving ratepayers. That is a matter of fact, it is a statement of fact; I have been aware of it happening for 20 years, but I do not know whether it has been going on for longer than that. When you look at a council like Brisbane council, we know that is a fully structured political party-based council, and people are aware of that, but they are not aware of what goes on behind the scenes.

The bill is simple: when you nominate as a candidate for a council election or for mayor, you will be required to declare whether you are a member of a political party. So, when people vote, when they receive their papers in the mail to vote, they will know that Jill Smith or John Smith are members of Family First, the Liberal Party, the Labor Party, the Greens or whatever party. They will know and therefore they are forewarned and it is completely transparent. I think it will be good for communities to have that transparency, and many people have advocated this to me in respect of local government elections. I commend the bill to the house.

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

Motions

CHILD PROTECTION

The Hon. S.G. WADE (16:58): I move:

That it be an instruction to the Select Committee on Statutory Child Protection and Care in South Australia that its terms of reference be amended by inserting the following additional term of reference—

- 1A. That the select committee further inquire into and report on—
 - (a) the government's responses to the recommendations; and
 - (b) the implementation of the government's responses to recommendations, including policy and legislation in respect of the following reports:
 - (i) the Review of Child Protection in South Australia;
 - (ii) Children in State Care Commission of Inquiry;
 - (iii) Commission of Inquiry (Children on the APY Lands);
 - (iv) Select Committee on Families SA;
 - (v) Report of the Coronial Inquest in the Death of Chloe Lee Valentine;

- (vi) Child Protection Systems Royal Commission; and
- (vii) any other relevant report.

The motion proposes that an instruction be sent to the Select Committee on Statutory Child Protection and Care in South Australia so the committee would look at the implementation of reports related to child protection and care. The Weatherill Labor government has both a poor record of managing child protection services and a poor record in delivering service improvements, even when recommended by reviews.

During the last 13 years, the Labor government has received reports from the Layton inquiry, two inquiries by Justice Mullighan, the Debelle inquiry, as well as a number of other reports, including reports from the Child Death and Serious Injury Review Committee and the Coroner's Court.

Many recommendations of those reports have not been implemented even when the recommendations have been accepted by the government. Extending the terms of reference of the existing select committee would see the committee overview the implementation of a series of reports including the recent Coroner's recommendations from the inquest into Chloe Valentine's death. The committee is currently in the late stages of a report on foster care. If this motion is supported, that report would be an interim report of the committee, and the committee would go on to consider this matter as its next matter for consideration.

If the council considers that the council could add value in this oversight role, I think that the first task the committee would need to undertake is to consider how best it could add value. As Chair of the committee, I do not think the committee would add value if it is merely a compiler of a checklist of recommendations and responses. Some of the response recommendations were made as long as 12 years ago, and much has changed since they were made. However, there are a number of clear recurring themes in this report, and in my view it would make sense to consider progress on those themes as well as progress on the implementation of specific recommendations.

The committee would need to ensure that its work supports the stabilisation of Families SA as it works to fulfil its vital role within our community. I put to the house that this motion is a responsible expression of the accountability of the executive to the parliament, and surely we have no greater duty as parliamentarians than the duty to protect our children, some of the most vulnerable members of our community. This motion will give us the opportunity as a parliament to hold the executive to account in their responsibilities in this area also. I commend the motion to the house.

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

SKILLS FOR ALL

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

1. That a select committee of the Legislative Council be established to inquire into and report on—
 - (a) the extent to which the objectives and goals of the South Australian Government's Skills for All program, specifically in relation to employment and productivity growth in South Australia as outlined in the 2011 Skills for All White Paper, have been met;
 - (b) the impact of the Skills for All program and associated funding and policy changes on the financial and operational capacity of TAFE SA to deliver training and employment programs in South Australia, particularly in regional South Australia;
 - (c) the impact of the implementation and operation of the Skills for All Program on the capacity, transparency, efficiency and viability of the South Australian training market, including on registered training operators;
 - (d) the full financial impact, including long-term financial viability, of the introduction and ongoing operation of the Skills for All Program on the South Australian budget and government agencies;
 - (e) the extent to which the current and anticipated future training and employment needs of South Australian businesses, including regional South Australian industry, were met by the Skills for All program;
 - (f) the manner and extent to which South Australian industry has been consulted in relation to the funding and training priorities under Skills for All;

- (g) the efficiency and effectiveness of the South Australian apprenticeship and traineeship arrangements since the introduction of Skills for All;
 - (h) the extent to which the Skills for All program complements or duplicates initiatives and programs undertaken by commonwealth government and non-government training and employment programs, particularly in regional South Australia;
 - (i) an assessment of key principles and operational arrangements that must be taken into account in designing and implementing the WorkReady program; and
 - (j) any other relevant matter.
2. That standing order No. 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 thinks fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.
 4. That standing order No. 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

(Continued from 13 May 2015.)

The Hon. G.A. KANDELAARS (17:02): I rise to give the government's view in relation to this motion. I urge those opposite to oppose the motion. The proposed select committee would duplicate work that has already been undertaken. The motion proposes that the select committee inquire and report on whether the objectives of Skills for All have been met. We already know the answer; we know that Skills for All did meet the objective of increasing the number of South Australians with post-school qualifications and that Skills for All resulted in an additional 100,000 training places in three years, and we know that there was a significant increase in the number of certificates II, III and IV issued.

We now have a more skilled workforce. We know that participation in training improved in both metropolitan and regional South Australia, and we know that Skills for All in regions was successful in assisting unemployed people to access training assistance and ultimately a job. But we also know that there was room for improvement. We know that the once-off additional injection of funds which resulted in 100,000 training places is not sustainable. We know there is a need to better target training, to better align it to industry demands and potential job outcomes in growth industries and emerging industries.

We know that some employers and individuals accessed government funded training when, in the past, they had funded this training themselves. The aim of the increased co-contribution between employers, students and government actually resulted in a large cost shift to government by employers and individuals. We know that the completion rates need to be improved, albeit that in South Australia the completion rates are one of the highest in all the Australian jurisdictions. We know that there is a need for greater linkages between training and job opportunities.

We know the answers to this question because extensive reviews have already been conducted, both internally and externally; reviews that are publicly released and readily available on the internet. This includes but is not limited to the ACIL Allen Consulting Evaluation into Skills for All, the Red Tape Reduction Review, the internal evaluations of Skills for All, graduate surveys and student surveys, and independent evaluations of Skills for All courses, including aged care, hospitality and disability. The Training and Skills Commission also regularly reviews VET policy, including consulting with employers, industry and stakeholders. They also produce reports that include forecasts of industry demand.

As a government, we have been transparent in relation to the funding of training in South Australia, to TAFE SA and private providers. We have also been transparent in relation to the outcome of publicly subsidised training. We have taken into consideration the recommendations of these reviews and reports and have acted on them. This is why we have released a new training skills and employment policy, WorkReady.

WorkReady repositions our training, employment and skills activity and investment. We have done this to ensure it is financially sustainable in the long term. It will support economic priorities and

deliver skilled labour to our economy. The new policy focuses on measurable outcomes, with stronger connections between training, skills development and jobs, and a commitment to improved qualification completions.

Stronger up-front assessment of each individual's needs means that the government's investment will be focused on connecting individuals to the training and support best suited to them. This will stop unnecessary training. Training and skills development linked to job outcomes will be prioritised, particularly where there is a job commitment from an employer. We also expect to see increased co-investment, with the cost of qualifications shared between government, employers and individuals.

The breadth of courses subsidised by government will be streamlined so that training is targeted more directly to the areas which lead to jobs and which will provide a return on the government's investment. The Independent Training and Skills Commission will continue to provide feedback to the Department of State Development following consultation with the government. The government will also regularly consult with employers, unions and others to ensure that the WorkReady program meets the needs of government. I strongly urge members to oppose this motion, and I also point out that government members have taken the position that they will not participate in this committee.

Parliamentary Procedure

VISITORS

The ACTING PRESIDENT (Hon. J.S.L. Dawkins): Before calling the Hon. Ms Lee, I acknowledge the presence in the gallery of the Hon. Carolyn Pickles, former leader of the opposition in this place.

Motions

SKILLS FOR ALL

The Hon. J.S. LEE (17:09): I would like to support the important motion moved by my colleague, the Hon. Michelle Lensink, on 13 May in this chamber, for a select committee to be established to inquire into Skills for All and the WorkReady program. Hundreds of jobs in the non-government training sector are on the line right now, and that number will grow as the long-term impact of this disastrous decision will affect the whole of South Australia's job market. There has already been a massive fall in the number of students in jobs training as a result of the Weatherill government's disastrous mismanagement of the failed Skills for All program.

There are four parts to the terms of reference for the select committee moved by the Hon. Michelle Lensink on 13 May, and since then there has been a recent announcement made by the government. I therefore would like to move two amendments to the motion, as follows:

After subparagraph 1(i) insert new subparagraph as follows:

- (ii) The impact on training opportunities, choice and quality in South Australia as a result of changes to subsidised funding under the WorkReady program announced by the state government on 21 May 2015.

Leave out paragraph 2 and insert new paragraph as follows:

2. That the committee consist of four members and that the quorum of members necessary to be present at all meetings of the committee be fixed at three members and that standing order No. 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

The reason that the amendment in relation to the committee is necessary is because as we have heard from the Hon. Mr Kandelaars, we have received advice from the government that no government members are willing to participate on this select committee. This is just another example of arrogance displayed by the Labor government. They obviously do not believe that the issues are important enough. It is typical of the government to disregard the voices of the community—it is shameful really. Perhaps they are too busy to care, or too afraid to hear what people have to say.

I thank the Hon. Michelle Lensink and members who are showing great concern and speaking out on behalf of the community on this important matter. I commend the amendments and urge all members to support the motion.

The Hon. J.M.A. LENSINK (17:12): I would like to thank the speakers on this motion: the Hon. Gerry Kandelaars and the Hon. Jing Lee, and I also thank a number of members particularly from the crossbench who indicated their support.

It will come as no surprise that I will not take the advice—and I suspect all my Liberal colleagues will not take the advice—of the Hon. Mr Kandelaars in urging us not to support this motion. I will not speak for long, you will be pleased to know, but as if Skills for All did not already have enough problems with it, we have now seen the incredible decision of this government to unilaterally decide, on 21 May, to completely change the training programs. I think it is very unfair of the non-government training sector to be all characterised as private providers somehow sticking their hand up and trying to cost shift.

I think that is a contemptible way to characterise this debate, having encouraged a number of providers into the sector who are also from the non-government sector, organisations like the Mental Illness Fellowship and the Royal District Nursing Society—there is a whole range that are in the not-for-profit sector, and some RTOs who are supported by employer groups. To characterise them all in that way I think is quite contemptible but, unfortunately, par for the course from this government.

The issue of whether this state government is in breach of its agreement will also be a matter that we will clearly need to examine under the WorkReady proposals, but I do thank honourable members for their support for this motion. It is going to be a very important committee going forward. Unfortunately, we have not seen what we might have hoped for—that the government might backtrack—but I suspect that this is another victim of its ailing budget problems and the Treasurer is pulling back and propping up the TAFE sector by having to axe a whole lot of programs that it should otherwise be funding.

Could I say that, if the situation was in the reverse and this was a Liberal government, they would be the first ones screaming from the roof tops about jobs for young people. As if it is not hard enough for young people in this state to actually stay here to get a job, but now their training opportunities are to be cut from under them because of this incompetent government that could not manage a chook raffle, quite frankly. With those few words I urge all honourable members to support the motion.

Amendments carried; motion as amended carried.

The Hon. J.M.A. LENSINK (17:15): I move:

That the select committee consist of the Hon. Jing Lee, the Hon. Tammy Franks, the Hon. John Darley and the mover.

Motion carried.

The Hon. J.M.A. LENSINK: I move:

That the select committee have power to send for persons, papers and records, to adjourn from place to place and to report on 29 July 2015.

Motion carried.

DISABILITY AND EDUCATION

Adjourned debate on motion of Hon. K.L. Vincent:

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 No. 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 thinks fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.
 4. That standing order No. 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.

(Continued from 6 May 2015.)

The Hon. T.T. NGO (17:17): I move to amend the motion, as follows:

Paragraph 1(e)—delete the words 'the current DECD and'; and

Paragraph 1(f)—delete the word 'DECD'.

This amendment is to ensure that this inquiry reviews all sectors within the South Australian education system. This will give the committee the flexibility to call witnesses not just in the government schools but also all schools, when necessary. The state government is happy to support the set up of this inquiry with these amendments, and looks forward to working closely with the committee.

We understand and appreciate that issues addressed will be broad and we are here to listen. Be it matters of infrastructure, equipment, equality and services, we know there is always more work to do, and we will never stop listening. Whenever possible we will follow up with actions such as steadily increasing funding to students, which in 2014 totalled \$163 million, or significantly increasing investments in infrastructure, such as rebuilding seven special schools and collocating them on mainstream schools.

In addition, the government has increased the number of disability units and special classes across the state. Since 2010, seven new disability units, autism intervention programs at Blackwood and The Heights schools and 12 new special classes have been established. An improved support service structure has also been created. Additional psychologists, speech pathologists and special educators are available to support teachers and students, in addition to attendance officers, behaviour support coaches, social workers and family focus workers.

We know there is no 'one size fits all' approach to accommodating the needs of these students and their families which is why, whenever possible, we will aim to support choice. For this reason, we have also worked closely with both the Treetop board and now Autism Spectrum Australia or Aspect (a service provider for autism and other disabilities) to set up South Australia's first autism specific school planned to open in the middle of 2016.

While the kind of supports I have mentioned can make life easier for students and parents, the state government is under no illusion that life for these brave people and their families is a

challenge. The committee's work will be important, and we hope it will complement some of the existing channels already set up to give a voice to families with students who have a disability.

The Minister for Education and Child Development's office is, and will continue to be, a place where concerns and suggestions for the disability community can be heard. This is further complemented by the work of the Ministerial Advisory Committee: Students with Disabilities. The committee performs a number of roles that include:

1. Undertaking projects and providing advice on matters concerning the care and education of students with disability.
2. Ensuring equitable, transparent and accountable distribution of commonwealth and state money to eligible organisations that support the care and education of students with disability across the three education sectors.
3. Supporting non-government organisations to provide services to children and students with disability in early childhood education and care services and schools across the three education sectors.

When we encounter areas for improvement we work with the community to address them transparently and as quickly as possible. We intend this to be no different when working with the committee, and for this reason we welcome this proactive approach with the sole intention of improving the lives of students with disabilities and their families. With that, I would like to be on the committee as the government representative.

The Hon. S.G. WADE (17:23): I too indicate that the opposition will be supporting the motion and will be supporting the government's amendment to that, unless the mover of the motion gives us a good argument as to why we should not.

I see this select committee as almost the second in a series. In the last parliament it was my privilege, along with the Hon. Kelly Vincent and other members, to be part of the select committee on access to justice for people with disability. I say a second in a series because the select committee on access to justice for people with disability very much saw its role in the context of the Convention on the Rights of Persons with Disabilities and the optional protocol. Article 13 of that convention specifically lays down the right of people with disability to access justice and, likewise, article 24 focuses on the rights of people with disability to access education.

I must say that the contribution of the Hon. Tung Ngo today is very welcome. I think it would be fair to say that the government approached the first committee on access to justice for people with disability with some suspicion. I am delighted to see that the government is taking a positive approach to this committee, and I take that as some confirmation of the work of the first committee.

I think one of the valuable aspects of the first committee was that by accident or design there was a parallel process for the development of a disability justice plan. There was some very good work done, particularly by members of the Attorney-General's Department, in facilitating that work, to the point where submissions to the select committee were explicitly said by the department to be, if you like, taken as submissions to the Disability Justice Plan, and the parallel work, I think, was very valuable.

I do not know whether there will be other events that will operate in parallel with this committee that could facilitate the integration of the policies into government practice, but I think the parallel development of the Disability Justice Plan certainly facilitated a useful dialogue. Perhaps we would still be developing a disability justice plan now if it had not been developed in parallel. That is a matter for government to consider, but I think other members involved in that committee would speak positively of the way those two processes worked hand-in-hand.

When I think about disability and education I think of two particular values. One is the need for young South Australians with a disability to have full equality of opportunity to achieve their potential, and we see that value in this motion. Clause 1(b) talks about the experience of students with disabilities, particularly the ability of educational institutions to 'provide students with the support needed to reach their full academic potential on an equal basis with non-disabled students.' Every South Australian is entitled to the education that they need to fulfil their potential to the maximum. That is particularly a Liberal value and I am delighted to see it reflected in this motion.

As a footnote to that comment, education in the past for people with disability has often been delivered through a separate special schools network. Over recent decades we have seen more and more the value, both within the educational experience and within the broader social experience, of both people with disabilities and people without disabilities, for all South Australians, receiving their education wherever possible in an integrated environment.

In more recent years we might dub that social inclusion, but there certainly is value in terms of people understanding the diversity within our community, embracing the differences, for education to occur together. They are not unrelated. If students are to receive equality of opportunity, a young student with disability may well have a greater range of options in an integrated education system. That value is also reflected in the motion. In clause (b) we see the reference to discrimination and in clause (c) we see the reference to segregation. It also mentions some of the difficult issues in relation to integration, where it mentions behaviour management. Sometimes students with disabilities are excluded because their needs are not properly met, and that leads to a behaviour management issue.

I would also emphasise the breadth of this resolution, and the Liberal Party welcomes that breadth. Disabilities do not have a sharp border, and we appreciate that phrases such as 'learning needs' in clause (a) would encompass a broad range of issues for young people. For example, we presume and understand from our discussions with the mover that the motion would encompass people with dyslexia, autism spectrum disorders (of course), and other forms of learning and other disabilities. I commend the Hon. Kelly Vincent for bringing the motion before the council and the opposition looks forward to more good work being done by this council to ensure that South Australians with a disability live full lives within our communities.

The Hon. K.L. VINCENT (17:30): In summing up on behalf of Dignity for Disability I thank the speakers to this motion, the Hon. Tung Ngo and the Hon. Stephen Wade. I also thank those who have given feedback on this motion and this process thus far, particularly with reference to putting the terms of reference together to ensure that it encapsulated all the issues we had envisaged. I also thank those who attended the forum we had on the potential establishment of this committee and on broader issues of education for students with disabilities, including parents of students with disabilities, present and former students themselves, education professionals and members of parliament. I think I am correct in saying the Hon. Mr Darley and staff from the office of the Hon. Ms Franks were there and we certainly appreciate that interest.

We also appreciate the broad support we have for the establishment of this committee. In one sense, that should be a given because the education and thereby the future of our state's young people should be beyond politics. All we are asking for in establishing this committee is the opportunity for people to come and tell us their real-life stories, their lived experiences of gaps and failings in the education system, as well as what is happening currently that is positive so that we know what we should continue to focus on. As I said earlier in this place: nothing about us without us. We need to be reminded to use those real-life stories to identify positive ways forward.

If I can pick up on a few points from our speakers today. I would like to clarify that Dignity for Disability will support the government's amendment to the terms of reference to remove references to DECD. It was certainly our intention that this committee would focus on all schools, government and non-government, but if the removal of DECD makes that clearer then we are happy to proceed with that. So, I thank the Hon. Mr Ngo for bringing that to our attention and subsequently moving the amendment.

There was a moment in the contribution of the Hon. Mr Ngo, and I do hope I am not misquoting him here because sometimes it is a little difficult to hear across the chamber, if I am misquoting him I am sure he will tell me, but I recall a moment in his speech where he referred to what I understand as people with disabilities and our families as 'these brave people,' is what I have written down here.

I am not brave. I am scared of the dark. I jump when the toast pops up out of the toaster. What I am intolerant of injustice and tired of seeing my taxes going towards services, including schools, that myself in my school days and my peers with disabilities cannot access. If we are brave it is only because we spend so much of our lives fighting the barriers that the system erects for us.

So, rather than congratulating us on being brave, I would humbly suggest it would be better to fix those scary situations.

The other point I would like to clarify briefly—and the Hon. Mr Wade already touched on this—is the fact that the terms of reference certainly cover all types of disability as well as additional learning needs and challenging behaviours. I understand that the Liberal opposition had some concerns that conditions such as ADHD and dyslexia may not have been covered by these terms of reference, but it is certainly my understanding and Dignity for Disability's view that the phrases 'additional learning needs' and 'challenging behaviours' will cover those types of situations.

We have certainly worked quite hard on these terms of reference, getting advice from a number of interested parties, because we wanted to make sure that the terms were broad enough to encompass all those things. Ultimately, as far as I am concerned, this is really not an issue about disability at all: this is an issue about the system, the education system in this instance, being inflexible and unable to deal with difference. Given that we have a rapidly diversifying population that includes not only people with disability but also students with all kinds of differences, I think it is important that we try to look at this broadly.

However, there are a number of disability-specific issues, if I may put it that way, that we need to be mindful of and take very seriously. A survey recently conducted by Children With Disability Australia, the peak body representing children with disability, shows that as many as one in four students with disability are currently being denied enrolment at their school of choice or unable to attend school full-time due to a lack of disability-positive supports. Given that these families pay full-time school fees and do not pay their taxes part-time, it is blatantly unacceptable that students should not be properly supported to have their human right to an education met.

Of course, there was also the incident I mentioned in my speech introducing this motion, where a young boy with a disability was kept in the classroom in a cage-like structure made out of pool fencing because it was felt that the school staff did not have the tools to positively support him in the classroom environment. Certainly, we need to look at funding opportunities and whether there are gaps we can close but, more broadly, I think this is about cultural shift, and the way we inform cultural shift is by involving the people who live in that culture day in day out and by respecting the expertise they gain through their life and everyday experience.

That is why I am very pleased to have the support to establish this committee. I thank all members and parties who have indicated their support. I very much look forward to using this, as we did the access to justice committee, as a positive collaborative method to identify workable solutions for our education system in this state.

Amendment carried; motion as amended carried.

The Hon. K.L. VINCENT (17:39): I move:

That the select committee consist of the Hon. T.T. Ngo, the Hon. J.S. Lee, the Hon. S.G. Wade, the Hon. T.A. Franks and the mover.

Motion carried.

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

That the select committee have power to send for persons, papers and records, to adjourn from place to place and to report on 29 July 2015.

Motion carried.

Bills

FAMILY RELATIONSHIPS (PARENTAGE PRESUMPTIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 25 March 2015.)

The Hon. T.T. NGO (17:40): I rise today to speak on the Family Relationships (Parentage Presumptions) Amendment Bill. It should be noted that in February this year the Attorney-General

requested the Law Reform Institute (the institute) review legislative or regulatory discrimination against individuals and families on the grounds of sexual orientation, gender, gender identity or intersex status. Further, the Governor announced this in his opening address to parliament on 10 February this year. The Governor also advised that the institute's recommendations will be considered by the South Australian parliament.

I note that in the Hon. Tammy Franks' second reading contribution she welcomed the government's announcement but also indicated that the process will take too long for some families. I have been advised by the Attorney-General that the work on the review has begun and an audit of South Australian legislation is underway to identify discrimination on the basis that I mentioned earlier, that is, sexual orientation, gender, gender identity or intersex status.

Information about the review is available on the institute's website. On the website I noticed that there are five fact sheets available. Fact Sheet 5 deals with starting a family and parenting rights. It sets out the laws governing parentage, access to reproductive technology, access to surrogacy arrangements and adoption. The institute asked for feedback on people's views on the relevant laws including whether the current laws governing who is the parent of a child are appropriate.

The other fact sheets deal with general information, legal protections against discrimination, legal recognition of sex, legal recognition of relationships, and how sex and gender are defined under South Australian law. I understand that the institute will soon be formally calling for written submissions from interested groups and individuals. The government is expecting a preliminary report setting out the results of the audit later this year.

The government has committed to bring the recommendations of the institute to the parliament then. I am sure we will all wait with anticipation for the institute's review, into not only this specific issue, but the broader issue of discrimination against lesbian, gay, bisexual, transgender, intersex, and questioning community, also known as LGBTIQ.

Having said that, after hearing about same-sex families who are unable to both be listed on their child's birth certificate due to not living together for more than three years, I feel empathy for their situation. These are couples who have decided to have a child and have undergone a fertilisation procedure. I am sure this is a decision which is not made lightly. Three years seems a long time to have to live together before they are able to have a child. The Hon. Tammy Franks pointed out that some same-sex couples have been in a committed relationship for a long time but have decided not to live together, so they have not lived together for the requisite time and they are still prevented from both being entered on the birth certificate.

As I said previously, I would have preferred this matter to wait until the institute gets the opportunity to complete its report in a few months' time. Since we have to vote on this matter today, I am happy to support this bill in principle. The law currently allows these couples to have both their names entered on their child's birth certificate if they have lived together for three years when the fertilisation procedure is undertaken. This is because of the presumption in the act that if a woman undergoes a fertilisation procedure with the consent of her domestic partner and, as a result, she becomes pregnant, her domestic partner will be either the father or co-parent of this child, as the case may be.

In order for a couple to be in a domestic partnership, they must have lived together for the last three years, or three out of the last four years to have a child together. I do not know the real reason why it was set up like that when the bill was passed. To me, if you were going to allow it then why make these couples wait three years? I, therefore, support this bill in principle.

The Hon. J.M.A. LENSINK (17:46): I shall be brief. This is a conscience vote for Liberal members but it will come as no surprise that, as a rainbow-friendly MP, I will support it. I would like to commend the honourable member for bringing this matter to the house and also to thank the families who came to parliament to attend a briefing on 26 March.

South Australia is the only state which requires same-sex couples to have cohabited for three years prior to conception, and I think that alone should speak volumes. It causes a number of difficulties that most families will never encounter and which are potentially very serious, I would have thought, if we all think of this fairly—and not just as matters of inconvenience. The non-birth mother

lacks a number of rights in relation to passports, custody, health decisions and matters of signing of school consent forms. In talking to some of the parents at that briefing, they rely on the goodwill of schools and hospitals to be able to exercise what are normally rights that we all take for granted in these situations, and can be overcome by application to court. I see no reason why these families should continue to be in this situation, and I support the bill.

The Hon. R.L. BROKENSHERE (17:47): I respect the Hon. Tammy Franks for introducing this bill, and I respect the parents and lobbyists who approached the member. I will be reasonably brief because of some other matters tonight but I just did want to put my position so that everyone is clear on my position as one MP in this house.

The fact of the matter is that this is not about how well children are looked after and all of those things that are often brought up in these debates. To me, this is an issue about a birth certificate. In 2010 I voted against the bill and, if there is a division, I will be voting against the bill again here in this chamber today. The reasons are pretty straightforward: with a birth certificate, irrespective of your faith, your beliefs, your convictions in any respect, the reality is that biologically, as nature has it, you can only have one father and one mother—that is a reality.

The birth certificate is there to acknowledge the birth of that child as a human being so that it is registered and the records can be kept, and to register the father and the mother of that child. I have dealt with a number of cases over the years where, for one reason or another—not through the birth certificate but through other complications—children, particularly when they grow up, want to meet their biological parents and suffer enormous stress and anxiety and there are a lot of cost factors involved and legal issues in trying to identify who their biological parents are.

I have seen them quite often put into very difficult positions which have had ongoing ramifications for them. But the fact of the matter is that on a birth certificate it is clear; and there are other issues such as health issues and gene issues, when people contract certain serious illnesses and need to know a lot more about their genetic background as an individual.

As I said earlier, it is pretty simple: the birth certificate is there to register and identify that birth and acknowledge the biological father and mother. I have not changed my position; I am not going to change my position, and others will have their position. But I advise the house that if there is a division, I will be opposing and voting no.

The Hon. R.I. LUCAS (17:50): I rise to raise some concerns in relation to the legislation. As the Hon. Michelle Lensink has indicated, it is a conscience vote for Liberal members on this particular issue. For the benefit of those members who might be in the minority in this chamber who might ultimately either be contemplating not supporting the legislation or opposing it, I flag that at this stage my intention is to support the second reading to allow debate in the committee stage tonight, but at this stage my inclination is probably to oppose the third reading and probably to call for a division. For those members who might be sitting on the fence at the moment, I am giving you fair warning that you may well be required at the third reading to express a view one way or another.

There are a number of issues in relation to the legislation I want to raise. In the last few days—I think since the weekend—I have received two emails from families urging me to support the legislation. I might have received one or none urging me not to support it, but there were very few contacts via email or correspondence to my office in relation to the legislation. There were two urging me to support it, and in regard to one or both of those families there has been some media publicity in relation to their position on the legislation. As other members have indicated, I certainly respect their strongly-held views on the issue and the view that the Hon. Tammy Franks has put by moving the legislation.

As I look at the legislation—and this was considered by our party room, I think, on 4 May, and the legislation was introduced back in March—there is a provision in the legislation which says in clause 4 that this will apply only to circumstances after the passage of the legislation. I thought to myself, 'This doesn't make much sense.' The bill, as it was drafted, did not actually apply to the people who were writing to me. The people who were writing to me were people where clearly the first fertilisations had occurred prior to the passage of the legislation, yet the drafting of the bill actually excluded them.

I rang parliamentary counsel and said, 'Am I understanding this legislation? It doesn't actually apply.' Parliamentary counsel said, 'No, that's right, but the Hon. Tammy Franks tabled some amendments two weeks ago which seek to fix the problem in the drafting of the legislation.' I have to say—and it is our responsibility because it is a conscience vote where we each have to look at it—I have spoken to four or five other members of parliament and said, 'Are you aware there is a page of amendments to the legislation from the Hon. Tammy Franks?' And no-one was aware there was a page of amendments that had been tabled in relation to the legislation.

Again, I alert people, because I was not aware of it until lunchtime today, that there is a page of amendments which seek to fix what is a flaw in the original drafting of the original legislation to meet the intent. Clearly, the intent of the legislation—as one can see from the second reading explanation from the Hon. Tammy Franks and the public statements—was that the bill was intended to assist people who were already confronting the issues that the honourable member has discussed, and it was not intended to be only those afterwards.

That is, nevertheless, how the legislation was drafted and, as I said, I was struggling to understand the legislation. Members will need to look at that, and there are particular issues in relation to that when we get to the committee stage that I want to raise, because it leaves some significant issues for the Registrar of Births, Deaths and Marriages to resolve, should this legislation pass. I am gathering the vibe that, when the Hon. Tung Ngo is supporting the legislation, one of the warriors of the Catholic Right in the Labor Party—

The Hon. T.T. Ngo: Flexible.

The Hon. R.I. LUCAS: Flexible—then it is unlikely that the legislation will be defeated in this chamber, but nevertheless I think these issues will need to be considered, because there is another house that will need to address some of the issues, and I hope the House of Assembly may well address them in some greater detail than perhaps we thus far have been able to or might this evening in terms of some of the detail of the legislation.

That is the first issue, and it also relates to the second issue I want to raise as well, and that is that this legislation, the Hon. Tung Ngo's speech and others, have all been about, in essence, the fact that the current legislation discriminates against same-sex couples, and this is being portrayed as part of a collective endeavour to remove discrimination in the law which discriminates against same sex couples.

Again, I have not spent a huge amount of time on this legislation, other than some frenetic work in the last few hours trying to get to the detail, but the legal advice I have received is that this is nothing of the sort and that the provisions that same sex couples are complaining about equally apply to heterosexual couples; that is, if there is a complaint or discrimination it is against any couple, whether it is a same-sex or heterosexual couple, of less than three years duration.

The Hon. I.K. Hunter: But it doesn't work that way, Rob.

The Hon. R.I. LUCAS: The Hon. Ian Hunter will have the opportunity, if he so wishes, to put a point of view. It is a conscience vote and he is entitled to put his point of view. I am entitled to put a point of view.

The Hon. I.K. Hunter interjecting:

The Hon. R.I. LUCAS: I am entitled to put a point of view.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas has the call.

The Hon. R.I. LUCAS: If the Hon. Ian Hunter is uncomfortable with that, that is fine: he will have an opportunity to put his point of view; he does not have to interject during my contribution. I am entitled to a view, and I am entitled to put a point of view. The legal advice provided to me is contrary to the discussion that has gone on both publicly and in this chamber and, if I can quote from the Hon. Tammy Franks' second reading explanation, having outlined the problem or issues she seeks to address, she says:

In fact, opposite sex partners need not be in any form of prescribed relationship when they access assisted insemination via a donor. They can then register the resulting birth with the male partner's name as the father without question.

The legal advice given to me is that that is not correct; that is, it is not correct to say that a heterosexual partnership or relationship (or, as the Hon. Tammy Franks puts it, 'opposite sex partners') can then register the resulting birth with the male partner's name as the father without question.

The legal advice provided to me (and I do not profess to be an expert in the area) is that that is not correct, that there are issues for couples of less than three years' duration which clearly apply to the circumstances the Hon. Tammy Franks was talking about in relation to same-sex couples of less than three years. But, the legal advice provided to me was that there are similar issues in relation to heterosexual couples or opposite sex partners of less than three years' duration as well.

The Hon. Tammy Franks in her contribution also said that the three-year provision in the Family Relationships Act is a relic of a particular South Australian approach with regard to the treatment of certain partnerships. As the only member in the chamber who has lived through at least some of those particular debates, it has been and it is an important issue as to the parliament recognising relationships other than what many decades ago were just recognised as marriage.

This parliament and other parliaments over a long period of time have recognised what was originally known as de-facto relationships and a definition at one particular time of five years was put into our legislation. It was, in essence, five years of living together. Legal terms were used but, in essence, you demonstrated that you were entitled to certain rights. You also had certain responsibilities if you were not married but you lived together for five years, then that became three years.

There have been debates over the years, some of which I participated in and some that I didn't, where the parliament has wrestled with the fact saying, 'Okay, where do we draw the line?' Not too many people argue that a one-night stand between two people entitles you to the same rights and responsibilities as a married couple of 10, 20, 30 or 40 years. Somewhere you draw the line between a one-night stand and a marital relationship, whether you want to argue, as is currently the debate, that you extend that definition of marriage to same-sex couples or not, but whatever is your definition there is a degree of commitment. This parliament over a period of time has brought that line back from having to be married, to five years at a certain period of time, to three years at a certain period of time. There is a whole range of other things that have to be addressed as well.

As I said, the Hon. Tammy Franks rightly points out that our definition in South Australia, rightly or wrongly, is different to the approach in some other jurisdictions but, nevertheless, it has been the most recent approach that this parliament has addressed. It may well be that at some stage holistically the parliament has to look at whether they want to move away from that because we use domestic partners—this three years living together—for a whole variety of things, not just for the issue that is being addressed here which is being carved away.

I remind members that most recently the debate about whether or not members of parliament could take a wife or a domestic partner or someone within their travel guidelines was an issue of some public debate. Our travel entitlements refer to the definitions under the Family Relationships Act. What I am saying is this definition of what is the equivalent of some rights and responsibilities of marriage, that is living together for a period of time, is not just important, obviously, in relation to this issue we are addressing today. It is important in relation to a whole variety of other pieces of legislation, entitlements, rights and responsibilities in terms of what is going to be deemed to be, for the purposes of certain pieces of legislation, the equivalent of being married.

We have gone beyond, as I said, just saying you have to be married. We have accepted certain other relationships, but we have drawn the line currently at three years. As I said, I am open and ultimately it is an issue for the government of the day to say, 'We now want to address the issue of whether we get rid of three years and we put in something else.' But let me assure you, the definitions that exist in the other states which do not say three years do not allow someone who lives together for two days to have the same rights and responsibilities as a married couple.

The Hon. I.K. Hunter: But they can go on TV and get married and have the same rights and responsibilities in 24 hours.

The Hon. R.I. LUCAS: The Hon. Mr Hunter is entitled to put his point of view when he stands up and puts his point of view. All I am saying is that the rights and responsibilities will be an issue that this parliament has addressed and will have to address at some stage in the future. All I am saying is that just because the other states do not have a three-year provision does not mean that anyone can say, 'Because I have lived together for two days or three weeks or six months, or whatever it is, I have the same rights and responsibilities as currently the three-year provision within the legislation or as a married couple might have.' That is an issue that has to be addressed.

What we are being asked to look at here is a breach in the wall, I guess, of this three-year provision. As I said, I am open to debate about where we draw the line, but ultimately I do not accept that you draw the line at anyone who says, 'I'm living with somebody and I'm entitled to all the rights and responsibilities of someone else who has gone to a certain level of commitment by getting married or having lived together for a long period of time.' I think you have to draw the line somewhere; that is my personal view. Some might have the view that it does not matter; if you claim to live with someone for two days, a week or two weeks and you feel strongly about them, you are entitled to the same rights and responsibilities.

Ultimately, this house, this parliament, has to look at the Family Relationships Act and, if it agrees to, draw the line in a different way to the three-year provision that currently exists. What this bill is going to do is essentially say that we are not going to rely on the domestic partners definition or three years as the qualifying period, which is currently in the legislation; what we are going to say is that there is this new term that is undefined which is 'in a marriage-like relationship'.

I spoke to the lawyers and asked what the definition of a marriage-like relationship is. It is not defined in the legislation. Ultimately it is going to have to be determined by somebody. The somebody in the first instance in this legislation is going to be when you look at the amendments that were tabled on 13 May. There are certain requirements that are going to clearly be on the Registrar of Births, Deaths and Marriages in relation to making certain decisions, and also in the legislation. I am told that it infers that ultimately the decision is going to have to be taken. Under the Hon. Tammy Franks' legislation, it says, 'In accordance with the requirements prescribed by the regulations.'

My legal advice is that there will have to be some regulations under this which are going to have to try to give some guidance to the registrar. At the moment it says 'marriage-like relationship'. There is no longer this three-year provision which guides somebody. Currently, some of the couples that have asked, 'Could we put our name on the birth certificate?' have been told, 'Well, you haven't lived together for three years.' There is this sort of objective measure of three years and, if you have not met that, then you do not comply. But now there is this, in essence, subjective or less clearly defined provision which is going to be called a marriage-like relationship.

In the circumstances the bill envisages, the couple will have to apply to the Registrar of Births, Deaths and Marriages and say, 'We claim to be in a marriage-like relationship.' Clearly the registrar cannot just accept anybody who rocks up and says, 'We're living in a marriage-like relationship.' They will have to require something. What that something is no-one knows, because the legislation does not define a marriage-like relationship. The best that parliamentary counsel can advise me is that the regulations that are envisaged will have to prescribe some guidelines, in essence, or something for the registrar to follow. The registrar is going to have a paper trail to say, 'I accept that this couple live in a marriage-like relationship.' What that evidence will be is unclear. Those of you who might end up voting for the legislation tonight will not know the precise interpretation the registrar is going to place on the definition of a marriage-like relationship.

It certainly would have made it a bit clearer if the legislation defined 'marriage-like relationship' and gave some guidance. When you look at the legislation and other pieces of legislation, there are a whole range of factors that can be taken into account in defining what is a domestic partnership, for example, in the legislation.

It is not just the term of living together, it is the nature and extent of common residence, the degree of financial dependence, the ownership, use and acquisition of property, the degree of mutual commitment to a shared life, any partnership agreement that has been lodged under the Domestic

Partners Property Act, any financial agreement made under the Family Law Act, the care and support of children, the performance of household duties (an important issue in any domestic relationship), and the reputation of public aspects of the relationship.

All of those provisions are currently in the domestic partnerships act as issues that need to be taken into account in deciding whether or not this is a qualifying relationship as a domestic partner, but under the marriage-like relationship provision which is being inserted there is none of that guidance in the legislation, no guidance at all. If there is to be any guidance then it is likely only to be in some hitherto unseen and, I am told, undrafted regulations that will apply to the registrar of births, deaths and marriages.

I raise those concerns at the second reading and indicate that, as I said at the outset, I support the second reading of the bill. I will pursue some of those issues through the committee stage of the debate but, subject to the progress through the committee stage, my intention (probably, at this stage, not definitely) will be to vote against the third reading and to call for division at the third reading.

The final point I make is that, as I said earlier, I am quite happy to engage. Clearly, this is something the government is going to have to address (at any stage in the debate) about where we draw the line in relation to what would be a qualifying domestic relationship or partnership; that is, drawing the line differently to the current three-year line, if that is the issue of concern for some members. That is not an issue that can be addressed specifically in this bill but it is an issue that will need to be addressed. If this legislation passes both houses it will impact on that sort of debate, ultimately because there should be consistency across the board in relation to what we might refer to as qualifying relationships.

The Hon. K.L. VINCENT (18:12): The Hon. Michelle Lensink and I sometimes joke that we have a tendency to set each other off, and I have my tissues here just in case.

The Hon. I.K. Hunter: You're a bad influence, Michelle.

The Hon. K.L. VINCENT: Bad influence, indeed, but you would know nothing about that, would you, Mr Hunter, being a bad influence? I have seen photos of your 21st birthday party. You forget this. Adelaide is a small town, sir. I digress ever so slightly.

I have not done a count but I can say with certainty that I have received more than two emails on this issue, maybe that has to do with targeting your audience, I am not sure, but I certainly have received more than two emails on this very important issue. I like to think that will not come as a surprise, as the Hon. Ms Lensink said, as a rainbow-friendly MP, and finding myself somewhere on that rainbow I do not think it will come as a surprise that I will lend my personal support to the bill. I would particularly like to thank Ms Sally Amazon and Ms Elise Duffield and all the other families who have contacted my office and have been campaigning very strongly on this issue.

Just to recap the situation for the benefit of anyone reading the *Hansard*. In current situations where lesbian co-parents, lesbian couples, have not yet resided together for a period of at least three years at the time of the birth of a child, only one parent can be legally recognised as the parent of that child. I understand that the arbitrary three-year requirement currently exists only in South Australia. I understand that this means that only one person in the couple can carry out everyday parenting tasks, such as giving consent for school activities.

On a more serious note, I understand that it also means that only one parent can give consent for things like medical treatment. This creates what I would think is an obviously undesirable situation, to say the least, where, for example, the non-legally recognised parent may not be able to consent to medical treatment if the legally recognised parent were injured at the same time as the child and needed treatment themselves and therefore was unable to consent.

I can only imagine the anguish this would cause a family in the event of the death, for example, of the solely legally recognised parent. I imagine that this would add unthinkable stress to an already tragic situation for the remaining parent and child, who would then have to go through a custody battle as well as dealing with the situation of losing a partner and parent.

For a few reasons, I do not accept that removing the three-year requirement will result in less commitment in these relationships before having a child. The Hon. Mr Lucas talked about the

situation he could foresee, where people might attempt to have a child together after living together for two days, I think he said. Given that this bill pertains to birth certificates that are given only after the birth of a child, as a person with a female reproductive system (although I have not yet put it to use for that reason), I feel qualified to say that it is incredibly difficult to give birth to a child after two days.

I have also been contacted by couples in relationships of upwards of 14 years' duration. As another example, I have also been contacted by a same-sex female couple who recently got married in New Zealand and waited until after marriage to move in together because that aligned with their perception of their Christian faith. They waited to get married to move in together and start talking about having a family, so I do not think that we can suggest that this is having an effect on the commitment of those relationships.

Of course, I cannot speak for all same-sex couples because I have not met them all yet, but as well as the fact that no-one can conceive and give birth in the duration of two days, I also add that these situations do, I would hope, require a certain level of commitment, given that in a lesbian relationship I think it would be quite difficult to have a baby by accident, so it does require some commitment at that level. However, I hasten to make the point that this is about existing children and their birth certificates, which can only be given after birth. This is about the family this child will grow up with and consider their family.

Certainly, I think there is a need for people to know their genetic heritage where appropriate, for reasons that have been mentioned. I do not think that anything in this bill would stop that from occurring: people are still able to have tests done and so on, so I do not quite accept that argument. The point I am trying to make is that this is about the family that will raise, love and care for that child, and that is what I consider to be the true definition of a family, so I will strongly be supporting this bill.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (18:19): I will be as brief as I can. I was not going to contribute to this debate or trouble the house with my views—they are well known—but I have been enticed into it, I suppose. I get so sick and tired of being lectured to on the legitimacy of my relationship, sick and tired of how I should be happy with second-class status of a citizen in this state and this country, or how I should be happy with my relationship and marriage to my husband not being recognised in this country, because that is where we have drawn the line—that is where we have drawn the line. I am sick and tired of being lectured to about that.

I rise to support this bill. I am very pleased to add my weight to all Labor MPs who will be voting for this bill tonight. Why on earth should a couple who have decided to start a family, have children, have to wait for two years or three years before they are able to put both names on a birth certificate? Why on earth should a couple who have committed themselves have to wait for a period of time because that is where we drew the line? It is ludicrous.

I want to foreshadow now—again, I was not going to do it—that I have prepared a bill which will remove the qualification period completely by registering relationships with the registrar of Births, Deaths and Marriages. I have decided, however, to forward that bill to the Law Reform Institute because the government has requested of the Law Reform Institute a report on how we can remove the last vestiges of discrimination against the LGBTIQ community in South Australia. For that reason, I have decided to refer my bill to that inquiry so that it might be considered as part of the overall report we receive as a government.

However, I just have to say that I am astounded at some of the tactics in this place tonight. The Hon. Mr Lucas has used all of the tricks and rhetorical language that he has picked up over 30 years in this place. He is an old war horse, he is an old stager. He is used to trying to confuse debate, confusing people with legal advice that we have seen nothing about, and to raise doubt. He raises doubts about the current legislation and how it applies equally to heterosexuals and non-heterosexuals when, of course, that is just not right. It might be the interpretation he has from a lawyer, but it is not what happens in real life.

We know the registrar of Births, Deaths and Marriages records on birth certificates for heterosexual couples both names. We know that because that has been the practice for as long as we can remember. I have every confidence, if this bill is passed by both houses, that the registrar

would apply her normal common sense approach to her job of recording the appropriate names on the birth certificate of a non-heterosexual couple. We understand that she is a very common sense-type person. She would interpret the regulations that are given to her, or the legislation, in the best way she can to get as much information on the birth certificate as she possibly can.

As I say, I am astounded at some of the arguments I have heard here tonight, throwing up barriers that do not exist but are postulated to maybe cause us problems. Well, it is a nonsense. It is a very simple bill. I commend the mover for it. I will wholeheartedly support it tonight.

The Hon. G.A. KANDELAARS (18:22): I rise to support this bill. I indicate that I actually have a personal interest in this matter. As I previously indicated in this chamber, my daughter is a lesbian and she is in a committed relationship. She and her partner are currently going through the process of trying to have a child through IVF. I would be absolutely incensed if both of them were not able to be registered on a birth certificate. Their commitment is not only to each other but their personal commitment, their financial commitment, is beyond belief. The whole process is not exactly a cheap process. It is a very expensive process, and it shows you their commitment.

Their commitment is far greater than most heterosexual couples—far greater. They have shown that they have got a commitment to raise a child, to raise it probably better than I could in all manner of thought. It would be an absolute tragedy if they were denied the right to be recognised as co-parents. The current law is arbitrary and it is discriminatory. The fact is that the registrar does not make a distinction if a married couple or a de facto heterosexual couple comes in and says, 'We've had a child.' Both of them will get registered.

The fact is that if two females or two males approach the registrar now they are asked, 'Do you meet the three year rule? Will you actually sign off on the three year rule?' That is the arbitrariness of this process. It is all well and good for the Hon. Mr Lucas to give us the technical position; and in a sense he is right, but the fact is it is not actually regulated that way. The fact is it deliberately discriminates against homosexual couples; that is the reality.

The other furphy that has been raised is about the birth certificate and whether it indicates a biological parent. Well, the reality—the true reality—is that many birth certificates today do not record the biological parent. Gender is one thing: whether they are gender-related is a totally different story, so to actually suggest that the birth certificate actually has some relationship to indicate whether you are the biological parent is not actually true.

One would like to think it might, and the gender biological issue is a separate issue that at some stage this parliament will need to address, because the child does have the right to know its origins in my view. But let's not get tied up with the furphies here. The reality here is that homosexual couples are being discriminated against at this point in time. They are just as good parents as heterosexual couples, and they do not need the current discrimination to continue. It is my view that it is a nonsense; let's get on with this and support this bill.

The Hon. J.A. DARLEY (18:26): Can I firstly commend the Hon. Tammy Franks for bringing this matter before the house, and I indicate that I will be strongly supporting this bill.

The Hon. T.A. FRANKS (18:26): I would like to thank those speakers who have made a contribution to this bill: the Hon. Tung Ngo, the Hon. Michelle Lensink, the Hon. Robert Brokenshire, the Hon. Kelly Vincent, the Hon. Ian Hunter and the Hon. John Darley. I also want to commend the work of Rainbow Labor and the advocacy of Senator Penny Wong on this issue.

I wish to first address some of the issues that were raised as matters of concern with the bill and the Hon. Robert Brokenshire's concerns about the birth certificate. This bill amends a part of the act that deals with something called 'presumption of parentage'. What I would point out to members is that presumption is afforded to married couples that, should a woman and a man be married, and that woman conceive a child, it is presumed that her husband is the father of the child, regardless of who the father of that child is.

Should that not be contested, that is the presumption and, as we know, in many cases that was not always the appropriate biological or genetic record of what happened, and indeed in cases of adoption, of course, that is not the biological or genetic reflection, yet that is very important for those adopted children to have two parents on their birth certificate.

We were informed by the Hon. Rob Lucas that he had some concerns about the bill. The first point I would make is that he did not raise any of these concerns with me before tonight. He could not lift the phone or send an email to ask for some answers to his quite valid questions, because I do have answers for those questions. He could talk to parliamentary counsel and he could seek legal advice, yet he could not call somebody who had indicated to all members of this parliament—whether or not you agree, and I had sent it to every single member of this parliament—that I was willing to converse with them if they had any questions about the bill.

Originally I had intended the bill to be much broader, and in fact I wish to address the issues around the fact that, given that we still do not have assisted reproductive technology reform in the state, many couples conceive through means which are not as formalised as the current practices anticipate, and so I was intending to broaden that definition as well.

I decided not to undertake that path with the announcement in the Governor's Address in Reply speech. Given that that particular debate I think is far more complex than the one we have before us, I decided to keep it simple. In doing so, under the directions of parliamentary counsel—the conception part of my original bill was not ever circulated to members of this council, nor was it introduced—parliamentary counsel had reservations about retrospectivity and did not wish that particular draft bill to be retrospective. I had disagreements with parliamentary counsel and issued a direction to them.

Sitting extended beyond 18:30 on motion of Hon. G.E. Gago.

The Hon. T.A. FRANKS: I had conversations with parliamentary counsel in the interests of keeping this debate simple and indeed addressing the interests of those families whom I raised in the second reading debate on this particular bill, in particular, obviously young Tadhg, whose mother Sally is not recognised as his mother on his birth certificate (in fact, he does not yet have a birth certificate, despite being over one year of age), and Rosalie and Kylie, who are a Christian couple who have gone overseas to get married in New Zealand, who now wish to have children but who will now have to wait three years because their marriage is not recognised as a marriage-like relationship. I wish to address those families here and now before the legislative review program that has been flagged in the Address in Reply speech.

I believe that, given we have a review of the Adoption Act and a review of all of those areas of inequality being undertaken by the government, there was no need to complicate this debate. So, in that discussion with parliamentary counsel, there was some dispute between myself and one of the drafters about whether or not this law could and should be retrospective, even though my directions had been that we were dealing with cases where the law needed to be amended to ensure retrospectivity. There was intervention by another member of parliamentary counsel, who pointed out that previously we had implemented changes to the presumption of parentage in a retrospective manner, and that dispute was resolved within parliamentary counsel to my satisfaction.

At that point, members would have received the amendments to my original bill on 13 May, some time ago now, and certainly that raised no questions at the time. I would note that the domestic partnerships act is indeed a particularly South Australian phenomenon, a phenomenon where, as the Hon. Rob Lucas noted, 'Where do we draw the line?' He pointed to our five years and now three years, and he pointed to members of this parliament having some discrepancy about who could be their partner under our travel entitlements.

What I would say is that my child has lived with me as a single mum for more than three years now, but I am not entitled to take her on travel with me. But, should my mother have been recognised under domestic partnerships for the purposes of the broader South Australian laws, despite the fact that she and I are not in any way in a marriage-like relationship, that would be given status under the domestic partnerships act, but I doubt it would be given the entitlement for me to take my mum on parliamentary travel. These are the double standards we have, but these are the multitude of family situations we have in our country.

It is quite right that a marriage-like relationship is not defined here. What I would say is that this country has yet to allow same-sex couples to marry, so a marriage-like relationship is all they have. What I would also say is that, when reservations were brought up about where we draw the line and whether it is a one-night stand, I have to say, if you get pregnant from a one-night stand,

that is treated as a marriage-like relationship and a de facto couple can be recognised. Both of those people from that one-night stand will be on that child's birth certificate, should they both want to be. That shows a lot less commitment than a lesbian couple who seek to bring a child into this world together, willingly and consciously.

The Social Development Committee recommended some time ago a range of same-sex parenting reforms. We have seen reform only in the area of parenting presumption, and here we are some five years on from when that committee was announced. That committee, however, did note the hurt that was caused to these families, the fact that these families are here and now, the fact that those children are disadvantaged by both their parents not being recognised when they are being consciously brought into this world, and indeed that those families, by and large, are caring, loving families who deserve the support of this parliament.

I would like to respond particularly to some of the concerns raised by the Hon. Rob Lucas with reference to a document that will be referred to should this bill pass tonight and be debated in the House of Assembly but that I do not yet have the ability to make public. I noted in previous media, and I am not sure if I noted it in the second reading speech to this bill, that Elise Duffield and Sally Amazon, who are the parents of young Tadhg, made a complaint to the Human Rights Commission. Correspondence of 14 May received by them indicates that they have had good news. In fact, the email that they have received from Ryan Turner notes:

We've had some good news this morning in relation to your complaint! Please see the below emails from Bethany Hender and the Crown Solicitor's Office. The Crown Solicitor has agreed to both of the recommendations that you proposed in your response to the Australian Human Rights Commission (AHRC):

1. To change the forms of Births, Deaths and Marriages to require all de facto couples to report on their application form, and not simply same-sex couples; and
2. To prepare a briefing for the Attorney-General, John Rau MP, raising your recommendation that the law be amended.

The Crown Solicitor has also said that they're willing to engage in conciliation if necessary. We will consider further if there is likely to be any further benefit that we would be able to obtain from engaging in conciliation at this stage. We will be in touch to discuss your views on this. Bethany Hender from the AHRC has provided us with a template conciliation agreement to formalise the above steps that the Crown Solicitor is to take.

This is a good win, but it seems at this point the case that you, Sally, are still not able to be registered as Tadhg's mother. But the actions that the Crown Solicitor has agreed to take will (subject to the final content of the forms and the practices of Births, Deaths and Marriages (BDM)) remove the discriminatory application of the law by BDM and may be a spur for the Government to amend the *Family Relationships Act 1975* (SA).

If the law is changed, it may be that it is changed without retrospective effect. In that case, it would not apply to you and Tadhg.

I note that this means, contrary to what the Hon. Rob Lucas said, that in fact, in the future, heterosexual couples may well be required to justify the parentage of their child to have both of those parents on the birth certificate. This is probably not the situation we wish to see. At the moment, a lesbian couple flags with Births, Deaths and Marriages, because of the fact that there are two women who apply for that birth certificate, questions to be asked that are not asked of a couple who are male and female. With that, I recommend the bill to the council.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.I. LUCAS: I raised one of these issues in the second reading contribution, and it relates to the issue of the regulations. Can I just ask the mover as to whether she has had any discussion yet with the government, I suppose, in terms of the nature of the regulations that will govern the operation of the Registrar for Births, Deaths and Marriages which are envisaged in the legislation?

The Hon. T.A. FRANKS: I thank the honourable member for his question. I have not had a direct conversation with the Attorney-General as such, but I note the great support of the Labor

members of this place and that the member for Reynell, Katrine Hildyard, will be taking carriage of this bill in the lower house, and she has had discussions with the Attorney-General within their party situation. So, I imagine that, should it pass, that will become something that the Attorney-General will take heed of, and I believe that the Human Rights Commission ruling will probably speed that process.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

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

Amendment No 1 [Franks-1]—

Page 2, lines 13 to 18—Leave out clause 4

As noted in my response to the second reading part of the debate, this has been a move to address the issues with the direction to parliamentary counsel that this bill is intended to be retrospective to ensure that it is retrospective.

The Hon. R.I. LUCAS: The honourable member, in response to the questions I raised about the drafting of the bill, indicated that she had had a disagreement with parliamentary counsel and had issued instructions. Are we to assume that these instructions were ignored by parliamentary counsel or that the direction did not come until after the bill was introduced into the house by the member? It would be useful to be clear as to when this debate was resolved from her viewpoint.

The Hon. T.A. FRANKS: As I noted, the original bill was meant to be far broader. The advice then of parliamentary counsel was that it could not be retrospective. I then removed the references to the conception methods and asked that it be made retrospective. The member of parliamentary counsel who then provided the revised bill believed that she was unable to make the legislation retrospective, but on advice of Mark Herbst we had that changed and fixed.

The Hon. R.I. LUCAS: I guess my question to the member is: when she introduced the bill was she aware that it was not retrospective?

The Hon. T.A. FRANKS: No, I was not, because I had been told that that part of it had been fixed by parliamentary counsel, and only on seeking legal advice did we raise further concerns about the fact that it was not retrospective. We then had a debate within parliamentary counsel, where I sought the assistance of Mark Herbst, who had previously dealt with this legislation. It possibly would have been advantageous to have used the same parliamentary counsel through both bills.

Amendment carried; clause negated.

Clause 5.

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

Amendment No 2 [Franks-1]—

Page 3, line 6 [clause 5, inserted subsection (3a)(c)]—After 'any child born' insert:

(whether before or after that election)

This amendment is consequential.

Amendment carried; clause as amended passed.

Schedule.

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

Amendment No 3 [Franks-1]—

New Schedule, page 3, after line 14—Insert:

Schedule 1—Transitional provision

1—Immunity

Despite a provision of the Births, Deaths and Marriages Registration Act 1996, no liability attaches to a person for a failure to provide to the Registrar particulars of the person who is the father or co-parent of a child in the case where—

- (a) the child was born before the commencement of this clause; and
- (b) the person is only taken to be father or co-parent of the child by virtue of Part 2A of the Family Relationships Act 1975 (as amended by this Act).

Again, this amendment is consequential.

The Hon. R.I. LUCAS: My question is specifically on that. Is the member indicating that she has had advice that this amendment is consequential on the first two?

The Hon. T.A. FRANKS: The direction to parliamentary counsel was to ensure that the bill was retrospective and, given that the bill only applied to those parents who did not qualify in the three-year qualification period that applies only in South Australia due to the Domestic Partnerships Act, these are all consequential.

New schedule inserted.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. T.A. FRANKS (18:44): I move:

That this bill be now read a third time.

The Hon. R.I. LUCAS (18:44): I rise to speak briefly. I have not delayed the committee stage, as I understand members are probably keen to get away from the chamber and did not want to sit this evening, but I will speak briefly at the third reading and indicate as I outlined at the second reading that I was likely to vote against the third reading which I indicate I will and will call 'Divide!'

I speak briefly and I do not want to respond in detail. All I will say in general terms is on these issues. Each of us has strongly held personal views. What I find amusing from some is that because some of us sometimes have views which are not the prevailing majority view, they are pilloried and attacked with personal abuse in terms of the attitudes and positions that they put.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: All I will say is we will have the opportunity at another stage to address these issues. I just indicate that they are strongly held views that we all have, we are each entitled to put those strongly held views, and I certainly as one member of this chamber will never be reluctant to put the strongly held views that I might have on any piece of legislation, including this one.

The PRESIDENT: I put the question that this bill be now read a third time. I declare it carried.

The Hon. R.I. LUCAS: Divide!

The PRESIDENT: There is only one voice.

Bill read a third time and passed.

**CHILDREN'S PROTECTION (IMPLEMENTATION OF CORONER'S RECOMMENDATIONS)
AMENDMENT BILL**

Introduction and First Reading

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

INTERVENTION ORDERS (PREVENTION OF ABUSE) (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

At 18:49 the council adjourned until 4 June 2015 at 14:15.