LEGISLATIVE COUNCIL

Wednesday, 18 November 2015

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:19 and read prayers.

Parliamentary Procedure

ANSWERS TABLED

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

The Hon. D.W. Ridgway interjecting:

The PRESIDENT: Order! It was so quiet here yesterday without you here, Mr Ridgway; your behaviour is appalling.

PAPERS

The following papers were laid on the table:

By the President—

Ombudsman SA—Report, 2014-15

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

Reports, 2014-15—

Balaklava Riverton Health Advisory Council Inc
Barossa and Districts Health Advisory Council Inc
Berri Barmera District Health Advisory Council Inc
Bordertown and District Health Advisory Council Inc
Ceduna District Health Services Health Advisory Council Inc
Coorong Health Service Health Advisory Council Inc
Eastern Eyre Health Advisory Council Inc
Eudunda Kapunda Health Advisory Council Inc
Far North Health Advisory Council
Gawler District Health Advisory Council Inc
Hawker District Memorial Health Advisory Council
Hills Area Health Advisory Council Inc
Kangaroo Island Health Advisory Council Inc
Kingston Robe Health Advisory Council Inc
Leigh Creek Health Services Health Advisory Council
Loxton and Districts Health Advisory Council Inc
Lower Eyre Health Advisory Council Inc
Lower North Health Advisory Council Inc
Mallee Health Service Health Advisory Council Inc
Mannum District Hospital Health Advisory Council Inc
Mid North Health Advisory Council Inc
Mid West Health Advisory Council Inc
Millicent and Districts Health Advisory Council Inc
Mount Gambier and Districts Health Advisory Council Inc
Murray Bridge Soldiers' Memorial Hospital Health Advisory Council Inc
Naracoorte Area Health Advisory Council Inc
Northern and Yorke Peninsula Health Advisory Council Inc
Penola and Districts Health Advisory Council Inc
Port Augusta, Roxby Downs and Woomera Health Advisory Council
Port Broughton District Hospital and Health Services Health Advisory Council Inc

Port Lincoln Health Advisory Council
Port Pirie Health Advisory Council
Quorn Health Services Health Advisory Council
Renmark Paringa District Health Advisory Council Inc
South Coast Health Advisory Council Inc
Southern Flinders Health Advisory Council
The Whyalla Hospital and Health Services Health Advisory Council
Waikerie and Districts Health Advisory Council Inc
Yorke Peninsula Health Advisory Council Inc

By the Minister for Manufacturing and Innovation (Hon. K.J. Maher)—

Reports, 2014-15—

National Heavy Vehicle Regulator.
National Rail Safety Regulator
South Australian Rail Access Regulation
Tarcoola-Darwin Rail Access Regulation

Parliamentary Committees

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

The Hon. T.A. FRANKS (14:20): I bring up the report, together with the minutes of proceedings and evidence of the Joint Committee on the Operation of the Transplantation and Anatomy Act 1983.

Ministerial Statement

REPATRIATION GENERAL HOSPITAL

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:23): I table a copy of a ministerial statement made by the Minister for Health in the other place, entitled 'Expressions of interest open for Repat site'.

Question Time

PYLE, MS JILLIAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking the Minister for Further Education a question about Ms Jillian Pyle.

Leave granted.

The Hon. D.W. RIDGWAY: I think it was 23 September this year, almost two months ago, that I asked the minister a question about Ms Jillian Pyle. I will repeat parts of that question, if I may, as follows:

> In May this year it was revealed on *Today Tonight* that a senior public servant in the minister's portfolio—in fact, in the minister's department—Ms Jillian Pyle, was using public sector resources to run a pub she owns at Semaphore. The program broadcast email after email between Ms Pyle and hotel staff, which left no doubt that from her Public Service office in Waymouth Street, where taxpayers were paying her salary to help prepare young South Australians for the workforce, she was working on what should be on the pub menu, seeing if she could get more trade through a street fair, and even discussing whether she could get away with substituting cheaper species for expensive fish without disclosing it on the menu.
>
> On 23 July 2015, the minister told the estimates committee that an investigation had been launched in May, that the investigation was still underway, and that Ms Jillian Pyle had been stood down on full pay while the investigation was underway.

I then asked four brief questions:

1. Has the investigation been completed?
2. What was the result of that investigation?

3. What action has been taken against Ms Jillian Pyle for breaching the Public Service code of ethics?

4. How much was Ms Pyle paid during the period she was stood down...?

The minister's response was to thank me for my very good question and she said that she had not received any further information in relation to the particular incident. She continued:

As indicated, it was under investigation and to the best of my knowledge that investigation is continuing. However, I am happy to take that on notice and bring back a response. As I said, I am confident that all appropriate actions and responses have been taken in relation to this specific incident.

So my questions today are the same ones that I asked some two months ago:

1. Has the investigation been completed?

2. What was the result of the investigation?

3. What action has been taken against Ms Pyle for breaching the Public Service code of ethics?

4. How much was Ms Pyle paid during the period for which she was stood down?

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) (14:26): I thank the honourable member for his important question. I believe the investigation is still underway, and I have no further information about that particular case, but I am happy to report back to the chamber when there is an outcome from that investigation.

PYLE, MS JILLIAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:27): By way of supplementary question, can the minister explain to the chamber why the investigation was launched in May, some six months ago, and now towards the end of the year, 18 November, she is unable to provide any further position to the chamber, notwithstanding the fact that two months ago she said she would bring back a response?

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): It is because we are thorough, we are comprehensive and we are diligent.

PYLE, MS JILLIAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:27): By way of further supplementary, has the minister received any briefings or advice as to when she is likely to expect an outcome for this inquiry?

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): As I said, the agency is thorough, diligent and comprehensive, and I expect them to do a thorough and comprehensive investigation in relation to this matter.

PYLE, MS JILLIAN

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:28): By way of further supplementary, can the minister confirm that Ms Pyle is still on full pay, notwithstanding that she has been stood down since some time in May?

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) (14:28): No, I cannot confirm that.

TAFE SA

The Hon. S.G. WADE (14:28): Can the Minister for Employment, Higher Education and Skills confirm that, in addition to the 462 jobs that TAFE has slashed over the last three years through targeted separations, private RTOs have lost another 500 jobs as a result of WorkReady's preferential funding to TAFE? This means that almost 1,000 jobs have now been lost in the VET sector under her guardianship.

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) (14:28): No, I cannot confirm that. However, as I have indicated in this place before, we expect that the training sector will contract under the current budgetary configuration. I have spoken in this place at length before, so I will not go into a lot of detail again today, but I have outlined before that back in 2012, once-off additional funds were made available over a number of years to enable this government to achieve its target of 100,000 additional training positions.

Considerable additional money was put into the VET sector, and it's not surprising that at that time the industry expanded to take up the training opportunities made available from those additional funds. We know that the sector expanded around that. We know that training organisations were providing additional training. New businesses were arriving in the market, and we know that TAFE's activity also expanded for at least some of that time.

That money was fully expended. We achieved our 100,000 additional training positions and expended all of those funds, so we have now contracted back to pre Skills for All funding—and we are actually still slightly in front—and pre Skills for All subsidised training activity. Again, we are still ahead there. We are committed to I think it's 81,000 training positions whereas, pre Skills for All, I think it was sitting on about 65,000, so we are doing more training activity with less. Actually, it's on a slightly improved budget outcome which shows that, throughout that period, we have actually been able to derive some significant efficiencies, which reflects well on the system.

We know that, for the reasons I have already outlined, for this year, we have given 90 per cent of the subsidised training activity for new enrolments to TAFE. I have outlined here comprehensively why we needed to do that for this year, and I have outlined that that will continue to improve next year and throughout the forward estimates as the pipeline or currently enrolled students that are filling the system empty out or they finish their courses. I have already indicated that what I will do with those moneys is, as they become available, make them available to the competitive pool for new enrolments for subsidised training.

We knew that the private RTOs were particularly going to do it tough this year. We have worked with them wherever we could to ensure that they gained access to either the subsidised training funds or the funds under Jobs First STL—the subsidised training list—or Jobs First employment programs. We have worked that as hard as we could to make sure that we were able to ensure that it was as evenly and as fairly distributed as possible while still meeting our government priority training needs.

I do accept that the sector is doing it tough at the moment. I have indicated, I think it was just here yesterday, that we have put TAFE on notice—I think it was during the Auditor-General's Report. We have put TAFE on notice that, for the increased differential for funding that they have been receiving in the past, the tap will be turned off by 2018-19. Each year, they will be expected to improve their training outcomes and the costs associated with that. I have indicated that, for their commercial training activity, they will be receiving dollar for dollar parity with the private sector by 2018-19. We have a plan to ensure that, in the longer term, it does become a more open and fair and contestable VET marketplace but, in the meantime, we have had to make some very difficult decisions and take some difficult steps to enable us to get there within the forward estimates.

JOB CREATION

The Hon. R.I. LUCAS (14:34): My question is to the leader. Given that the minister is now almost at the end of her 10th year as a minister, including responsibility during that period for portfolios such as employment, tourism, agriculture, food and fisheries, and regional development, can the minister now indicate one new policy initiative that she has been responsible for within her portfolios

which has created a significant number of new jobs in South Australia, and how many new jobs were created by that policy initiative?

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): I thank the honourable member for his most important question. Indeed, Mr President, I have been very fortunate in terms of my political career and am very proud of my achievements and do not plan any changes, in case those opposite were wondering. There has been a raft of policy areas and policy provisions that I have been involved in over the years. There was a whole range of initiatives in the environment and I played an integral role in the marine parks development which has helped create new clean—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.E. GAGO: —jobs in our clean industries. I have also made important policy contributions in relation to the water-affecting activities of forests, which have made a big difference to farming activity in the South-East. In the past—

Members interjecting:

The Hon. G.E. GAGO: Many of the people who vote for the Libs, their natural constituents, are farmers, and the policy decisions I made to ensure that forestry activity was made a water-affecting activity made a huge difference to farmers in that region. They can scoff and laugh at that initiative but, for those farmers who were having to absorb and subsidise the water consumption of forests, it made a big difference. They can laugh across the way.

WorkReady is a very important policy initiative turning around training, linking training activities to real job outcomes and ensuring that we have better completion rates and closer links to real job outcomes. They have all been really important policy contributions and, as I said, I intend to go on and achieve many more.

JOB CREATION

The Hon. R.I. LUCAS (14:37): Supplementary. Given that the minister, after 10 years as a minister, could not list a sole initiative and the number of jobs that she has created, is she prepared to take on notice and come back to this house a particular initiative and the number of jobs for which she has been responsible; or does she accept that, after 10 years, she has been a monumental failure as a minister and deserves to go, and go quickly?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:38): I have answered the question, sir.

CHINA TRADE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:38): Supplementary, sir. Given that the minister is talking about her 10-year achievement, can she update the house on the clean food centres that were to be built in Fujian to promote South Australian food and wine?

STEM SKILLS

Members interjecting:

The PRESIDENT: The Hon. Mr Gazzola.

Members interjecting:

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

Members interjecting:

The Hon. J.M. GAZZOLA: That's alright. It's their question time.

The PRESIDENT: That's right. You are only wasting your opportunity to ask questions, and I am sure the crossbenchers have a few questions they want to ask.

The Hon. J.M. GAZZOLA (14:39): I seek leave to make a brief explanation before asking the Minister for Science and Information Economy a question about STEM.

Leave granted.

The Hon. J.M. GAZZOLA: The South Australian government recognises the importance of engaging young people and raising their awareness of STEM careers. Can the minister inform the chamber what initiatives are currently happening to raise the awareness of STEM careers in South Australia?

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) (14:39): I thank the honourable member for his most important question. I am happy to take that on notice.

LEIGH CREEK

The Hon. J.A. DARLEY (14:39): I seek leave to make a brief explanation before asking the Minister for Manufacturing and Innovation questions regarding jobs in the Iron Triangle.

Leave granted.

The Hon. J.A. DARLEY: In a ministerial statement made yesterday about the future of Leigh Creek, the minister indicated that the government had committed $10 million to support individuals, businesses and communities in the Upper Spencer Gulf and Outback regions. My questions are:

1. Can the minister provide details further to that provided yesterday on what the money will be used for?

2. The minister advised yesterday that Dr Lomax-Smith had been appointed to oversee a request for information process. Can the minister advise what Dr Lomax-Smith's salary to undertake this task will be, and will it be paid from the $10 million committed?

3. Can the minister advise whether Dr Lomax-Smith would have an office and/or staff and, if so, advise details, including costs?

4. Did the government investigate whether any local residents would have been suitable for the job or whether any existing public servant could have undertaken the task appointed to Dr Lomax-Smith?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:41): I thank the honourable member for his question and his interest in jobs, particularly in the Iron Triangle, or the Upper Spencer Gulf region. As I informed the chamber yesterday, the government initially allocated $1 million to the Upper Spencer Gulf and Outback area when Alinta, earlier this year, announced their decision to close the Leigh Creek coal mine and the Port Augusta power station. That $1 million—and I don't have the exact numbers—is split four ways in a reasonably even manner between a small job-creation program for Port Augusta, one for Whyalla, support for Leigh Creek, and also one-quarter support for workers in the Alinta supply chain.

As I informed the chamber yesterday, Alinta have provided a package for training skills recognition and career advice for their own workers, and that's about a $3.5 million package, similar to what Holden are doing for their own workers. The state government is providing that same skills recognition and career advice to Holden supply chain workers, and we are doing the same for Alinta workers, so about a quarter of that first $1 million was for the Alinta supply chain.

More recently, last week minister Jeff Brock announced $7 million in grant assistance for the Upper Spencer Gulf and Outback regions; $5 million of that is from the Regional Development Fund and will now specifically go to projects to create jobs and drive economic growth in that particular area. The fund provides funding for major projects from $200,000 to $2 million, and community infrastructure projects from $200,000 to $1 million. So, there was the initial $1 million, there is the $5 million package that minister Brock announced last week and, in addition to that, minister Brock will also announce a $2 million Upper Spencer Gulf and Outback Futures Program that would provide

grants for smaller projects from $50,000 up to $200,000 and would be matched on a dollar for dollar basis.

The first two rounds of the Regional Development Fund provided 500 jobs a year, so nearly 1,000 jobs over the first two years of operation. It has a good track record, and I look forward to these specific funds benefiting this part of our state, which does need assistance at the moment. In relation to former minister Lomax-Smith, I am exceptionally pleased with the work that she has already started. She has been up to Leigh Creek a number of times. In relation to the exact makeup of how much is being paid, I don't have those figures with me, but I'll get that information and bring back an answer for the honourable member.

SA WATER

The Hon. J.S.L. DAWKINS (14:44): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray questions regarding the water bill payment processes of SA Water.

Leave granted.

The Hon. J.S.L. DAWKINS: It has been brought to my attention that recently SA Water has changed the processing agent and postal address for customers making payment of their water bills via cheque to a company located in Victoria. According to an explanation attached to customers' bills, this recent change was apparently necessary due to changes in national banking rules; however, it seems curious that such changes would require SA Water to send this particular service provision interstate. My questions are:

1. Why has the service provider and postal address for customers paying SA Water bills using cheques changed to a company located in Victoria?

2. What company has SA Water contracted in Victoria to provide this payment service and is there a comparable South Australian service provider that could do the job?

3. Why can't payments using cheques continue to be processed within South Australia?

4. What is the cost to SA Water to use this interstate service rather than processing these payments in South Australia?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:45): I thank the honourable member for his most important questions. It is most important particularly to me because I pay my SA Water bills by cheque. I must say that I haven't come across that notice in my bill. Maybe it's in the next billing cycle for me. However, I will take that question on notice. It is an intriguing question and I will, with great interest, ask SA Water to offer me an explanation, which I will then bring back to the council on behalf of the honourable member.

KESAB SUSTAINABLE COMMUNITIES AWARDS

The Hon. T.T. NGO (14:46): My question is to the Minister for Sustainability, Environment and Conservation. Could the minister tell the chamber about the 2015 KESAB Sustainable Communities Awards winners and the great work that communities around the state are doing to raise awareness about the importance of waste reduction?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:46): I thank the honourable member for his most important question. To coincide with National Recycling Week, KESAB held its annual Sustainable Communities Awards last Friday 13 November. I was very pleased to be invited to present some of the awards on the day and meet the dedicated people who are making such a huge difference in their local communities.

For almost 50 years now, KESAB has been running recycling and waste reduction programs in our state. This exceptional work has contributed to South Australia having some of the world's best recycling rates. Our most recent recycling activity study shows that South Australians are diverting almost 80 per cent of all waste away from landfill. I think the actual figure is about 79.8 per cent, but

80 per cent is safer. The Sustainable Communities Awards, South Australia's longest and largest ongoing community environmental initiative, very much exemplify this philosophy.

Each of the entries in the 2015 KESAB Sustainable Communities Awards is making a creditable difference for their local communities. It is great that this year there were over 150 category entries received by KESAB, including some first time entries from towns or organisations, as well as many schools. Entries came from all over the state, stretching as far as Fowlers Bay in the west, Farina in the north, Mount Gambier in the south, Monash in the Riverland and, of course, Kangaroo Island, which are perennial nominees.

Of course everybody is a winner in these awards but some are judged better than others and on the day the residents of Ardrossan and Barmera were joint winners of the Best Medium Town Award. Mount Gambier won the Best Large Town Award on the day. This year, Whyalla city council won the Council Project of the Year Award for its upgrade to the Whyalla Wetlands. The Ardrossan Progress Association was recognised with the Community Project of the Year Award for its work on the Ardrossan town square.

Congratulations must go to all students and staff at the Investigator College on the Fleurieu for winning the School Project of the Year Award for the improvements they have undertaken to the site around Currency Creek. I would also like to congratulate the 2015 Clean Beaches winner, which this year was Victor Harbor, which will represent SA in the Australian Clean Beaches Awards to be held in 2016.

Congratulations must also go to this year's overall winner, a wonderful little town called Mundulla, which also received the award for Best Small Town and for the appearance, amenities and facilities category. I can remember staying in Mundulla, as a young state organiser of the Labor Party, for Keith and Mundulla sub-branch meetings. It is one of the state's smallest towns, but it certainly looms large with respect to its community's vibrancy, dedication and spirit. Mundulla will now become the South Australian finalist at the Keep Australia Beautiful National Tidy Towns Award to be held in Toodyay, Western Australia and I am certain they will do our state very proud indeed.

I thank KESAB, in particular, and the sponsors for once again encouraging and motivating South Australians to make real and lasting changes within their communities. KESAB, of course, are responsible for handing out these awards every year; in fact, they put in a huge amount of effort to encourage communities to nominate. KESAB itself rarely gets the plaudits that I think it deserves as a fantastic local organisation for this state. It has been kicking goals decade after decade. Congratulations again to all the entrants, particularly the winners, and I encourage those entrants who did not win this year to try again next year and see if they can up themselves in the league table and achieve some of these fantastic awards. They are great role models for our state and our communities and they show what we can do when we work together.

SOUTH AUSTRALIA POLICE

The Hon. D.G.E. HOOD (14:50): I seek leave to make a brief explanation before asking the minister representing the Minister for Police questions relating to increasing police investigatory powers here in South Australia.

Leave granted.

The Hon. D.G.E. HOOD: I have been informed that the police have sought additional powers to assist in the closing of unsolved murder investigations that exist in South Australia, in many cases quite longstanding ones. Some of the additional powers that have been requested are the presumption against bail for those charged with murder and manslaughter; a majority guilty verdict rather than a unanimous verdict, as is currently required; 24-hour detention for questioning, up from the current four-hour period; introducing new offences of aggravated manslaughter and withholding information; and allowing coercive hearings in all murder investigations. I ask the minister:

1. Is this, in fact, correct? If so, is the minister in discussion with SAPOL regarding these changes?

2. What, if any, consultation has occurred on these proposed changes at this stage?

3. Is the government considering these changes? If so, when, or are we likely to see them in a bill?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:51): I thank the honourable member for his question and will refer it to the relevant minister in another place and bring back a response.

TAFE SA

The Hon. J.S. LEE (14:51): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills questions about TAFE SA.

Leave granted.

The Hon. J.S. LEE: In the Auditor-General's Report it was found that the absence of a documented process to change fees within the Student Information System and the absence of an independent review or validation process to confirm changes made could result in incorrect fees being charged to TAFE SA students. The report also found that in the absence of an independent review for instances where fees are waived, through the use of fee exemption codes, there is a risk that exemptions may be inappropriately granted to students. My questions to the minister are:

1. With so little documentation and review of fee changes, how can the minister be certain that students are being charged the correct fees?

2. Does the minister know how many incidents there have been of incorrect fees being charged to students? How many exemptions have been inappropriately granted to students?

3. How will TAFE SA become competitive with such a poor administrative structure and approach?

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) (14:53): I thank the honourable member for her most important question. No doubt time did not permit, but it is a shame you were not able to ask that question yesterday with the appropriate officers available to provide detailed information. I obviously do not have that level of detail with me today. Most of it is regarding operational matters that TAFE are responsible for. I am obviously responsible for the overall compliance of TAFE to meet legislative requirements and the associated audits. My understanding is that TAFE has in place a number of systems to ensure that they do conduct proper processes but, as I said, I do not have the details here today. I am happy to take it on notice and bring back those details.

EMERGENCY MANAGEMENT

The Hon. K.L. VINCENT (14:54): I seek leave to make a brief explanation before asking questions of the minister representing the Minister for Emergency Services regarding the accessibility of information relating to emergency management.

Leave granted.

The Hon. K.L. VINCENT: We recently celebrated the National Week of Deaf People, where we celebrate the achievements, talents and culture of deaf Australians but where we also remember the many barriers they can face. Mr President, you will be aware that following work from Dignity for Disability with the state Emergency Management Council and the emergency services minister, the State Emergency Management Plan Policies and Procedures have now been amended to ensure that Australian sign language interpreters will be employed for relevant TV broadcasts containing information about emergencies such as fire or flood. I understand that at the July 2015 Emergency Management Council meeting the Premier also deemed it desirable that Auslan interpreters be present at any live emergency or warning media coverage where the Premier, minister or a senior executive is also present.

The State Public Information and Warning Advisory Group (SPIWAG) of SEMC has been working with government agencies and service providers to develop a whole of government

approach for the provision of Auslan translation services, and processes are being developed to provide contractual arrangements for the provision of the services. My questions to the minister are:

1. Can the minister guarantee that Auslan interpretation will be used for relevant broadcasts this coming fire season?

2. Can the minister provide an update as to the introduction of other measures, especially captioning, to ensure the safety of people who are deaf or hard of hearing but who do not use Auslan?

3. Can the minister provide an update as to the production and distribution of accessible information about emergency preparedness for individuals as opposed to information available once emergencies are declared?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:56): I thank the honourable member for her most important questions, and will refer them to the appropriate minister in the other place and bring back a response.

JOB CREATION

The Hon. J.M. GAZZOLA (14:56): My question is to the Minister for Automotive Transformation. How is the South Australian government engaging with industry to promote jobs growth in northern Adelaide?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:56): I thank the honourable member for his question and for his keen interest in northern Adelaide and the automotive sector generally. He is a very big fan of cars.

Members interjecting:

The Hon. K.J. MAHER: The Hon. Mr Gazzola is a big fan of muscle cars, that is true.

Members interjecting:

The PRESIDENT: Would the honourable minister get on with his answer.

The Hon. K.J. MAHER: Yes, Mr President. We need to work closely with industry to help it create jobs. In some cases this will involve the government helping to invest in programs and schemes that will boost jobs growth, and other times it will involve working out how we can make South Australia a better place to do business, and letting business get on with job creation of its own volition.

Part of this year's budget did exactly that by abolishing share duty, abolishing stamp duty on non-real property transfers phased in from 2016, abolishing stamp duty on modern residential property transfers, and abolishing stamp duty on genuine corporate restructures. Using the Institute of Public Affairs' 'Business Bearing the Burden 2012' publication, South Australia will move from being the highest taxing state to the lowest taxing state once the government's tax changes have been fully implemented—and I see the Hon. Rob Lucas standing up to applaud the government on its recent budget, and thank him for his support.

However, the state government is not standing still, and is open to all ideas about how we can make South Australia an even better place to do business. For this reason I have, with the input of members from the Economic Development Board, been talking to key employers in Adelaide's north. These conversations have been focused on what the state government can do to assist these companies employ more people and secure the jobs of the current workforce. Following these meetings I recently convened a meeting between myself, the head of the Economic Development Board and over a dozen key industry leaders, including companies from the food manufacturing sector, construction, defence, engineering firms, mining manufacturers and others.

It was a full and frank conversation and I appreciated the honest feedback from these companies about what the state government was doing well and what more they would like to see it do. Numerous issues were raised by these business leaders; however, some key priorities

consistently came up, including the importance of their people, their greatest asset. Employers in the north know that they have access to a great pool of workers with a wide range of skills, but they need to get the right people in the right jobs for their businesses.

Finding markets was an area where companies acknowledge the role that government plays in lining up businesses with new and growing markets, particularly export opportunities. The government's commitment to trade missions is an example of how this practice is working well, being very ably led by my good friend the Independent Liberal minister, Martin Hamilton-Smith, who is doing a splendid job. It is just delightful the way he is going about his work selling South Australia to the rest of the world and helping South Australian businesses.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: If the honourable members want I can go through and do another list of the great job that he is doing.

An honourable member: Wait for the supplementary.

The Hon. K.J. MAHER: It might be a supplementary, thank you. As mentioned above, there are other things the government can do. Infrastructure was raised by many businesses as a key priority and projects such the Northern Connector are needed not only to help reduce the time and cost of moving goods around but also moving people. Having quality infrastructure allows companies to attract workers from further away, a necessary requirement for some of our advanced manufacturing companies that require highly technical and less common skills, and a good example is some of the companies in the aeronautics field.

Companies involved in the discussion recognised that, while all of the above areas are important, there can be improvements made, and Adelaide's north is a good place to do business—that is why they operate there. Building the confidence of the workforce and the confidence of industry was also raised.

The government, through the Northern Economic Plan, is looking to build on that confidence. However, industry acknowledged that they have a role to play in making South Australia a confident place to do business, and the community, of course, has a role to play as well. All too often we think less of ourselves and talk ourselves down but South Australia over the last few years has changed and we are building on some of the positives: our great lifestyle; our affordable and vibrant communities; and our strong industries.

These things were also picked up in our community consultations for the Northern Economic Plan. Recently released was the Northern Economic Plan Community Engagement Summary Report. We have undertaken a comprehensive community consultation, as have I previously outlined in this chamber, about what local people see about their region and what they see as providing jobs and growth in the future. We had a high level of feedback from the community and that is contained in the report.

Members of the community raised a number of strengths about the north: its people, high level of community services, affordable housing and meeting places, particularly shopping centres. The community also spoke about what it wants in the future. Many issues were raised; however, the importance of jobs was often paramount, providing better infrastructure; roads but also renewal of community spaces were also important.

Investing in the people of the north was a constant theme, ensuring that we continue to invest strongly in health, education, social services and safety. We will shortly be releasing the Northern Economic Plan that will identify opportunities, create jobs, attract new investment, identify and prioritise things that the north already does well, such as food manufacturing, defence manufacturing, building construction and the health industries. It will also recognise new opportunities. I will continue to inform the chamber as we continue to progress the Northern Economic Plan.

JOB CREATION

The Hon. J.S.L. DAWKINS (15:03): I have a supplementary question. Following my recent question to the minister regarding the Northern Adelaide Economic Leaders Group, has the minister made a determination about whether the town of Gawler and the City of Tea Tree Gully will be included in that Northern Adelaide Economic Leaders Group?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:03): We have a community leaders group that consists of, amongst others, myself and the mayors of Playford, Salisbury and Port Adelaide Enfield. We will consult with councils like Gawler and Tea Tree Gully.

I am pleased to be able to inform the Hon. John Dawkins that only very recently I met with the Mayor of Gawler and discussed a whole range of issues. She let me know some of the issues that are affecting Gawler and the high exposure that various parts of the Gawler region have for workers in the automotive area.

The Hon. J.S.L. Dawkins: She doesn't do what the local member tells her to.

The Hon. K.J. MAHER: It was a very good conversation. The honourable member will be pleased to note that we talked about him. I will not say what we talked about but we certainly talked about the Hon. John Dawkins in a most positive and constructive way.

That is a community leaders group of those councils that are most directly and immediately impacted but certainly regions like Gawler and Tea Tree Gully we recognise do have a lot of residents and companies that have exposure to the automotive sector, so I will continue to talk to those councils, as I did in the last few weeks while we were in that part of the world for community cabinet.

INFANT FORMULA SALES

The Hon. T.A. FRANKS (15:04): I seek leave to make a brief explanation before addressing a question without notice to the minister representing the Minister for Business Services and Consumers on the topic of infant formula sales.

Leave granted.

The Hon. T.A. FRANKS: As members would be aware, pictures on social media in recent weeks showing entire supermarket trolleys laden with boxes of formula, and empty shelves where that infant formula would normally be available, have understandably angered and concerned many parents in our state who are reliant on formula to feed, or supplement the feeding of, their infants. The minister would no doubt be aware that after a number of deadly formula scares in China, fearful parents in China are turning to baby formula products sourced from Australia.

Meanwhile, a cursory glance at the baby formula products available from South Australian sellers on eBay and marketed with item descriptions, for example, in both English and Mandarin, show that there are some in our state who sadly see this as an opportunity to make a quick profit at the expense of the basic food supply and security of their fellow South Australians. Fearful parents in China are now creating fearful parents in Australia.

As a result, I welcome and commend supermarkets such as Coles and Woolworths that have imposed tighter buying bans on baby formula amid this shortage blamed on Chinese consumers. Last week, Coles was limiting customers to four tins each and Woolworths to eight. This week, those restrictions are further tightened, with Coles now only allowing two tins per customer and Woolworths four. I note that you can still buy multiples across the brands in one transaction or, of course, a consumer can go in and make multiple purchases even of those restricted amounts.

Having experienced, as I am sure many mums have, a child who was a fussy eater and would only drink one brand of formula, I can imagine that this can be enormously difficult for many families in our state with very young children, and indeed those families across the nation.

I note also that in previous debates in this place, and through the federal parliamentary inquiry into ticket scalping, evidence has shown that sites such as eBay are willing to restrict the onselling of tickets if a jurisdiction, state or federal, has relevant legislation. Further, I observed that

eBay does have restrictions for many items, used cloth nappies being one. Any items which contravene eBay policies are easily reported and removed by the site.

My question to the minister is: has her office or her department turned their thoughts to assisting the local retailers who are now admirably restricting the number of sales of formula tins in their shops, and of course supporting desperate local parents fearful that they may literally run out of the food to feed their infants with urgent state restrictions on online sales by third-party or onsellers of infant formula?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:07): As honourable members will be aware, the minister has been granted a pair to head off to the airport to catch a flight, so on her behalf I will take the honourable member's question on notice and take it to the relevant minister in another place and bring back a response.

SA WATER

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:07): In relation to an earlier question that I took on notice from the Hon. John Dawkins about SA Water's billing practices in regards to cheque payments for bills, I am advised that SA Water's financial transaction service is provided by the Commonwealth Bank, which is moving its financial services to a centralised processing arrangement. I am also advised that this is a banking industry initiative for centralised processing, and other financial institutions are doing the same thing.

AUTOMOTIVE TRANSFORMATION

The Hon. T.J. STEPHENS (15:08): I seek leave to make a brief explanation before asking the Minister for Automotive Transformation a question about departmental resignations.

Leave granted.

The Hon. T.J. STEPHENS: There have been a number of staffing changes at executive level of the automotive transformation section of the Department of State Development, including Mr Len Piro, chief executive of the Automotive Transformation Task Force, and Mr Phil Tyler. Actually, Mr Phil Tyler is a former Labor member of parliament, and director of automotive transformation. They resigned on the same day. My questions are:

1. Is the minister concerned that two very senior officials for automotive transformation with vast responsibilities and experience resigned, or were offered TVSPs, in the midst of a major restructure in the sector?

2. How has the government replaced the duties of Mr Piro and Mr Tyler since their resignations in September?

3. According to feedback received by the PSA, DSD members are stressed, concerned about the future and overworked due to TVSPs being approved, and morale is generally low. Is this the feedback the minister is receiving, and what is the minister doing to address these concerns?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:09): I thank the honourable member for his questions about the automotive transformation team within the department. Staffing is a matter for the chief executive of the department. Who fills what role is not something that a minister directly influences: this is a role for the chief executive of the department. I have every confidence that the Chief Executive of the Department of State Development is doing everything that can be done to ensure the right people are in these roles for this important area.

AUTOMOTIVE TRANSFORMATION

The Hon. T.J. STEPHENS (15:10): By way of supplementary question, has the minister had raised with him any of the concerns the PSA has?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:10): I am happy to go away and talk to the PSA with concerns that they have.

The Hon. D.W. Ridgway: Haven't you had them raised with you?

The Hon. K.J. MAHER: I certainly have not had the PSA raise any of these concerns with me, but I have a constructive relationship—and have had for many years—with the PSA, and I thank the honourable member for bringing this issue to my attention. I will certainly talk to the PSA on those matters.

AUTOMOTIVE TRANSFORMATION

The Hon. J.S.L. DAWKINS (15:10): Given the significant experience that both Mr Piro and Mr Tyler have had in regional development agencies in this state, is the minister concerned that the expertise of both has been lost at the same time?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:11): I repeat: these are matters for the chief executive in terms of staffing within the department.

AUTOMOTIVE TRANSFORMATION

The Hon. R.I. LUCAS (15:11): By way of supplementary question, whilst acknowledging that these are matters for the chief executive, can the minister take on notice and bring back to the house the names of any officers who have been appointed since the resignations of Mr Piro and Mr Tyler with responsibilities in the automotive transformation area, at what particular levels they have been appointed, and what their responsibilities and job specifications are?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:11): I am always happy to help out the Hon. Rob Lucas. I will bring back those replies.

AUTOMOTIVE TRANSFORMATION

The Hon. T.T. NGO (15:11): My question is to the Minister for Automotive Transformation. Will the minister update the house on how the automotive supply chain companies are diversifying in South Australia?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:12): I thank the honourable member for his question and his interest in automotive stuff, as well as the Hon. John Gazzola's very strong interest in muscle cars. Members would be aware that, in response to the announced closure of Holden at the end of 2017, the state government established a flexible $11.65 million automotive supply diversification program to assist companies heavily reliant on automotive manufacturing. I have talked about some of the successful grants from that program previously, but recently I had the opportunity to announce a $500,000 grant through the program to assist a northern Adelaide automotive component maker, Blown Plastics, to diversify.

Blown Plastics currently employs around 73 people at its Elizabeth South site, and since 1990 has developed its core capacity of plastic blown injection moulding. The company has built its business to be a tier 1 supplier to Holden, producing ducting and wheelhouse liners. I understand that automotive manufacturing currently accounts for a large proportion of its revenue.

The company, under the strong leadership of Simon Morton, the Director of Business and his team have taken a proactive approach to securing new revenue streams to ensure that Blown Plastics has a future post the end of Holden's manufacturing at the end of 2017. The $500,000 grant under the state government's program will enable the company to purchase state-of-the-art moulding equipment to enter the growing medical devices market, making various medical components.

This will support the existing diversification activity being undertaken by the company, which has included pursuing opportunities in food manufacturing through the production of plastic bottles for the domestic market. From speaking with the company when I visited them recently, they are

filling a space in the market for product that food producers would otherwise typically need to source from interstate or overseas.

I understand these diversification activities will not only secure the jobs of the people currently working there but also provide very good opportunities for employment growth at Blown Plastics in the future. I congratulate Simon and his team for the committed approach they are taking to ensure Blown Plastics diversifies its manufacturing.

I am pleased to say that this is the 10th grant provided through this scheme and takes the total number of companies supported to eight. Other recent recipients include Trident Plastics at Woodville, Australloy at Wingfield and ZF Lemforder at Edinburgh Park, who have all received grants. The Automotive Supplier Diversification Program will continue to be delivered and, as I have outlined to the chamber previously, if we need to change any of the parameters for the program, we will continue to do so.

MURRAY-DARLING BASIN PLAN

The Hon. R.L. BROKENSHIRE (15:15): I seek leave to make a very brief explanation before asking the illustrious minister for the River Murray, climate change and everything else some questions regarding water.

Leave granted.

The Hon. R.L. BROKENSHIRE: This week, I had another meeting regarding the Senate inquiry into the River Murray plan and the whole Murray-Darling Basin Plan because Family First have put a submission in, ensuring the protection of the plan and also the rights of South Australia to access water and keep a healthy river right through to the Murray Mouth. My question to the minister is:

1. Has the minister finally got around to putting a submission in since I alerted him to the fact that his government had failed—

The Hon. D.W. Ridgway: He is asleep at the wheel most of the time.

The Hon. R.L. BROKENSHIRE: —because he was asleep at the paddle steamer's wheel in the captain's office?

2. Will the minister support our call to leave the River Murray plan as it is and not allow it to be adulterated by those Eastern States senators?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:16): What a joy it is to be in this chamber and have a question asked of me which I answered last time the honourable member asked this question of me!

The Hon. D.W. Ridgway: Obviously, you didn't give a very satisfactory answer.

The Hon. I.K. HUNTER: Well, obviously, he didn't actually read it, did he? Here he is, a representative of Family First, saying, 'Here we are supporting the Murray-Darling Basin Plan as it currently exists,' when his very own party bloody senator, Senator Bob Day, is off in Canberra selling us down the river at every opportunity and selling down South Australians. He can't even control him because, in fact, Senator Day does whatever he likes when he is over in Canberra. They don't even talk to each other. They haven't got a coherent policy on the River Murray, and he comes into this—

The Hon. R.L. BROKENSHIRE: Point of order: I asked the minister to, firstly, stick to a proper answer and not diversify into this debate. Secondly, he has no idea when I talk to Senator Bob Day. For the record, I talked to him yesterday.

The PRESIDENT: The minister will answer the question in whichever way he sees fit. Minister.

The Hon. D.W. Ridgway: And can he refrain from swearing, too?

The Hon. I.K. HUNTER: Yes, I do deeply apologise, the Hon. Mr Ridgway, for using profanities, but I feel very strongly about South Australians going to Canberra and selling this state

out, and that's what Family First have done in regard to the River Murray and, now, a Murray River plan.

Let me remind the honourable member that, when he last asked this question in parliament several sitting weeks ago, I did advise him that in fact a submission from the state government was being sent to the Senate committee looking at this issue. I also advised him of some of the concerns that we had with some of those people on that Senate committee and the issues that they were tackling in regard to taking away South Australia's water.

Let me run the honourable member through it again, because clearly he doesn't bother with either listening to answers that are given in this place or reading them in *Hansard* at a later stage. He might want to encourage his staff to do so on his behalf. I have no idea—he is quite right—about the conversations he has with Senator Bob Day. All I can say, based on the evidence of his question to me right now, is that they don't cover anything of material importance to this state—clearly not.

The Hon. D.W. Ridgway: You are very nasty today.

The Hon. I.K. HUNTER: Well, you know, you get stupid questions asked of you. You have got to expect to have a little bit handed back to you, don't you, Mr President?

The Hon. R.L. Brokenshire interjecting:

The Hon. I.K. HUNTER: Here he goes again. He doesn't understand that we have already submitted it. He doesn't understand that South Australia already has submitted it, and I told him last time we were here.

Members interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. I.K. HUNTER: At least, with this state government, we recognise there is a special relationship that South Australians have with the River Murray. The River Murray is critically important to our state, providing water for domestic use to 1.2 million South Australians, but also water for $70 billion worth of economic activity in agriculture, in tourism, in industry, in the environment and of course in recreation.

Being at the end of the system, we can see firsthand the damage that is done by taking too much water, so we have long recognised the need to protect this precious resource and to put water back into the river. We only need to look at the South Australian irrigators who capped their take in 1969 and adopted much more efficient techniques, decades ago, as an example of how our state has ensured that we use water responsibly and have led in this area.

South Australia has never been the problem when it comes to stress on the River Murray. We have always been aware of the importance of sustaining the river system for the long term. Upstream states do not appear to have that understanding. They took out too much water. They have been giving licences to take water like there is no tomorrow and now we have the situation that we faced in the millennium drought when everything came to a very big crunch very quickly.

They took far too much water out of the system and, through the Murray-Darling Basin Plan, we have reached an agreement on how it can be put back. This is why the South Australian government has fought so hard in recent years to establish the plan. It is what will provide for a healthy environment and stronger river communities. I did not see the Hon. Mr Brokenshire out on the barricades with Premier Jay Weatherill fighting for South Australia, standing up for this state and standing up for our river communities; and I certainly did not see Senator Bob Day anywhere near, standing up for our state.

To achieve this rebalancing, including the rehabilitation of the many degraded Ramsar-listed wetlands and flood plains, environmental flows totalling 3,200 gigalitres are required. While increasing water use and river regulation have contributed to the significant economic development, there is overwhelming evidence of increasing degradation of its environmental condition and water quality. The risks to the river, the communities and the irrigators who rely on it will only become more significant as we experience increasingly dry conditions into the future.

Recent attempts to undermine the basin plan by crossbench federal senators, including Senator Bob Day (allegedly, a senator for South Australia), failed to recognise that a healthy river is essential to sustain river communities and producers. These senators are playing politics with people's lives, making demands without any scientific basis and putting at risk a hard-fought and hard-won agreement on how we can restore our river system to health.

The basin plan was developed through a comprehensive process based on sound science, socio-economic analysis and community input. Its provisions have been extensively debated and revised, including changes recommended by basin jurisdictions for water recovery targets to provide certainty to water users. Implementing the basin plan in full and on time is essential to securing the health of the River Murray, ensuring the sustainability of our river communities.

While implementation is in its early phases, there are clear indications that the basin plan and associated commonwealth funding programs are on track and providing benefits for basin plan communities and the environment. These include: improved water quality and ecosystem health; the facilitation of efficient water trade; coordinated environmental watering and improved water delivery; irrigation efficiency (at long last) in the Eastern States; and regional development and business improvement opportunities.

South Australia's submission to the Senate select committee—and I ask the Hon. Mr Brokenshire to listen to my answer right now—South Australia's submission to the Senate select committee on the Murray-Darling Basin Plan also stresses that basin governments must retain their commitment to work cooperatively to implement the basin plan on time and in full. South Australia will continue to stand up for the River Murray and fight for the basin plan to be delivered in full.

I welcome the Hon. Mr Brokenshire finally waking up to the need to stand up to the Eastern States. I call on him to stand up to his own Senator Bob Day and tell him we need this plan delivered on time, in full, and to stop meddling with an agreement that delivers this outcome for South Australians.

MURRAY-DARLING BASIN PLAN

The Hon. R.L. BROKENSHIRE (15:23): Supplementary. Can the minister please advise the house what date and time the submission was sent to the committee secretary?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:24): From my memory, Mr President, I believe it was the afternoon the Hon. Mr Brokenshire asked his last question on this topic in this chamber.

BUFFEL GRASS

The Hon. J.S.L. DAWKINS (15:24): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question regarding buffel grass.

Leave granted.

The Hon. J.S.L. DAWKINS: Earlier this year, the minister placed buffel grass on the declared plant list. Buffel grass is a species widely used in northern Australia, particularly as cattle fodder, as it grows and matures quickly and is tolerant of fire and drought. In South Australia, buffel grass has become established in the rangelands and is now rapidly encroaching southwards. Indeed, members of the Natural Resources Committee of the parliament saw in some detail the way in which buffel grass was coming into the APY lands on our trip in 2013.

It has the potential to completely change ecosystems by excluding native plants and animals from growing naturally and by altering fire regimes which compose a significant threat to some indigenous communities. Following a comprehensive review undertaken by Biosecurity SA and weed experts, buffel grass has now been placed on the declared weeds list along with 23 other species across South Australia. My questions are:

1. Will the minister advise the council what further strategies his department is employing to contain buffel grass and prevent encroachment southwards?

2. What work is the minister's department doing with land managers and pastoralists to alert them to the dangers of buffel grass and strategies to control and eradicate the weed?

3. What areas has the minister and his department identified as high risk and as areas they wish to focus on protecting from this weed?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:26): Buffel grass has value as forage for cattle in northern Australia, I am advised, where it has been widely planted. In South Australia's arid rangelands its productive potential is very limited with the pastoral industry based on diverse and productive native fodder species. The South Australian Pastoral Board actively discourages the planting of non-native pasture species, is my advice.

Buffel grass has been recognised under the Commonwealth's Environment Protection and Biodiversity Conservation Act 1999 within the existing key threatening process, 'Novel biota and the impact on biodiversity'. The commonwealth's Department of the Environment has prepared threat abatement advice for buffel grass nationally. The purpose of this advice is to identify key actions and research to abate ecosystem degradation, habitat loss and species decline in arid and semi-arid Australia due to the invasion of buffel grass.

South Australia has taken the initiative of declaring buffel grass a major threat to biodiversity across the Australian arid zone, including this state's vast arid rangelands. Buffel grass rapidly invades native habitats, forming monocultures and increasing fire risk. Declaration prohibits the sale and movement of buffel grass in South Australia and requires landholders to control the weed where this is seen as a feasible, high-priority action to protect local assets at risk.

The State Buffel Grass Strategic Plan 2012-17 was released in October 2012 and South Australia is firmly committed to containing buffel grass and minimising its impact on communities and the environment. The State Buffel Grass Taskforce oversees the implementation of the Strategic Plan. Buffel grass projects funded by the Native Vegetation Council's Significant Environmental Benefit Grants Program totalling $620,000, I am advised, are progressing well.

Key activities include: on-ground control to help protect the Flinders Ranges, South Australian Arid Lands and Maralinga Tjarutja Lands; detection surveys; field trials and demonstration sites in the Northern and Yorke, SA Arid Lands and Alinytjara Wilurara regions; development of a prioritisation tool to guide strategic investment; and a widespread media campaign to raise awareness of the impacts of buffel grass.

In May 2015, a strategic response team of Natural Resources staff from around the state worked together to control buffel grass at selected infestations in the Northern and Yorke region with the aim of protecting the southern Flinders Ranges from invasion of buffel grass. A total of 20,000 litres of herbicide was sprayed along 123 kilometres of roadside controlling 74 hectares of buffel grass.

Strategic control opportunities have taken place in the Port Pirie, Port Augusta and Coober Pedy townships and surrounds in addition to roadside control from Port Augusta to Lyndhurst and Crystal Brook to Nectar Brook. Extensive herbicide trials have been established and monitored in Port Augusta, Glendambo and the APY lands, and an operational plan for buffel grass in the Alinytjara Wilurara NRM region is being implemented and eradication is considered to be feasible in the region South of the APY lands.

Matters of Interest

ILLICIT DRUGS

The Hon. D.G.E. HOOD (15:29): I rise to update the chamber on a matter I have been following for some time with respect to sentences handed down by our judicial system with respect to drugs—illicit drugs, in particular, obviously. In South Australia in 2013, there were 36 people convicted of trafficking commercial quantities of drugs. I want to be absolutely clear about this: I am not talking about personal use quantities, I am not even talking about commercial quantities, I am talking about large commercial quantities, which are very substantial amounts. The statistics show that over a five-year period convictions for drug trafficking have more than doubled from 14 to 36.

Just to be clear: trafficking in a commercial quantity of a controlled drug carries a maximum penalty of a $500,000 fine or life imprisonment or both, so very substantial penalties. A large commercial quantity in South Australia is deemed to be two kilograms of pure cannabis plant material, oil or resin, 750 grams of pure cocaine, heroin, MDMA or amphetamines or over 100 cannabis plants. So, these are very substantial amounts. We are not talking at the lower end of the scale; these are right at the top end of the scale.

However, despite the serious offences of the 36 people convicted of trafficking commercial quantities of drugs, only 17 were imprisoned at all and the highest fine handed out—remember, the maximum was $500,000—was $450. It is absolutely unbelievable. It is less than many speeding fines. Indeed, under half of those people found guilty of trafficking a large commercial quantity of a controlled drug served any gaol time at all.

More recently, the ABS recorded crime offenders report, produced by the Office of Crime Statistics and Research (OCSAR), stated that illicit drug offences in South Australia have increased by nearly 6 per cent (5.9 per cent) in the period 2013-14; that means about 850 more offenders than in previous years. Adding to these figures, SAPOL, in its annual report, found that the illicit drug problem is only proliferating as illicit drug offences increased by 9 per cent, an increase of more than 1,400 offences in 2013-14.

The 2013-14 OCSAR report states that the most common offence for all finalised defendants in South Australia was illicit drug offences, representing 33 per cent of the total number of finalised cases. These figures clearly highlight the epidemic we are currently facing with illicit drugs and the burden it is placing on our judicial system, our police and the entire criminal justice system. What is more, illicit drug offences recorded the greatest proportion of adjudicated defendants found guilty, with 98.9 per cent found guilty. On the face of it, this may seem like a favourable statistic, however, it is noteworthy that the sentences of custody in the community and fully suspended sentences were the highest amongst those proven guilty of illicit drug offences.

Illicit drug offences recorded a higher proportion of fully suspended sentences than any other offence category. Conducting a basic search of court sentencing records comes back with many examples of drug traffickers being let off the hook. In the past month alone (these are recent stats), in fact in the same week, three drug trafficking offenders were given suspended sentences—these are trafficking, sir. In one case in the District Court, two men were found in possession of 164 ecstasy and MDMA tablets and a sum of money acquired through drug dealing. This was not an isolated offence, as the men actually admitted to having previously engaged in trafficking ecstasy; they were repeat offenders. Despite this and the very large quantity of drugs involved, each was given a suspended sentence.

Only a few days later, the court heard another case concerning a defendant who was in possession of a considerable amount of drugs, including, but not only, 232 ecstasy tablets. The judge described the quantity of drugs in the defendant's possession as 'a significant amount' and expressed concern that drugs are 'causing an increased harm in our community', however, the defendant was also given a suspended sentence. So, we need to ask ourselves: are terms of community service and suspended sentences enough to deter those at risk in our community from trafficking in illicit substances? Clearly, the answer is no.

These surprising statistics and cases certainly suggest that we are not doing enough to stop the drug scourge through prevention, rehabilitation and appropriate criminal sanctions. Our legal approach to drug crime has failed to communicate the message that we do not tolerate drugs in this society. What deterrents we currently have make little difference. The deterrents are big, the sentences are low. The pull to lifestyle is much greater than the threat of very limited legal retribution that is applied. These are serious offences. The conviction rate is trending upwards and the penalties for conviction clearly are not working as a deterrent because the penalties handed down fall significantly short of the seriousness of the crime.

I urge the government to properly address the issue of drug sentencing. Being fined $450 for trafficking a large commercial quantity of controlled drugs is simply unacceptable, and we do not even bother to appeal in many cases.

BUSINESS MIGRATION

The Hon. T.T. NGO (15:34): Business migration provides great opportunities for our state. It allows migrants, who have the ability to invest in South Australia, to move here and contribute to our great state. Over the last six years, South Australia has nominated over 1,000 business migrants. The number of approved South Australian states nominated applications has increased over the last three years from 33 in 2012-13 to 187 in the 2014-15 program year. In the last two years, Immigration SA nominated 102 high net worth migrants who must make an investment within two years of their visa being granted. To date, 31 of these high net worth nominees have received visas.

To ensure that South Australia receives the greatest benefit from business migration, the state government regularly hosts networking events for business migrants, usually in partnership with a local business organisation. By involving local businesses, business migrants can extend their networks. I have been told this is critical as most business migrants prefer to get investment advice from friends intending to purchase existing businesses.

Just recently a survey showed that over half of South Australia's business migrants want to learn more about investment opportunities in regional South Australia. Many showed a strong interest in the South Australian food and beverage sector and export opportunities. Why wouldn't they, when we produce such great food and wine? I am sure members would agree that we have some of the best food and wine in the world. It is great for our region that business migrants have shown such great interest in this area.

Speaking of the region's beverages, Besa Juice is a South Australian business migration success story. Besa Juice was founded by Mr Emanuil Manolov, a business migrant who moved to South Australia in 2008 and began a fruit juice company in Lobethal. Besa Juice supplies juice to businesses including supermarkets, hotels and restaurants. In the 2013-14 financial year, Besa Juice's sales exceeded $500,000 and provided work for 11 casual staff and one full-time employee.

There are many other success stories as business migration is already providing great investments to our state. I will share with you another example which ties in with another great South Australian export, our tourism sector. A fashion industry business migrant from China has already begun significant tourism investment in Kangaroo Island. This migrant brought a delegation of over 300 people to Kangaroo Island, which included journalists, and members of the fashion and tourism industries. They have also produced a fashion collection inspired by our nature of Kangaroo Island and used the island as a backdrop for a fashion shoot. This is great advertising for our beautiful Kangaroo Island.

By increasing the number of business migrants, the state will open up to more investment by the international community. We have already had great success in attracting business migrants through regular promotional trips to China and engagement with clients and stakeholders. This month around 50 prospective business migrants and agents will visit South Australia. They will get to see for themselves our great lifestyle and the investment opportunities that South Australia has to offer.

During this visit the state government will showcase our regional investment opportunities to help further increase the number of business migrants to South Australia. The South Australian government is continuing to lobby the federal government to increase regional concessions. Increasing the regional concessions will help to encourage more business migrants to consider locations outside of the bigger eastern cities. We may be smaller than the eastern cities but we have a lot to offer.

Time expired.

KOKODA COMMEMORATION SERVICE

The Hon. J.S.L. DAWKINS (15:39): I rise today to speak about the annual Kokoda commemoration service which I attended on 2 November this year. The service is organised every year on that date by the Tea Tree Gully RSL sub-branch, and for many years was passionately coordinated by the late Ben Martin, a former stockman, builder, drover, police officer and army servicemen. Ben was a tireless worker in the community and a proud Australian.

The Kokoda Track campaign was arguably Australia's most significant campaign of the Second World War. The campaign consisted of a series of battles fought on the Kokoda Track,

Papua, from July to November 1942 between the Japanese and Allied (mostly Australian) forces. After initial losses, Australians were able to push back the Japanese and, while the battle was won, unfortunately more than 600 Australian soldiers were killed.

In 1995 the Tea Tree Gully Community Management Board, together with employment, education and community groups, constructed a walking path as a replica of the Kokoda Track along a deep creek running from Anstey's Hill through Doxiadis Reserve at St Agnes. That creek goes on to join into Dry Creek. Eight engraved plaques dedicated to the various battles of the Kokoda campaign were placed along the path, but unfortunately they were subjected to continued vandalism. Ben Martin brought this vandalism to the attention of former federal member for Makin Trish Draper, who invited the then minister for veterans affairs, the Hon. Bruce Scott, to assess the situation first-hand.

It was decided to construct a single permanent granite monument, which Ben immediately set to work designing. The memorial was constructed with support from the City of Tea Tree Gully while the Tea Tree Gully District Garden Club donated 12 particularly prickly red Trumpeter roses to further deter the vandals. Ben took it upon himself to take care of the roses, and took great pleasure in their care and upkeep. However, being accident-prone, one day he got his foot hooked on a bush, fell headfirst into the rose bushes, and had to be taken to Modbury Hospital to be treated for several scratches and fitted with a neck brace.

Through Trish Draper Ben organised federal funding of $2,000 for an initial commemoration ceremony. This was held on 2 November 2001, the anniversary of the retaking of Kokoda. Ben coordinated what became an annual service every year from 2001 to 2008, and in 2009 the then governor, His Excellency Rear Admiral Kevin Scarce, attended. Sadly, Ben passed away in June 2009 not knowing that his invitation to the then governor had been accepted. In honour of Ben and his contribution and effort in the design, organisation and maintenance of the monument, the Tea Tree Gully RSL and council of the City of Tea Tree Gully had an engraved plaque placed at the monument. The then governor unveiled that plaque at the Kokoda commemoration service in 2009.

I commend the Tea Tree Gully RSL sub-branch for its ongoing commitment to the only Kokoda commemoration service that is held in South Australia, and which, I understand, is one of only two in the country. That is a bit of a concern, but I think it is something that members, broadly, in the RSL are trying to do more about, to ensure that the commitment of the men who fought along the Kokoda Track, saving Australia from invasion, should never be forgotten.

Of particular interest at this year's service—and I must say that I think I have attended all but one of those services—one of the last surviving veterans of the Kokoda campaign in South Australia, Mr Bert Ward, aged 96, impressively walked up to the monument and laid a wreath unassisted. A wonderful man, and a great example of the people who gave everything to serve Australia and save us on the Kokoda Track.

NUCLEAR WASTE

The Hon. M.C. PARNELL (15:44): I want to talk today about an issue that is of deep concern to many South Australians, namely, the possible future fate of our state as the nation's nuclear waste dump. Having failed to forcibly impose a radioactive waste dump on South Australia 10 years ago, and the Northern Territory last year, the federal government is now looking for volunteers. In March this year the government opened a process for landholders to nominate land for a facility to store Australia's intermediate-level radioactive waste and dispose of low-level radioactive waste: 28 nominations were received from around Australia.

On Friday it was announced that these had been shortlisted to six sites for further evaluation and public consultation. Three of these six sites are in South Australia: Cortlinye, Pinkawillinie (near Kimba on the Eyre Peninsula), and Barndioota near Hawker. Consultation will now take place with local stakeholders until mid-March next year, after which time the shortlist will be narrowed to two or three sites, with a final site being identified before the end of 2016.

Under state and territory law it is illegal for intermediate-level waste to be stored in South Australia, as well as in Western Australia, Victoria, Queensland and the Northern Territory. However, under the National Radioactive Waste Management Act the federal resources minister may be able

to override any state or territory legislation; however, that is sure to be tested in the courts. The proposed nuclear dump will dispose of low-level radioactive waste (probably by burying it) and will store intermediate-level radioactive waste (probably above-ground and probably for several decades) until the elusive target of a safe, permanent means of disposal is invented.

Each year, Australia produces about 45 cubic metres of radioactive waste arising from various sources such as the Lucas Heights nuclear facility. In addition, about 25 tonnes of intermediate-level waste from reprocessed ANSTO research reactor fuel in France are due to arrive back in Australia before the end of the year and more from the UK between 2018 and 2020.

So where do we put it? One answer is to return it to where it came from. Most of the intermediate-level radioactive waste originates at Lucas Heights and this is where it has been stored for years. According to both ANSTO and the Australian Nuclear Association, there is ample capacity to continue to store the waste at Lucas Heights into the foreseeable future.

Whilst much of the discussion is around low-level medical waste, which is described benignly as lightly contaminated protective clothing, paper and glassware, the bigger problem is the long-lived intermediate-level waste, which requires shielding for safe handling and transport, and long-term management over hundreds or thousands of years.

So far globally there is only one deep permanent underground repository for long-lived intermediate-level nuclear waste, the Waste Isolation Pilot Plant in the US state of New Mexico. In February last year a chemical reaction ruptured one of the barrels stored underground at the facility. This was followed by a failure of the filtration system which was meant to ensure that radiation did not reach the outside environment. Twenty-two workers were exposed to radiation. The total cost to fix up the problem will exceed $500 million and the facility will be shut for at least four years.

So what went wrong? The answer would be funny if not for the serious consequences. After a number of inquiries, it seems that a typographical error in the instruction manual was to blame. In a critical part of the document the word 'organic' was used instead of 'inorganic' in describing the type of the absorbent that should be used inside the drums of waste to soak up any excess moisture. As a result, the wrong type of kitty litter was used as an absorbent inside the drum, causing a chemical reaction, and the drum burst and released radioactive uranium and plutonium throughout the underground facility.

So, South Australians should be worried about what is potentially coming our way. We know that radioactive waste is dangerous to humans, animals and plants. It can cause cancer and exacerbate other medical conditions. It needs to be handled with extreme care—and if something goes wrong you are on your own. If you doubt me, have a look at your home insurance policy. Any damage or loss to you or your property caused by radiation, whether through explosion or other accidents, will not be covered.

The US kitty litter case might sound like something that could never happen here, but South Australian authorities already have a patchy record in ensuring that nuclear safety measures are upheld. In 2013 I lodged a Freedom of Information application which revealed that the radiation plans for Olympic Dam were more than 15 years out of date. Between 2003 and 2012, BHP Billiton reported 31 radiation leaks at the mine, yet the Environment Protection Authority could only find radiation plans from 1997 and 1998, and they stated:

> We acknowledge that an update is overdue and action is being taken to address this situation.

The EPA searched its records for 10 months before responding that there was no up-to-date plan and it needed a new one. It is no wonder that people are sceptical about the ability of governments to adequately manage toxic intermediate radioactive waste that stays dangerous for hundreds or thousands of years.

The Greens will be working with local communities to ensure that an unnecessary and dangerous nuclear waste dump is not foisted on them and that they have every democratic right to voice their concerns and have those concerns heard at the highest level.

SOUTH AUSTRALIAN ECONOMY

The Hon. T.J. STEPHENS (15:50): I rise today to talk on the current state of affairs within the South Australian body politic. Current economic indicators show that the once great province of South Australia now lags behind all other Australian states in terms of unemployment and business confidence, and there is no relief in sight. To date, the Rann/Weatherill Labor government has done nothing to slow the economic rot in South Australia. Constant promises of new job creation and boom times remain unfulfilled.

The former premier the Hon. Mike Rann's famous election promise of 100,000 new jobs has been proven to be no more than empty words. So what can be done? The issue to this point has been overselling and under delivering. The promises doled out by the Labor Party in this state have been grossly irresponsible, in that they could not possibly have been delivered, especially those related to economic performance, something which is more often than not out of the direct control of the government. This needs to stop. The only way government should have an effect on the economy is by setting the conditions. Regulation, expenditure and taxation directly affect the South Australian economy and those who participate within it.

First of all, to regulation. In my previous life as a business person, I was bewildered at the hoops I had to jump through in order to be compliant with the law, simply to run my business. On a more philosophical level, it is in the government's interest to ensure that businesses run unhindered, as they keep its citizenry employed whilst also providing the economic activity necessary to make the state prosperous. Onerous occupational health and safety regulations prevent small business people from spending their time and resources more efficiently on more immediate needs. Often regulations are one size fits all and are irrelevant to many workplaces, and this needs to change.

Sadly, the Australian Labor Party will always kowtow to the pressure of the union movement which must justify its existence by continuing to hold Australian business to ransom. I would like to see further exemptions for small to medium enterprises from work health and safety laws on a practical basis. Many businesses do not require the protections that many larger businesses do, and compliance ends up being onerous and expensive for many SMEs.

Secondly, government expenditure should be kept as low as it possibly can be. The government needs to stick to essential services and ensure that they are being delivered in the most efficient way possible—the absolute best services for the lowest cost. Anything outside of that should be abolished immediately.

When a solution is required, it is not always the role of government to find it. If a service or an outcome can be delivered by a non-government entity or in the marketplace, then the government has no reason to get involved. Put simply, the less done by government the better. The government has a role just about everywhere in South Australian society. You cannot go two metres without seeing the badge of the commonwealth, state or local governments.

The Weatherill Labor government should be working closely with the commonwealth government to reduce duplication of services and bureaucracy. I commend the commonwealth Coalition government for looking to federation reform. It is absolutely necessary that government in this country returns to its natural and rightful form, that the Australian constitution is reimagined as per the intention of the founding fathers and that state sovereignty is truly respected once again.

Lastly, if the first two roles of government are reformed, it makes taxation reform far easier. If there is less regulation and prudent government expenditure, government is cheaper, and therefore funds can be returned to the taxpayer. Government should always be looking to return money to the taxpayer, no different to profitable businesses returning dividends to their shareholders.

Too often we see government recklessly spending taxation windfalls in good times rather than returning them to the taxpayer. Worse still, we see the government borrowing to service debt and pay wages. I am sick of governments talking about revenue as if the money is earned as income or made through generating a profit. The government is not entitled to this money; it has a responsibility to spend shrewdly and take only that which is necessary.

The government does have a right to tax its citizenry: it does not have a right to plunder it. I am aware that these thoughts of mine can only be dreams under a Labor government, where big

government, high taxation and massive government expenditure are part and parcel. We know that the Weatherill government is exactly this because the Premier has said it himself. However, South Australia can no longer afford this European style of social democracy, in more ways than one.

GERMAN CLUB

The Hon. J.M. GAZZOLA (15:54): Over the past month I have had the pleasure of attending a number of special events at the German Club of Adelaide, including the launch of Adelaide's latest edition to the live music scene, the Gateway at the German Club. Recent renovations have shown that the German Club is serious about being at the forefront of Adelaide's live music venues, and is backed up by a dynamic team of local talent in Prestige Entertainment, Novatech and Ignition Entertainment, helping to achieve this goal.

This year's hugely successful Oktoberfest, attended by over 3,500 revellers, saw traditional music, dancing, food and of course many obligatory steins of beer in the club's newly renovated ballroom. Crowds flocked to the dance floor, with local party bands, in between strong arm and best dressed competitions, invoking huge competition and hearty cheers for crowd favourites. The food on offer was simple, hearty and delicious, expertly paired with icy cold Pilsner and enthusiastically celebrated with many renditions of *Ein Prosit*.

The Gateway will see activation of additional rooms at the German Club, hosting home grown and international acts, in a fully-serviced venue, supported by outstanding technical and catering facilities. Live music events are nothing new to the German Club, as it has been a hub of live music since the 1960s. The club currently boasts a brass band, accordion orchestra, two choirs and two dance groups in its special interest stable. Now the club, in partnership with Prestige Entertainment Adelaide and Novatech Creative Event Technology is breaking new ground with the Gateway project.

Stage 1 of the Gateway could not have been accomplished without the support of industry giant Novatech, who have sequenced their audiovisual requirements in line with available cash flow. Shane and Mark at Prestige Entertainment have booked a plethora of iconic Australian and international acts for next year, and Ignition Entertainment has secured around 180 performances for the Fringe Festival 2016 venue. It is estimated that this will bring approximately 30,000 to the German Club during the months of February and March, with function room capacities ranging from 50 to 500 people. This, of course, will generate further employment opportunities at the club and its business associates.

The addition of regular Saturday night music events will see another 30 jobs created at the club. Ignition Entertainment Director, Alan Rosewarne, as quoted in a Glam Adelaide online article, described the German Club as:

> …one of Adelaide's best kept secrets…it's a fabulous facility in a central location with relatively easy parking, no nearby residents to disturb and within walking distance of the East End and city centre.

The German Club also has plans for further improving facilities to enable greater disability access where possible, given the age and individual design of the building. Other improvements include plans to introduce new systems into bar and meal sales for patrons.

The South Australian German Club is proud to be part of the vibrant Adelaide project, and has received excellent mentoring and support from Adelaide music legend, Mr John Reynolds. The German Club has a long celebrated history of presenting successful shows that have contributed to the vibrancy of the city, and the Gateway cements its place on Adelaide's map of dedicated live music venues. Through the government's Music Development Office we will continue to support the growth of the live music industry as we recognise the cultural and economic value it brings to our state.

I would like to wish the German Club every success for the ensuing years and acknowledge the hard work of the committee, staff, business partners, mentors and members in bringing the club up to the forefront of the South Australian arts and live music industry.

UNITED NATIONS HUMAN RIGHTS COUNCIL

The Hon. K.L. VINCENT (15:58): Australia is a signatory to the United Nations Convention on the Rights of People with Disability, and has also signed up to the optional protocol. This is why it is very disappointing to learn, via the Australian Cross Disability Alliance, of concerns raised last

week by the United Nations Human Rights Council. The UNHRC has raised serious concerns about human rights violations against Australians with disabilities during its review of Australia's human rights record last week in Geneva.

The Universal Periodic Review, or UPR, allowed member states of the HRC to assess how Australia is tracking against its human rights obligations. The UPR provides a platform for Australian NGOs to update the international community on the human rights situation of Australia.

The UPR Disability Coordination Group has been working as part of the 200-strong UPR NGO Coalition to raise priority human rights issues for people with disability, including forced sterilisation, indefinite detention, involuntary treatment, restrictive practices, legal capacity and violence in institutions. Members of the UPR Disability Coordination Group were in Geneva for the UPR of Australia. Rosemary Kayess, who is the Australian Centre for Disability Law chairperson, has pointed out:

> There are many critical human rights issues in Australia, including those for people with disability. We are pleased that key disability recommendations were made by numerous HRC member States.
>
> These recommendations focused on the prohibition of forced sterilisation, ending violence against people with disability, including the high prevalence of violence against women and children with disability, and addressing the indefinite detention of people with disability in the criminal justice system. We implore the Australian Government to accept and implement these recommendations.

Therese Sands, the Co-CEO of People with Disability Australia said:

> Australia's approach to forced sterilisation is still a serious concern to the international community. It is time that Australia prohibited this practice.
>
> Violence against people with disability—particularly those in institutional and residential settings—is an urgent, unaddressed national crisis. It has a devastating impact on some of the most vulnerable and marginalised people in our communities, particularly women and children with disability, Aboriginal and Torres Strait Islander people with disability and people with disability from non-English speaking…backgrounds. It occurs because of failures in legislation, policy and service systems, and it is time for Australia to now act decisively.

Damian Griffis, CEO of First Peoples Disability Network, also said:

> We welcome Australia's commitment to address the indefinite detention of people with disability in the criminal justice system who are deemed unfit to plead.
>
> The over-incarceration of Aboriginal…people is a national shame. More and more data is now coming to light that confirms the anecdotal evidence we receive relating to the high rates of incarceration of Aboriginal people with disability. The indefinite detention of Indigenous people with disability, without conviction, is a clear example of this.

Here in South Australia, we also celebrate, with a multitude of events, the United Nations-sanctioned International Day of People with Disability. This is why it is essential that we keep front of mind the concerns that the United Nations are raising.

In 2015, it is a complete human rights violation that people with disabilities cannot access the justice system, the education system, the health system and the community on an equal basis with our non-disabled peers.

We are not yet equal and must continue to fight for our rights. Yes, there are positives—the Disability Justice Plan being one—yet, every day, people with disabilities face cuts to programs and constant battles with bureaucracy to access what the rest of the community would take for granted. Dignity for Disability looks forward to continuing our work alongside every member in this place to ensure that the human rights of people with disabilities are accepted fully, adequately and without question, now and into the future.

Parliamentary Committees

NATURAL RESOURCES COMMITTEE: UNCONVENTIONAL GAS (FRACKING)

The Hon. J.S.L. DAWKINS (16:03): I move:

> That the interim report of the committee, on its Inquiry into Unconventional Gas (Fracking), be noted.

The Natural Resources Committee's Inquiry into Unconventional Gas (Fracking) was referred by the Legislative Council to the committee on 19 November 2014, so we are almost to the birthday. That was done on the motion of the Hon. M.C. Parnell MLC, as amended by the Hon. T.A. Franks MLC,

pursuant to section 16(1)(a) of the Parliamentary Committees Act 1991. The terms of reference for the inquiry included inquiring into potential risks and impacts in the use of hydraulic fracture stimulation (fracking) to produce gas in the South-East of South Australia and, in particular:

1. the risks of groundwater contamination;
2. the impacts upon landscape;
3. the effectiveness of existing legislation and regulation; and
4. the potential net economic outcomes to the region and the rest of the state.

Since the inquiry was advertised in November 2014, more than 175 separate submissions have been received, and evidence has been taken from 48 witnesses at 14 public hearings held both in Adelaide and the South-East of South Australia. Much of the evidence received has been of a very high quality and has been important to the committee in drafting both this interim report and commencing the development of its ultimate recommendations, which will come out in the final report next year.

In February 2015, the committee made a fact-finding visit to Millicent in the South-East of South Australia to take evidence from local communities and visit sites relevant to the inquiry. A further fact-finding visit was made to the Darling Downs region of Queensland to meet with community representatives who had experienced the recent rapid development of the gas industry 'build phase' in their region and to view and discuss the many associated impacts. I think, on behalf of all of the committee members who attended at that visit, I can say that we were very grateful for the time and the experiences relayed to us by the people we met in the towns of Dalby, Chinchilla and Roma in those few days.

The Queensland visit was particularly useful in providing members with insight into what unconventional gas development looks like in an established agricultural and residential region, albeit one larger than South Australia's South-East. While it had been emphasised repeatedly during the inquiry that fracking has been occurring in South Australia's Cooper Basin for several decades, it was obvious to the committee that there are a number of significant differences between existing gas development in the Cooper Basin's sparsely populated arid zone and potential gas developments in the more densely populated and much wetter South-East region.

One sentiment expressed by a number of people with whom we met in Queensland was that they were impressed that the parliament of South Australia was doing an inquiry into unconventional gas development before any production had occurred, suggesting that this would have been beneficial in Queensland rather than waiting until mid and post development to try to understand and mitigate the impacts.

As a personal comment, I suppose I would say that the reason we are doing this inquiry is that we have an upper house in South Australia and they do not in Queensland. Unfortunately, in many cases in that state, whether it be the Labor party in power or the conservative grouping, the lack of an upper house has meant that a lot of these inquiries do not occur, so I think we should take that as a great strength of this house.

The committee returned to the South-East in September 2015 for well-attended hearings at the chambers of the District Council of Robe and also to view the site of the Jolly-1 exploration well, which has been a point of some contention in the region.

The committee appreciates the strong public interest in this inquiry and the considerable efforts made by witnesses to attend hearings and present evidence. We understand that there remain some knowledge gaps in the information we have received thus far, and the committee will be seeking out relevant expertise to address these gaps. Our members look forward to continuing their work on the unconventional gas inquiry into the new year and to delivering the final report in 2016.

I wish to thank all those who have given their time to assist the committee with this inquiry. I also commend the members of the committee: the Presiding Member, the Hon. Steph Key, Mr Jon Gee MP, Mr Chris Picton MP, Mr Peter Treloar MP, the Hon. Robert Brokenshire MLC, and the Hon. Gerry Kandelaars MLC, for their contributions to this report. I can say that, in the tradition of the Natural Resources Committee, and committees chaired by the Hon. Steph Key, that work has been effected in a very cooperative manner.

I would also like to extend thanks to the member for Mount Gambier, Mr Troy Bell MP, the Hon. John Darley MLC, and the Hon. Mark Parnell MLC, the member for Hammond, in another place, Mr Adrian Pederick MP, and the member for MacKillop, Mr Mitch Williams MP, for their assistance with an interest in the inquiry. I also give my sincere thanks to the Research Officer, Barbara Coddington, and the Executive Officer, Patrick Dupont, for their assistance. I commend this report to the house.

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

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION: ANNUAL REPORT 2014-15

The Hon. J.A. DARLEY (16:11): I move:

That the 21st report of the committee, entitled Annual Report 2014-15, be noted.

I am pleased to present the ninth report of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation. The 2014-15 annual report is the 21st report of the committee, and reflects the committee's busiest period since it began meeting in 1996. It also reflects the commitment of members who have never been remunerated for their contribution and who have many other commitments and responsibilities.

The committee's primary function is to keep the administration and operation of the legislation affecting occupational health and safety, rehabilitation and compensation under continuous review. This is an important function and one that the committee takes seriously. The agency's new focus on community engagement, without losing sight of compliance and enforcement functions, is delivering a more balanced approach and should provide comfort to all stakeholders that their needs will be met. Time will tell if these changes achieve their desired result.

There are more than 443,000 registered small businesses in South Australia, the majority of which do not employ staff. A third employ less than 20 workers, while the remainder employ between 20 and 200 workers. Small business must comply with the Work Health and Safety Act, but their challenges are great. The act, regulations and codes of practice amount to over 1,000 pages of compliance documents which small businesses must navigate and comply with.

While all small businesses must ensure that they have a safe workplace and safe systems of work, not all small businesses are the same, so the risks to workers and their business fortunes differ. The commissioner said that many modern small businesses are service oriented and more likely to be agile and, in many cases, might work from home or their vehicle.

The legislation is a challenge for small business, but it is not something to be ignored, because there are now serious consequences for noncompliance. The commissioner said that comprehending the complexity of the legislation and applying it in real time with limited resources is often beyond the expertise and capability of many small businesses. The commissioner informed the committee about his role in assisting small business to resolve disputes and engage them in addressing the legislative challenges. He said that he meets with SafeWork SA to explore ways to engage with small business and provide learning opportunities for them in relation to the legislation. The committee looks forward to hearing from the commissioner again in the near future.

The committee kept the administration and operation of the Workers Rehabilitation and Compensation Act under review during the reporting period. The committee's previous inquiry into vocational rehabilitation and return to work identified that the scheme had not been operating effectively. The return to work rate was the worst in the nation and workers compensation claims were costly and protracted. A small number of claims accounted for about 92 per cent of the scheme's costs, resulting in the highest unfunded liability in the nation. Since the committee's report, the Deputy Premier announced a review of the scheme to bring about sustainable changes. The outcome, as we all know, is the establishment of ReturnToWorkSA and the enactment of the Return to Work Act.

Mr McCarthy has appeared before the committee on a couple of occasions to explain the evolution of the corporation and has reported on the scheme's funding ratio, which is now at 100 per cent. Whilst ReturnToWorkSA has adopted a more proactive approach to claims

management, there is still no national definition of return to work, which means that it is not possible to compare scheme performance on an equal basis across the jurisdictions.

The committee is also concerned about the level of whole person impairment. While citing a personal story, Mr McCarthy said that many people with 30 per cent whole person impairment are able to work and they do so, although he was unable to substantiate this claim with data. Out of 159 active claimants who have had an assessment of whole person impairment at 30 per cent or greater, only seven were working full time (a mere 4 per cent) while 38 were being managed by the Serious Injury Unit.

He reported that a further 58 claimants with a whole person impairment assessment of 30 per cent or greater were inactive and only eight of those had been working full time when their income maintenance ceased. The whole person impairment assessment of claimants with a psychiatric disability at 30 per cent or greater is a very high bar indeed, particularly as it must be assessed separately to physical impairment.

The house referred the Workers Rehabilitation and Compensation (SACFS) Amendment Bill to the committee for a report and recommendations. The committee undertook a comprehensive historical review of the bill and the issues, following which a report was tabled that supported the Deputy Premier's decision to provide presumptive protection for 12 known cancer risks to which SACFS volunteer firefighters may be exposed as a consequence of their work.

As well as undertaking the extensive work I have just cited, the committee is also undertaking two inquiries. The first relates to work-related mental health and suicide prevention, while the other relates to South Australia's ageing workforce. The committee has received many submissions and heard evidence from a wide range of witnesses in relation to the mental health and suicide inquiry and expects to be able to report on the committee's findings in early 2016. The workforce ageing inquiry is progressing more slowly and is likely to be finalised later in 2016.

Finally, I would like to briefly talk about the committee's inaugural field trip to the beautiful Barossa Valley, where we were hosted by the member for Schubert from the other place and undertook three site visits. It was a privilege to tour Pernod Ricard Winemakers, Vinpac International and Barossa Enterprises, which are all outstanding businesses with a focus on the health, safety and wellbeing of their staff.

I would like to take this opportunity to thank all those people who have contributed to the inquiries undertaken by the committee. I thank all those people who took the time and made the effort to prepare submissions for the committee and to speak to the committee. I would also like to thank the businesses in the Barossa which were so welcoming and provided invaluable insight into work and life in the region.

I extend my sincere thanks to the members of the committee: the member for Ashford, who is the hardworking presiding member; the members for Schubert and Fisher from the other place; and the Hons Gerry Kandelaars and John Dawkins. My thanks also go to the committee's executive officer, Ms Sue Sedivy.

The Hon. J.S.L. DAWKINS (16:20): I rise very briefly to support this motion and to endorse the comments made by the Hon. John Darley relating to the ninth annual report of the parliamentary committee on occupational safety, rehabilitation and compensation. As the Hon. Mr Darley has said, the work of the committee is wide-ranging. I think even since the reporting period we have actually taken some very good evidence on the inquiry, particularly on the mental health and suicide prevention aspects in the workplace that I am interested in. Even though it was outside of the reporting period, it is worth noting that the most recent evidence we have had in that matter was from the Police Association of South Australia. As the Hon. John Darley said, we are very keen to make sure that that report on mental health and suicide prevention in the workplace is brought down as early as possible in the new year.

I want to compliment the other members of the committee, as listed by the Hon. Mr Darley: the chairmanship again in this committee of the Hon. Steph Key. I also pay tribute to the executive officer, Ms Sue Sedivy, who unlike those of most other committees is the chief cook and bottle washer—she is everything and she does a fabulous job as our executive officer. I comment the report to the council.

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

SELECT COMMITTEE ON STATUTORY CHILD PROTECTION AND CARE IN SOUTH AUSTRALIA

The Hon. S.G. WADE (16:23): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 6 July 2016.

Motion carried.

SELECT COMMITTEE ON SALE OF STATE GOVERNMENT OWNED LAND AT GILLMAN

The Hon. J.S.L. DAWKINS (16:23): On behalf of the Hon. Mr Lucas, I move:

That the time for bringing up the report of the select committee be extended until Wednesday 6 July 2016.

Motion carried.

SELECT COMMITTEE ON ELECTORAL MATTERS IN SOUTH AUSTRALIA

The Hon. R.L. BROKENSHIRE (16:24): I move:

That the time for bringing up the report of the select committee be extended until Wednesday 6 July 2016.

Motion carried.

BUDGET AND FINANCE COMMITTEE

The Hon. J.S.L. DAWKINS (16:24): On behalf of the Hon. R.I. Lucas I move:

That the time for bringing up the committee's report be extended until Wednesday 6 July 2016.

Motion carried.

SELECT COMMITTEE ON EMERGENCY SERVICES REFORM

The Hon. R.L. BROKENSHIRE (16:25): I move:

That the time for bringing up the committee's report be extended until Wednesday 6 July 2016.

Motion carried.

SELECT COMMITTEE ON SKILLS FOR ALL PROGRAM

The Hon. J.S. LEE (16:25): On behalf of the Hon. Michelle Lensink, who is on maternity leave, I move:

That the time for bringing up the committee's report be extended until Wednesday 6 July 2016.

Motion carried.

SELECT COMMITTEE ON ACCESS TO THE SOUTH AUSTRALIAN EDUCATION SYSTEM FOR STUDENTS WITH DISABILITIES

The Hon. K.L. VINCENT (16:26): I move:

That the time for bringing up the committee's report be extended until Wednesday 6 July 2016.

Motion carried.

SELECT COMMITTEE ON STATE GOVERNMENT'S O-BAHN ACCESS PROJECT

The Hon. J.A. DARLEY (16:26): I move:

That the time for bringing up the committee's report be extended until Wednesday 6 July 2016.

Motion carried.

SELECT COMMITTEE ON COMPULSORY ACQUISITION OF PROPERTIES FOR NORTH-SOUTH CORRIDOR UPGRADE

The Hon. J.A. DARLEY (16:26): I move:

That the time for bringing up the committee's report be extended until Wednesday 6 July 2016.

Motion carried.

SELECT COMMITTEE ON STATUTES AMENDMENT (DECRIMINALISATION OF SEX WORK) BILL

The Hon. S.G. WADE (16:27): On behalf of the honourable member I move:

That the time for bringing up the committee's report be extended until Wednesday 6 July 2016.

Motion carried.

SELECT COMMITTEE ON TRANSFORMING HEALTH

The Hon. S.G. WADE (16:27): I move:

That the time for bringing up the committee's report be extended until Wednesday 6 July 2016.

Motion carried.

Motions

STATUTORY AUTHORITIES REVIEW COMMITTEE

Adjourned debate on motion of Hon. R.I. Lucas:

That the Statutory Authorities Review Committee, as part of its current inquiry into the Motor Accident Commission, ensures that it investigates current regulatory arrangements and any proposed changes to those regulatory arrangements.

(Continued from 28 October 2015.)

The Hon. J.M. GAZZOLA (16:28): The government opposes this private members motion. The Hon. Rob Lucas is simply attempting to frustrate the CTP market reform process by seeking to have the Compulsory Third Party Insurance Regulation Bill 2015 referred to the Statutory Authorities Review Committee. Here the bill will be delayed until the committee reports, which will likely be some time in the second half of 2016, leading to a sub-optimal regulatory framework for CTP insurance. The Hon. Rob Lucas is placing motorists and the injured at a severe disadvantage. PricewaterhouseCoopers suggested that the CTP regulator should be:

- an independent financial and insurance services specialist to ensure a fair and affordable CTP scheme and consumer protections for motorists;
- provide the insurance industry with confidence that governance will be objective, fair and headed by a specialist with the capacity and experience to engage with their prudential regulator, the Australian Prudential Regulation Authority;
- be able to liaise with APRA to manage insurer compliance as occurs in interstate private sector CTP models, to ensure APRA functions are not duplicated; and
- to maximise interest from credible insurers in entering the new South Australian CTP insurance market.

The optimal compulsory third party insurance regulatory model has been developed specifically for the South Australian market which will ensure a strong, sustainable, competitive and viable CTP insurance market. Regulation of CTP insurance is financial services regulation as opposed to general utilities regulation—ESCOSA. As such, the skill sets do not greatly overlap and so there is very little ability to leverage economies of scale and scope with ESCOSA. Discussions with the insurance industry and other financial services regulators confirm that they much prefer to deal with other independent financial services regulators and not a general utilities regulator. This is non-trivial and will materially impact the effectiveness of the regulator.

The three other private/competitive CTP insurance markets have an independent CTP insurance regulator and do not combine this with the general utilities regulator. SA should look similar, given the above and given that some or all of the CTP insurers will likely be the same as those in the other markets. The regulatory model is enhanced by locking in for three years CPI-like premium increases and, in year 4, ensuring price control is managed through a premium ceiling and a premium floor arrangement which will be the responsibility of the CTP regulator.

A sustainable competitive market will be achieved with three to five insurers and a CTP insurance market allocation of 15 per cent to 35 per cent per insurer. This will ensure that in year 4 (post the transitional period) a robust CTP insurance market is established to maintain ongoing price competition for motorists. All elements of the model must be viewed together when determining its strength, including the three-year CPI-like increases during the transitional period, the presence of a strong independent CTP regulator, and a sustainable competitive market in year 4 to ensure price competition is maintained.

The fundamental purpose of the bill is to establish an independent statutory CTP regulator who can provide robust regulation by discharging the functions set out in section 5 of the bill. This is considered to be the optimal regulatory model. The contracts to be entered into between the government and the approved insurers, which will have statutory standing under section 101(4) and section 101(8) of the Motor Vehicles Act 1959, reflect these functions. If the bill does not pass the contracts will still require the insurer under contract law and by force of section 101(4) of the Motor Vehicles Act 1959 to comply with a regulatory regime set out in the contracts in the same terms as provided for in the bill.

The Hon. Rob Lucas seeks to frustrate the CTP market reform process but he cannot stop it. Market reform will happen whether this motion succeeds or not. All he will succeed in doing is disadvantaging South Australian motorists by forcing upon them a suboptimal regulatory framework that flies in the face of expert advice received from the government's independent financial advisers. I urge the council to defeat this motion and focus on the real issue which is sensible debate around the Compulsory Third Party Insurance Regulation Bill 2015.

The Hon. R.I. LUCAS (16:33): I rise to close the debate, and thank those members who contributed to the debate. This issue has been debated concurrently in relation to this particular motion and the second reading debate on the government's CTP regulator legislation, so I will not repeat the arguments that have been put forward by myself and other members in the second reading debate of that particular legislation.

Just summarising the bottom line—and it has not been disputed by the Hon. Mr Gazzola, who has put the government's position—and that is whatever the Legislative Council does in relation to the bill before the parliament the government will conclude the privatisation of the Motor Accident Commission. Indeed, in the briefings that we were given, we were advised that there will be a decision on the successful tenderers or competitors in the private insurance market announced prior to Christmas this year. The reason for that early announcement, so we were told, was that the private sector operators would need about six months to gear up to be able to take on customers from July of next year.

The position is that the decision of the council to ask the Statutory Authorities Review Committee which is already looking at the privatisation of the MAC to sensibly have a look at what the appropriate regulatory environment should be for a private competitive market makes a lot of sense, clearly. It is not going to stop the government from proceeding, but what it can do is have a look at what the appropriate regulatory environment should be. It can have a look at the regulatory environment that exists in a couple of the other states that have private and competitive CTP markets and see whether or not the proposed regulatory environment that the government has outlined in its bill is the best regulatory environment to proceed with.

We would hope that the Statutory Authorities Review Committee could make some recommendations. It may well be that it looks at the government bill and says that it cannot be improved upon and that no changes are recommended, but it is also possible that the Statutory Authorities Review Committee might well say, 'We've had a look at what occurs in a couple of the other states, and if the government is going to proceed with the private market, it is better probably better if you amend the government's bill with some additional safeguards for consumers.'

I have raised in particular the question as to why the government is removing from the regulatory environment a requirement for fair and reasonable premium increases. It has always existed here; why would the government be removing that from the independent regulatory environment to proceed in the future? The committee should take evidence on that as to the reasons why we should remove that and perhaps arguments against the removal of that. There are other

aspects of the government's proposed regulatory environment which deserve close consideration. For those reasons, we believe it makes sense for the committee to slightly broaden its inquiry to ensure it looks at the regulatory environment. We urge members to support the motion.

Motion carried.

Bills

POLICE (RETURN TO WORK) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 October 2015.)

The Hon. R.I. LUCAS (16:38): I rise on behalf of Liberal members to speak to the second reading of this legislation. In introducing the legislation, the Hon. Mr Brokenshire, amongst other points, gave the following explanation as to why he was seeking to amend the Police Act rather than the return to work legislation which had been introduced into parliament only in the last 12 months or so. Let me quote the Hon. Mr Brokenshire. He said:

> The key point, I believe, and the very strong argument for amending the Police Act, is that police officers have the only occupation where they are bound to enter dangerous situations. Workers in every other occupation can choose not to enter a situation where their personal safety could be placed in jeopardy.
>
> The advice we have received is that police are different in how they are employed. Unlike traditional jobs, where someone enters a contract of employment, once police are sworn in, they are in an entirely different category to any other worker. In fact, once a police officer has been sworn in, they are effectively on duty 24/7. If they see certain situations, they are duty bound to act and they have sworn to commit to that situation, no matter what.

In supporting that argument I have a recent letter, I think to all members (or certainly to all members of the Legislative Council, I suspect), dated 16 November this year, signed by the President of the Police Association, Mark Carroll. On behalf of the Police Association, Mr Carroll makes the following comments, under the heading of 'Brokenshire Bill':

> Never throughout the months of our lobbying and campaigning have we claimed police to be of a superior status. We do insist, however, that police perform a unique role with vastly different responsibilities from those of other workers. Police are not only the front-line, but also the last line, when it comes to the protection of their community. They swear or affirm one of the most powerful oaths of office so as to elevate the public welfare above their own.
>
> In cases in which other emergency service workers are able to stand back from a life-threatening presence, police cannot. They must and do act. That compels them to work in and witness scenes of the worst horror, such as murders, child abuse and fatal road crashes. They must also confront armed offenders, live with threats from criminals and criminal gangs, such as bikies, and they are a favoured target of the terrorist. Indeed, the *Weekend Australian* reported just days ago that police have become the target of choice for Islamic State jihadists in the west.
>
> Three Australian Police Commissioners told the paper that their officers were in the crosshairs of radicals inspired by Islamic State. In just the last two days we have again seen the destructive force of terrorism take innocent lives and devastate multiple areas of Paris. Police make no complaint about the onus on them to face perils for other people. They go into their careers with their eyes open, and accept the danger as part of the job. The one thing they do demand, and certainly deserve, is fair and reasonable compensation when they suffer injuries in service to the rest of us. No one wants to think of police officers hesitating to respond to crisis situations because they fear financial ruin if they suffer injuries. Any public policy that creates that fear and hesitation is simply a bad public policy.

I have quoted both those statements from the Hon. Mr Brokenshire and the Police Association President at length to indicate why the parliament has been asked to consider amendments to the Police Act as opposed to the return-to-work legislation. It is clear that the Police Association, and the Hon. Mr Brokenshire as the mover of the legislation, have accepted the unique nature of the work of police and police officers in our community. As important as many other occupations are, what the Hon. Mr Brokenshire is putting to the parliament (and obviously supported also by the Police Association) is that the occupation of the police is unique and different from all other occupations in the way that they have so described.

The Liberal leader, Steven Marshall, has put on the public record on a number of occasions the Liberal Party's position. He first addressed in broad terms the introduction of the legislation at the annual meeting of the Police Association some number of weeks ago now when he attended that

particular meeting, as he has done on a regular basis since he became Liberal leader. On that particular occasion let me quote what he said to the Police Association:

One key issue that the parliament will be considering in the months ahead that is of key interest to Police Association members is the Hon. Rob Brokenshire's bill proposing amendments to the return-to-work scheme for police officers. The bill was introduced into parliament last week, and I understand there are some amendments that may be made to the bill prior to its further debate. The opposition will be giving serious consideration to the proposals over the coming weeks.

While the details in the bill need contemplation (and that will take place once we have had a chance to confirm what the final proposal looks like), I would offer a few comments on the principle. Due to the dangers you face in your every-day jobs it is understandable that you would want a scheme in place to support you in case of serious workplace injury. The types of injury, both physical and psychological, that police officers are exposed to are often different to those faced by the community at large in their day-to-day roles. As Liberals, we are committed to a sustainable return to work scheme. That does not mean neglecting the unique needs of those who put their lives on the line to protect the community. We would like to see a scheme that balances the unique risks you face with the need for a long-term and sustainable scheme.

That was the initial response from the Liberal leader to the Police Association—an entirely reasonable position to adopt very soon after the introduction of the legislation into the parliament. The Liberal leader has indicated on a number of other public occasions since then that the position of the Liberal Party will ultimately be determined, as is always the way in the Liberal Party, by the Liberal parliamentary party room, which met on Monday of this week. On Monday evening, Steven Marshall, Liberal leader, released the following press statement, which I think was distributed Tuesday morning:

Liberals support fairer compensation for injured police officers

The State Liberals have thrown their support behind SA police's campaign to receive a fair deal on workers compensation and will vote for the Brokenshire Bill when it comes before State Parliament.

'Our police put their lives on line to protect the community and they deserve to be properly looked after when they are injured at work,' said State Liberal [leader] Steven Marshall.

'Jay Weatherill needs to recognise the unique dangers and challenges police face at work and ensure fair levels of compensation for police officers injured in the line of duty.'

Further on in that release—I will not read all of it:

'Policing is a unique, challenging and dangerous job and we should be providing our police officers with the support they need [if] they get injured doing their job.

The State Liberals support the principle that police officers such as Senior Constable Alison Coad, Senior Constable Brett Gibbons and Senior Constable First Class Brian Edwards, deserve higher levels of compensation than they are currently provided.

The Weatherill Labor Government's decision to oppose this legislation demonstrates their lack of understanding and compassion for our police officers.'

Liberal leader Steven Marshall, on behalf of the entire Liberal team, as of Monday of this week, put on the public record the Liberal Party's support for the principles behind the Hon. Mr Brokenshire's legislation. What we have seen over the last few days and weeks, I guess, is a government's response which I think many people in the community have characterised as arrogant and as completely misjudging the community view on this issue.

In referring to that, I want to again refer to the letter from Mr Carroll on behalf of the Police Association, who takes strong exception to a number of the claims that have been made by Premier Weatherill and minister Rau in relation to this particular issue. This is the letter dated 16 November this year to members of parliament. The first point that Mr Carroll makes refers to a number of statements that Premier Weatherill had made to the media which the Police Association believes to be inaccurate. Let me quote the statement in the letter:

Comments the media drew from Premier Jay Weatherill after the meeting struck the Police Association as inaccurate. Point 1.

Then there is a quote as to what Premier Weatherill said:

'Where were they [the association] when these laws were turned into legislation?' he asked. 'I mean this is something which they say that they agitated. It was agitated very faintly.'

The fact was that the association left the government in no doubt as to what the legislation would do to police. We raised our unmistakable opposition directly with Mr Weatherill more than 12 months ago at the 2014 Police Association Annual Conference which he and other parliamentarians attended.

Before a room packed with association delegates and a media throng, I myself made that opposition abundantly clear to him—face-to-face.

I said then that, were the bill to become law, it would overwhelmingly disadvantage police and may lead to hesitant police responses to critical incidents.

I also said that it was neither 'fair' nor 'reasonable' for police who had to 'put themselves in harm's way to protect the community'.

My final 'perspicacious' word on the issue was that the association had no intention of sitting idly by without challenging these unjust laws.

And, subsequent to the conference, we continued to lobby parliamentarians and agitate through the media, correspondence with the government, and public statements in various fora.

Point 2

'They're entitled to withdraw their labour,' Mr Weatherill said of police. 'That's something that we (the government) support.'

The reality is that police do not enjoy the right to strike and have never, since the 1838 establishment of the SA police force, taken that action.

SA police officers are too strongly committed to their community to consider a tactic such as the withdrawal of their labour.

To the Police Association, the political endorsement of strike action by police would seem bizarre.

Point 3

"There's no rational basis on which we could carve out a separate (compensation) system for police…' Mr Weatherill insisted. 'None of that exists in any other state anywhere in the commonwealth.'

One clear example of a separate system exists in Western Australia, where the *Workers' Compensation and Injury Management Act* does not cover police.

WA police officers receive entirely different treatment because their compensation system, under the (WA) *Police Act*, is industrially based.

Point 4

'The idea of creating a separate set of rules for police compared with other workers has no precedent across the nation,' Mr Weatherill said.

Examples of different sets of rules for police lie in the *Southern State Superannuation Act*, the Police Disciplinary Tribunal and some interstate commissions against corruption, such as the former OPI in Victoria.

And, after the 2010 shooting of two police officers in the northern suburbs, the parliament passed legislation designed specifically—and only—for police.

In the *Criminal Law Consolidation Act* now is the offence of shooting at a police officer.

It stipulates that a person who discharges a firearm intending to hit a police officer, or being reckless as to whether a police officer is hit, is guilty of an offence.

Previous action

In 2011, Mr Weatherill was a member of the cabinet when it took action vastly different from its position on the return-to-work legislation.

It agreed to the provision of a special income protection superannuation benefit for any police officer injured as a result of criminal action directed at the police officer.

This benefit arrangement ensured that any police officer injured as a result of criminal action was not financially disadvantaged.

But, now, the return-to-work legislation Mr Weatherill has endorsed does precisely the opposite to police officers.

Expectation

Among other comments Mr Weatherill made to journalists was that 'we expect their expenses (those of Brett, Alison and Brian) will be met in the future'.

However, if they are not deemed seriously injured workers under the *Return to Work Act*, they will have no entitlement to wage maintenance after two years. At that point it will cease, irrespective of time they might or might not have had off work.

And their entitlement to the coverage of medical expenses will end after three years.

From 2018 onward, for the rest of her, life Alison Coad will have to find the money for the medication she requires for relief from her painful oral herpes. Today, that cost is more than $400 a month.

Alison, Brett and Brian are not the only examples of police officers adversely affected by the return-to-work legislation. There are many more.

That is one example of where the Police Association have responded strongly to claims being made by Mr Weatherill. We saw in *The Advertiser* on Monday of this week under the headline 'Rau and police in row over compo':

A war of words has erupted between the state's Attorney-General and the police union over claims used in their campaign against workers' compensation reforms which he says are 'incorrect'.

John Rau has accused the Police Association of South Australia of misrepresenting the support being provided to the face of the campaign, Senior Constable Brett Gibbons, under the new Return to Work scheme.

Writing in today's *Advertiser*, Mr Rau says the unions' campaign was built on 'shaky foundations'.

Last night, the Police Association hit back at Mr Rau, saying the union had 'fought long and hard to make the Government see the abyss into which the act plunges injured police officers'.

The article then goes on to detail the extent of the disagreement between the Police Association and minister Rau over his article which was headed, 'I want to set the record straight. Injured workers aren't worse off', John Rau, SA Attorney-General. Without reading the whole of his contribution, he says:

Some claims in their advertising—

that is, police advertising—

are simply incorrect.

He then goes on to argue the case. Finally, we saw yesterday, sadly, the Attorney-General liken the discussion and debate on this particular issue to a Monty Python skit. I know some Labor members were very concerned to hear the Attorney-General liken this debate about a most serious issue to a debate from a Monty Python skit. As I said, there are many other examples, and I will not waste the time of the second reading debate in detailing them all, but there are three clear areas where the government, in particular through minister Rau and Premier Weatherill, have sadly misjudged the community mood, and certainly the police view of the importance of this particular legislation, and I think there are many other examples which could have been given as well.

As with all legislation, we have consulted widely on this legislation. The community and police response did not require too much active engagement from Liberal members who have reported receiving numerous contacts from community members and members of the police force, and those associated with members of the police force actively urging the Liberal Party to support the Brokenshire legislation.

A general summary, without going into the detail of the views of other unions and organisations like Voices of Industrial Death, has been that if this particular legislation is to be supported then it needs to be extended either to certain other unions or, in some cases, to everybody again. A number of them have stated, 'Well, we indicated our concerns at the time, and if it's to be altered for the police, then the parliament should alter it for either a wider group of unions or occupations, or should broaden it to everyone.'

The third broad category is, essentially, the employer organisations, and I think almost without exception the view of the employer organisations has been strongly opposed to the legislation and has urged the parliament and the Liberal Party to not support the legislation.

As the Liberal leader, Steven Marshall, has indicated, in our discussion on Monday we resolved to support the legislation. As Steven Marshall indicated in his press release to which I have referred, he made a number of important points and referred to the issue that police were a unique occupation. He also referred to the fact that the state Liberals supported the principle that police

officers (such as the three who have been highlighted in the campaign) did deserve higher levels of compensation than they are currently provided.

The Liberal Party position is that we will be supporting the second reading of the legislation, and supporting it on the basis that we support the principle that Steven Marshall has outlined in his public press statement and public utterances, and that is that the type of cases that have been highlighted in the Police Association's advertising do merit high levels of compensation than are currently being provided. And that is the essential principle.

The Hon. Mr Brokenshire, as I understand it in response to some criticisms from the government, has flagged some amendments which in his view seek to limit the applicability of his legislation to police officers. As I understand the criticism which was being made by the government, and which the Hon. Mr Brokenshire has agreed to, is that he was wanting to provide compensation to the types of cases that have been highlighted in the police campaign but that there were many other examples where police officers might be accessing compensation where they had been injured in their office, for example, if you have tripped over a cable or fallen off your chair, a whole variety of other workplace accidents which are not particularly applicable to the dangerous situation a police officer confronts with a criminal or a suspected criminal in the community.

However, whilst we will support the amendments in the interests of enabling the debate to proceed, our initial legal advice is that the amendment from the Hon. Mr Brokenshire does not successfully draw that distinction. The words that the Hon. Mr Brokenshire has indicated will be in his amendment are: 'must be an injury that is directly related to the execution of a prescribed police officer's duty in the protection of the community'. Some legal advice to us is that that is a legal minefield, a lawyer's playground and that ultimately that particular amendment and phrase would be successfully argued by lawyers as covering a much wider group of injured officers than the group that are featured in the police officers' campaign.

The Liberal Party, in supporting the second reading and the amendments the Hon. Mr Brokenshire is moving, is doing so in supporting the general principle as outlined by Steven Marshall but we are not locking ourselves into the precise wording of the bill or the amendment from the Hon. Mr Brokenshire. As the Hon. Mr Brokenshire has indicated anyway, for this legislation to be successful ultimately the government is going to need to agree to it or some version of it in the House of Assembly and it would be at that stage where debate could be entered into as to whether or not the first attempt at an amendment to distinguish between the types of cases that have been highlighted in the public campaign can be adequately quarantined from a whole variety of other workers compensation cases which are not being featured as part of the advertising campaign from the Police Association. Certainly, our initial legal advice is that there would need to be a much tighter amendment to the legislation in that particular respect.

The other issue, as I said, which is an important principle for the Liberal Party, is that we are not locking ourselves into the precise nature of the drafting. The government has argued, and we think there is some validity to at least this aspect of its argument, that the end result of this particular bill, even with the amendments, is that, in essence, it is not returning the police officers to the old WorkCover scheme, it is actually taking, in some respects, the best elements of the old scheme and the best elements of the new scheme and constructing a whole new scheme. So, it is not returning, as I think some aspects of the second reading explanation of the Hon. Mr Brokenshire referred to; that is, returning it to the original arrangements.

There are a number of technical areas, and I only raise a couple, that ultimately, if the government is going to come to the table in some sort of sensible discussion about this, would need to be debated at that particular stage. One is in relation to the issue of work capacity reviews. Under the old scheme there was the capacity for work capacity reviews because you did have the capacity to continue with income maintenance and medical expenses. The new legislation, of course, cuts off the access to income protection and medical expenses. That was one of the trade-offs in the legislation; that is, there used to be work capacity reviews, they were removed and the income maintenance and medical expenses were limited at the time period of two years and three years, as has been outlined.

The issue is going to be—and it is certainly the advice that has been provided to us—that as a result of the Hon. Mr Brokenshire's bill, in essence, the police would have ongoing access to income

maintenance and medical expenses, and they also would not be subject to any work capacity review at any stage. So, how that is meant operate—again, this is an example where the best elements of one scheme have been retained and the best elements of a new scheme have been put together in a completely new scheme. It is not returning it to the old arrangements.

There have also been some questions raised with us—and I know that there is an attempt at an amendment from the Hon. Mr Brokenshire to the issue of lump sum payments. Some of the advice that the opposition has received from the government seems to conflict with some of the intentions from the Hon. Mr Brokenshire in this respect. That is, the advice the opposition has received from the government is that the end result of this particular bill would be that certain police officers in certain circumstances would have ongoing access to medical expenses and income maintenance and, for some of those with between 5 per cent and 29 per cent whole person impairment, they would also have access to both the loss of use lump sum payment of up to $150,000 and the economic loss lump sum payment of up to $350,000 which was based on future medical expenses and income being lost.

I know the Hon. Mr Brokenshire's advice is that at least part of that is tackled by the second of his amendments and I guess when we come to it he can outline that. The advice from various government representatives to the opposition is that that is not actually the case in relation to all of that and ultimately, as I said, if the government comes to the table to discuss this, the issue would be who is correcting this? Is the Hon. Mr Brokenshire's view of the amendments correct or is the government and Return to Work SA's view of these amendments correct?

Clearly, to have a situation where police officers were given ongoing access to medical expenses and income protection, and they also got the lump sum payments as well, would not in our view be a reasonable position. The arrangement under Return to Work SA was that workers did not get access to the ongoing medical expenses and income protection but in lieu of that certain injured workers got access to significant lump sum payments. So, it was an either/or position. The issue is, as a result of the Hon. Mr Brokenshire's bill, would certain officers be getting access to both? I think the Hon. Mr Brokenshire sought to cover off that particular situation. As I said, the advice being provided to Liberal Party members was that that is not the case.

They are just two issues; there are many others. Clearly when you get into something as complicated as workers compensation arrangements and the final details of the scheme, you would require detailed legal advice. The Liberal Party's position, as Steven Marshall has publicly outlined on our behalf, is that to ensure this matter can continue to progress and to support the unique nature of the operations of police we will be supporting the second reading. We will support the two amendments that the Hon. Mr Brokenshire has outlined and we will also support the third reading of the legislation.

The other issue I should put on the record in terms of the Liberal Party's support, wearing my hat as the shadow treasurer, is the Liberal Party's position, which we understand from discussions with the Hon. Mr Brokenshire is supported by the Police Commissioner and the Police Association, that any additional cost for these changed benefits will be met from within the existing SAPOL budget. I know in my discussions with the Hon. Mr Brokenshire he certainly indicated that that was his understanding of the situation should his legislation be successful, and I think that was even before he moved the two amendments. So it would certainly be the case, with the original drafting of the bill and his endeavours to limit the scope of it by way of his amendments, in relation to any amended legislation that passed the parliament.

With that I indicate, as Steven Marshall has done publicly on a number of occasions since Monday this week—and I think again today, in his absence, the deputy leader, the member for Bragg, indicated it at a public rally—the Liberal Party's support for the legislation and its passage through the Legislative Council.

The Hon. D.G.E. HOOD (17:10): This bill, as members are well aware, was introduced by my Family First colleague the Hon. Robert Brokenshire. It is very unusual for both of us to speak on the same bill, something that has not happened very often in what must be our eight years of working together in this place now; in fact, I can think of probably less than five, or something in that order, occasions when we would speak on the same bill. However, occasionally something comes along

that is so important, where feelings are so strongly held by each of us, and, indeed, by our party as a whole, that it is appropriate for both of us to make a contribution on that bill.

At the outset I say what I think is obvious to all; that is, that I personally very strongly support the bill that my colleague the Hon. Robert Brokenshire has introduced. With this in mind I rise today in support of the Police (Return to Work) Amendment Bill 2015. As my colleague the Hon. Robert Brokenshire has highlighted in his second reading speech, this bill seeks to provide fundamental entitlements to our most heroic members of the community who are injured in the course of their prescribed duty.

This bill provides injured police officers continuing income and medical support beyond the two and three year cut-off periods, as defined under the Return to Work Act. These proposed provisions are critical for South Australian police officers. As I am sure members would appreciate, the working conditions of a police officer are unlike any other occupation. It is a unique job, and with that should come unique rights and unique protections. The Right to Work provisions are simply insufficient, as they currently stand, to genuinely compensate officers for injuries where their conditions reach beyond that of the legislated time frames.

The terms of employment and the duties which police officers undertake can be distinguished from other occupations, and are distinguishable from even other emergency services workers. Sections 25 and 26 of the Police Act highlight this specifically, requiring police officers to be sworn in by oath, which then formally enters them into an agreement to serve the South Australia Police. What also comes with this sworn oath is the obligation to serve and protect our community, of course, but, critically, to put the safety of others before their own. No other profession requires this.

As the Hon. Robert Brokenshire has already pointed out, police officers are compelled to act and respond to dangerous situations, risking serious injury and even death in some circumstances. Members of the South Australia Police are regularly exposed to danger in their work for the benefit of the community. Despite this, the support which the Return to Work Act provides to our state's officers is very limited, and is insufficient as it currently stands. This is a failure within a legislative framework, an oversight, and simply not acceptable to me or to Family First.

What this bill seeks to achieve is not novel, we are not seeking to set a precedent here. As the Police Superannuation Act proves, police officers are already rightfully recognised as individuals who operate under extraordinary working conditions, which entitles them to unique legislative rights and protections. Similarly, previous legislation passed through this house has also recognised the importance of other emergency services workers and afforded them the necessary legislative protections specific to their quite unique roles.

Previously the government, to its credit, introduced compensation for firefighters who are diagnosed with cancer, and rightly extended that compensation to volunteer firefighters. Recognising the unique nature of policing is, in principle, no different to recognising and creating special compensatory provisions for MFS and CFS officers and volunteers, as the government has previously done. Hence there is precedent for additional compensation of workers under special unique circumstances, as is the South Australian police force.

As we have seen with recent media reports, the injuries which police officers have suffered in the course of their prescribed duty can be horrific. The Hon. Robert Brokenshire told the story of Senior Constable Brett Gibbons, whom I had the pleasure of meeting today. He was actually shot in the face, requiring several major surgeries. Disgracefully, Senior Constable Gibbons would potentially not meet the 30 per cent bodily impairment threshold under the current Return to Work Act. This is unacceptable.

We also learnt of Senior Constable Alison Coad who now suffers chronic mouth ulcers from contracting an incurable virus whilst responding to a violent altercation. The senior constable may not receive continuing protection under the current return-to-work legislation. These are just two examples and yes, of course, there are many others but it is important to note that both of these individuals have publicly supported this bill, as no doubt members would have seen.

Indeed, other cases that have been brought to my attention are equally horrific. In one case which occurred earlier this year, an officer was contaminated by gas and has had damage to their internal organs. Under the current return-to-work provisions this officer's income support would cease

in June 2017 and coverage of medical expenses would be cut off in June 2018. These cut-offs would occur irrespective of whether that officer returns to work or has no capacity to work. Again, this is absolutely unacceptable.

Moreover, the extent of the damage to the officer's internal organs is unknown and, because of that, it is unclear exactly how much the officer would have to pay in medical expenses beyond the cut-off period—pay out of their own pocket. This uncertainty alone, I am sure, would be a source of much stress to the officer which would only serve to inhibit their recovery, and you can imagine the impact on their family.

As exemplified by these cases and countless others, the Return to Work Act causes grave injustices for many of these injured police officers. As such, Family First strongly supports this bill and, indeed, it is a Family First bill. Mark Carroll, the President of the Police Association, has recently publicly supported the bill as well. Mr Carroll states:

> The entire community stands to gain from the confidence it will give frontline police in their decision-making.

I could not agree more. Can you imagine a society where police officers hesitate before entering into a critical situation for fear of the retributions or financial consequences? Mr Carroll goes on to state:

> No one would want to see police officers hesitating to respond to high-risk incidents because they feared on-duty injuries could ruin them financially.

Mr Carroll raises a very good point. Our police officers need—indeed, they deserve—peace of mind so that they can continue to serve and protect our communities without constraints, without concerns about the financial impact of their split-second decisions. Regarding the duty of police officers to risk their own lives for the safety of others, Senior Constable Brett Gibbons had this to say:

> You don't have time to think about things like that…it's a life or death situation and you have to act then and there.

The senior constable was referring to the financial repercussions of on-the-job injuries. You don't have time to think about it, he said; you simply have to act. We as a parliament must recognise the important role played in the community by South Australia Police—the vital role, the integral role. The courage of officers who undertake dangerous employment for the greater good should never be penalised; indeed, it should be rewarded.

Failing to support this bill would be to deny the protections which our police officers fundamentally require in order to properly carry out their duty. I ask the members of the council to support these amendments which have been presented by the Hon. Mr Brokenshire under the Family First name and which will provide our state's police officers the protections they rightly deserve. I strongly support this very important bill.

The Hon. T.A. FRANKS (17:18): I rise on behalf of the Greens today to make our contribution to the Police (Return to Work) Amendment Bill 2015, and indicate that the Greens will be supporting this bill. I will talk further to the amendments as they are moved.

We would like to thank the president, Mark Carroll, and the secretary, Tom Scheffler, from the Police Association of South Australia for meeting with me to discuss this important piece of legislation that we have before us. I was happy today, as well, to speak on the steps to a 1,000-plus strong crowd and I certainly commend Mark Carroll's powerful words. He puts a compelling argument and he certainly put a compelling argument to me in discussions of this bill that the Hon. Robert Brokenshire has brought before this chamber today.

The bill proposed by the Hon. Robert Brokenshire seeks to amend the Police Act 1998. The bill extends the payment period for income maintenance and medical treatment for police officers with no work capacity or with limited work capacity. Currently under the Return to Work Act an injured worker who has not been categorised as a seriously injured worker will have their weekly payments terminated after two years, and their medical payments will cease after three years.

The Greens raised our strong concerns during the debate last year and clearly stated then, as we do now, that we oppose this new definition of a seriously injured worker.

The bill before us inserts a new schedule 1A into the Police Act, which allows injured police officers to receive ongoing payments for income maintenance and for medical treatment. The cases

of injured police officers have played a significant role in increasing the community's understanding of this situation that injured workers are now finding themselves in when dealing with what is, we believe, a draconian piece of legislation.

It is incredibly powerful of police officer Alison Coad, Senior Constable Brian Edwards and Senior Constable Brett Gibbons to share their personal experiences. I commend them for their bravery and I note that the words today at the rally were that they do not want to be called brave: they simply want justice. Hopefully, we are here today to give them justice.

As members in this place are aware, police officer Alison Coad has been left permanently harmed with painful oral herpes—an incurable virus—after a spitting incident which occurred in Whitmore Square in 2003. Coad and her partner attended a potentially violent disturbance at Whitmore Square, when they spotted a knife-wielding man in a heated argument with a young woman. Coad and her partner faced aggression from the man and had to use pepper spray. I would like to quote the case from the *Police Journal*:

> That sparked the woman into a rage against the police officers, who then had to spray and cuff her as well. But even cuffed and sitting upright on the ground, with her eyes watering and nose running, she continued to rant and swear at Coad. Still, Coad knelt down next to the woman and set about spraying her face with water to give her relief from the effects of the OC spray. The woman offered no thanks. Instead, she suddenly and noisily hoicked up a "full-on ball of sputum" from deep in her throat, leaned forward and spat it directly at Coad.

No police officer should have to put up with this sort of act of assault. It was a tragic incident and one that a police officer should not have to face in their daily line of duty but, of course, they do. Coad, under this legislation, will have her weekly payments cease in two years' time, and medical payments terminated in three years—2018, just in time for the next state election, I do note.

One of the issues the Greens raised in this place when we debated the return-to-work legislation was just how unfair that 30 per cent whole person impairment threshold is, and how it is an unrealistic threshold imposed on injured workers. We raised at the time that WorkCover figures at that point in the debate indicated that, of the 1,070 workers with a whole person impairment in 2010-11, only 17 would be considered to be entitled to ongoing compensation.

In other words, less than 2 per cent would be eligible for ongoing compensation, and the rest of those injured workers would not be included in the new scheme. We argued that the vast majority of seriously injured workers under the government's new definition would not be deemed to be seriously injured despite the significance of their injuries. There has now been a lot of media coverage on the issue of police officers having those payments extended.

The Greens support the bill before us in this chamber, but we indicate that we have been working with the unions and other stakeholders and we will seek to move amendments to the Return to Work Act. I would like to take this opportunity now to talk about the impact that the Return to Work Act has had on all workers, many of whom have contacted my office. A police officer who also volunteers with the SA Ambulance Service has asked me to share his case and so I read out the letter now that he sent to my office:

> For the purpose of this debate I would like to be kept anonymous. However, I would like to share my story as both a Police Officer and an Ambulance officer and the risks that I face in both my roles.
>
> I graduated from the South Australian Police Academy in June 2014, and was permanently appointed as a South Australian Police Officer in November this year.
>
> In that time I have been fortunate in terms of not having suffered any serious injury while at work and have only had to use a 'tactical option' (capsicum spray, baton, etc.) on one occasion, when a number of teenagers who were under the influence of alcohol punched the windscreen of our police car and then tried to punch me as well.
>
> As a Police officer, I have had near misses when on one occasion while assisting a young female who suffered a mental illness and needed to be brought to the hospital after she suffered cuts to her wrist. The young woman then tried to punch me in the face, which I only just narrowly missed. Whilst in my role as a police officer, I have witnessed and have been called to several incidents where hospital staff, ambulance staff have felt threatened or felt in danger in some way.
>
> I have also been volunteering as an Ambulance Officer within the SA Ambulance Service since 2013. In this time I have attended a number of calls made to assist people with a mental health related illness, as well as people with communicable diseases or drug habits.

In this time I have again been very lucky in not having experienced an incident where I have been assaulted or injured, but I have had a male in the back of the ambulance threaten to urinate on me if I did not let him out of the ambulance. This male was given assistance by the Ambulance officer after he threatened to commit suicide. It was only when the police, who were in the ambulance with me on this occasion, stepped in and prevented this male from continuing to remove his pants that prevented him from doing so.

Fortunately, I have not been injured while on duty. I have heard so many scenarios of unsafe conditions from my colleagues about the risks involved in our jobs. I can say that ambulance officers do not have capsicum spray or a baton to carry whilst on duty.

I am worried that if I was to be injured as an ambulance officer, I won't be able to meet the 'seriously injured' definition. I am also concerned for my colleagues who are ambulance officers, who I know suffer a serious injury and are about to get cut off their weekly payments. I hope my experiences can help members of parliament understand the risk of injury we are likely to incur in our daily jobs.

Another paramedic, who worked previously as a registered nurse, has written to my office, and I would like to take the chamber's time to read his letter, as follows:

I am 43 years old, married with two children and have been employed in the health sector for over 20 years. I spent adolescence in St John's cadets and seniors prior to becoming a Registered Nurse for 14 years, then becoming a Paramedic in 2004. I am writing this letter to you in desperation of highlighting the disadvantages that have been placed on injured workers within the emergency services.

I applaud the push to increase the level of care required regarding injured SAPOL officers. SAPOL are a unique workforce with unique skills and qualifications. As such, if they were/are to be injured whilst on duty to the point of not being able to return back to full-time work, they deserve to be financially supported until retirement or until they find another career (if not in a position with their previous employer) with the same award conditions. SA Ambulance Service is ALSO a unique workforce with unique skills and qualifications. We as an industry are twice as likely to be seriously injured in the line of duty compared to our Police Force colleagues. The current policy and arrangements mean devastation for those who are injured to the point of not being able to return to operational work and end up losing their career.

I speak to you as one of these workers currently unable to perform my qualification due to injuries as a result of a stretcher collapse with a patient on board. My injury occurred in September 2012, and resulted in 3 disk bulges with nerve impingement. As a result I suffer chronic pain and limitation to daily activities, including a permanent limp due to one of my legs constantly giving way. This obviously was not the case prior to the injury. The situation is made worse because I am a country career Paramedic.

The resultant injury has meant delays in getting specialist appointments because of locality and hesitancy/resistance of some specialists not wanting to see WorkCover patients due to not being paid within a reasonable span of time (a separate issue). The injury has meant a loss of my career, one I was good at and wanted to further develop, and one in which I saw myself retiring from one day. The impact of this injury has meant major changes in my daily ability to attend even the most basic of tasks or chores, both personal, parental and domestic, and has put my relationship with my wife and children at the risk of falling apart. The primary reason for all of this is financial loss and uncertainty.

We moved from Adelaide 8 years ago to the country (1 acre property) for a number of reasons, primarily because the working conditions and rewards were better than what it was within the metro area of Adelaide. SA Ambulance dangled a very enticing carrot to any staff to move out to the country as it was hard to find staff and families willing to make such a big move, unless they grew up in the area and/or had family or social support networks there. The bonus was that I could provide for my family as the primary income earner, as my wife had recently had a back injury herself and was unable to work full time.

The incident occurred through a minor miss in communication, and the human reaction of instinctively trying to prevent someone from falling. The result was instant and painful. The pain got worse over the next hour and resulted in my having to go off shift. Since that time I have dealt with 24 hour a day pain that peaks on movement and even when trying to sleep, pain which was so sharp and intense that the simple action of reaching for a drink while sitting down resulted in my dropping of the drink due to the intensity of the pain. I have had X-rays, CTs, MRIs, Physiotherapy, Neurosurgical Specialists, Pain Specialists, Clinical Physicians, Psychologists, Psychiatrists and minor surgery.

Now that pain did subside fractionally, but it took years of physio, massage, medications and injections into the spine and all of that only reduced the level of pain less than half. It could be said that the treatment received over the last 1-2 years has been more maintenance than proactive. It had immediate impacts on my home life, being unable to attend chores I would have done with ease previously. Everything from sweeping, laundry, mowing lawns, pruning bushes, chopping wood (a country heating necessity), renovations, cleaning gutters, driving, shopping and more were all severely impacted or had to be ceased.

Personally I could no longer do piggy-back rides for my kids, help training with kids sports, take them four wheel driving (a long standing passion and hobby) and even my levels of normal childhood mucking around dropped as my sleep was permanently altered and broken, meaning I was tired and grumpy far more than I wanted to be or ever was.

Personally, the injury has also taken its toll on my relationship with my wife and has meant that 3 years after the injury, I have now spent 2 and ½ of those years not able to sleep in 'our' bedroom. Part of this was due to poor sleeping ability due to pain or fear of being bumped in the back, but more devastatingly the inability to be intimate (due to pain and injury limitation) with my wife. The stress of the injury itself and the financial burden it placed on the family was and is something I fear and have the hardest time dealing with. This has led to periods of depression and anxiety and weight gain—something else WorkCover is unwilling to address other than to refer me to a Nutritionist—I have one Bachelor and the equivalent to another degree in health and 23 years in health, I think I know how to modify my own diet to reflect the calorie usage post-injury.

Household items have been sold, either due to not being able to use them now because of my limitations (further dropping level of independence) of the injury, or because being on 80% income and out of pocket expenses have caused and will now cause even more financial hardship (financial advice of a possibility of losing our home within 5 years, 3 years after the income support from WorkCover would cease).

No work related injury should cause this much devastation to a family for something beyond the injured person's control. The hit to one's pride and independence is something that can never be understood unless you have been in a similar situation, but to have colleagues volunteer their own time to help you out by doing YOUR gardening, and house maintenance is both depressing and deeply heart-warming. I prided myself on being able to do so much around the home and with the family, that to have the need for others to do what I should be able to do is shattering to one's spirit. The fact is I can't be the person I was before and that's hard to take some days.

What makes this worse is being told by the Government that it is changing the goal posts (more than likely because of a minority of rorters) which means I only get 2 years of income support (at 80%) and 3 years of support for medications and treatment. After this, I am on my own. Because of my injury, I can't stay within SA Ambulance as a Paramedic, and, as a result of SA Ambulance being under SA Health and under the same cost cutting knife as other health agencies, plus being out country, my chances of staying with my employer are next to nil. Nor is there any opportunity for them to be able to provide any positions for an injured worker, thereby retaining trained staff and having that feeling of still being valued or wanted. If I had lived in the Adelaide metropolitan area when this injury occurred I would have had more of a chance at access to many more working opportunities than what ALL country career staff have available to them currently.

Because of this, and the uniqueness of our skills and qualifications, there is nowhere for me to go. SAAS can't even employ someone to separately look after those injured to the point of not being able to return to previous employment. I have been through 8 injury managers or senior return to work consultants, some have been good and tried their best under the circumstances, but when more than one of them admits to there not being enough resources/personnel/time to devote to people in my situation of not being able to return to work, where does that leave me?

How am I supposed to feel when the company I've given my all to doesn't have the ability to look after me during my injury process and why isn't there any occupational opportunities planned for such staff, especially considering the amount of money they have spent in training us?

I am left without a career, financial stability and will probably lose my home…and family due to the financial and personal stress this injury has caused and is leading to. I have been assessed as having a whole person injury level of 20%, just far enough below the 30% (as part of the changes brought in the 1st of July this year) that I don't qualify for income support until retirement—something I feel is desperately unfair to those industries that are employed to support, defend and protect everyone else, and those industries hardest to find lateral job opportunities to those who can't remain with their previous employers.

We didn't ask for these injuries, nor the heartache and lifelong impacts these injuries WILL have to health, family and career prospects, but to, at the very least, have some financial support up to what we were receiving prior to the injury, it would be nice to see the Government care about us the same way we have cared for ALL of our patients/public/citizens. One of my closest friends (also in health) suggested I have been displaying PTSD symptoms/behaviours—I think that's a distinct possibility, but because WorkCover can only assess the PRIMARY injury cause and not the subsequent injuries/illnesses, I am left to deal with it the best I can, well the best I hope I can.

There is so much more I could go into it's hard to think of, and write it all, in one letter. I just appeal to you to do the best you can to make changes to the current system so that those of us injured and in financial distress, have something to look forward to other than disappointment.

Kind regards

Former Paramedic/RN.

Another case that has been brought to my attention is that of a registered nurse who has also worked as an ambulance officer. She has shared her story and would like this chamber to hear it. She says:

I was a registered nurse for a couple of years. As a Nurse I was spat on, had my wrist sprained, was punched in the head by an elderly patient with dementia, verbally assaulted and threatened with violence. Most of my colleagues have had to be escorted to their car at the end of the shift due to threats they received while doing their job.

As an Ambulance officer, I have been chased with a baseball bat, had a psych patient with a knife in the back of the ambulance after being reassured by the hospital security that the patient had been checked for weapons. I have had patients try to touch me inappropriately in the back of the ambulance.

I have suffered from my neck injury since 2009. I have been on countless medications so that I can continue to undertake daily tasks. The Spinal Fusion that I currently have was a result of the lost sensation in my left hand and arm. I have received medical advice which says that my injury will deteriorate over my lifetime.

I can no longer go back on the road as an ambulance officer as I am restricted with how much physical work I can do as I still have pain in other regions of my spine and suffer from constant headaches and neck and shoulder pain. Losing my job as an ambulance officer has been awful. I loved it and I went through a rough time mentally when I was told I couldn't be one any more.

Now I work in an office on reduced pay. I am a very positive person and have started to bounce back but it has been a long and emotional journey. Knowing I will need further treatment post the two year mark and I won't be covered is very stressful. I'm a single mum with kids and have great support from my ex-husband who is also an ambulance officer. I have also had a lot of support from my family but this is a frightening prospect not being supported after two years when my payments cease.

I have been informed that this worker's injuries have been calculated at 28 per cent whole person impairment. Despite the pain, the suffering and the continuous stress, this worker is not defined under our laws as a seriously injured worker. My office has received many more examples of injured workers in our state who are struggling with the current laws. Ambulance officers have been stabbed, punched and spat on, and one of these ambulance officers was hit by a paving rock. Ambulance officers have been exposed to bodily fluids, including blood and vomit, and are exposed to both diseases and violence while on duty.

The Greens understand the high-risk job and that the trauma faced by paramedics in a four-day shift cycle is more than what most people will face in their whole life. When faced with aggression and violence, these workers are expected to simply defuse the situation. I have also been advised that nurses often face these situations in their daily jobs. They report being sexually assaulted while looking after patients and they have been spat on and also exposed to bodily fluids.

While we do not want to see in our state a situation such as the one the Law Society has pointed out will exist if we continue to cater for one section of the workforce, we will support this bill today. We hope it is the first step. We hope that the government reflects on its flawed and draconian return-to-work legislation and ensures not only that they support police officers who support and protect us but that they support all workers—as the Labor Party, indeed, was formed to do. I would like to quote the President of the Law Society from *The Advertiser* earlier this week, Monday 18 November, who said:

What of police officers who are injured during the course of an office job? A case could be made for all police officers given their service to the state. So too could a strong case for exemption be argued for other emergency services workers such as ambulance drivers and firefighters. Again, the same interesting arguments arise for those employed by emergency services authorities but are not at obvious risk of peril when injured.

I note that the Law Society has provided some interim advice by way of a press release issued on the 16th of this month. We sought an opinion, as often happens, from the Law Society on Mr Brokenshire's bill, but given the speed with which this debate has progressed, they were unable to provide that. However, I would like to share with the chamber before my concluding comments that Law Society statement entitled, 'Law Society provides clarification on workers compensation debate.' It reads:

Given the recent debate around workers compensation laws, which have been brought into focus by an SA Police Association campaign, the Law Society wishes to clarify some points about the operation of the Return to Work Act, which came into effect on July 1 this year, and to make some general comments.

Under the new workers compensation scheme, only injured workers assessed as having at least 30 per cent whole person impairment (WPI) would be eligible for weekly payments until retirement and ongoing medical support. Any injured worker under that threshold will be entitled to weekly payments for a maximum of two years and medical expenses for a maximum of three years. That was not so under the previous scheme.

There is provision under the Act for an interim assessment and determination of workers' injuries. Where this occurs, the worker would continue to receive entitlements. However, as the name suggests, it is only interim in nature and is expected to be uncommon because most injuries will be capable of a final assessment within two years. There is no difference in the entitlement during the first two years for either weekly payments or medical expenses between those who are ultimately assessed as seriously injured (i.e. at least 30% WPI) and those who are not.

There is ongoing uncertainty for injured workers who have an interim assessment of being seriously injured until the final assessment is undertaken.

Injured workers who are not treated as seriously injured can apply to have the medical costs covered beyond the maximum three-year period *only* for surgical treatment and *only* where appropriate notice is given to ReturnToWorkSA before the end of the usual entitlement period to claim medical expenses. While the maximum period is three years it may be as little as 12 months.

The maximum lump sum for economic loss is $350,000. However, to be eligible for this lump sum, the worker must be aged 25 or younger, in full-time employment when the injury occurred, and suffered a WPI of 29 per cent. The vast majority of entitlements, where they do apply, will be dramatically less than that.

While the old workers compensation scheme was in need of reform, and particularly in relation to its administration, the Law Society does not consider the new scheme to be more generous. In fact, for many workers with significant injuries, their entitlements will be reduced. Even those assessed as seriously injured may get less compensation for permanent impairment because of changes to the way in which the percentage of impairment is required to be assessed.

The Government has noted that the changes implemented have resulted in a reduction in premium for employers from 2.75 per cent to 1.95 per cent. Return to work rates after four weeks and 12 months have not materially changed following the implementation of the new scheme. The issue always has been and remains the level of benefit for those who have not been successfully returned to work within 12 months. The Society believes that the reduction in benefits to many workers in that category has contributed to the reduction in premium for employers.

It is important that a workers compensation scheme treats all injured workers fairly and consistently.

We agree with that. We opposed the threshold of 30 per cent when the government introduced it, and the debate was held in this place a year ago. We will continue to support workers in this bill today and in any bill that comes before us to ensure that seriously injured workers are, indeed, given appropriate, fair and just workers compensation.

The Greens are listening to the voices and stories of all injured workers, and we have heard the police officers' voices loud and clear today in this debate, and I am very heartened to see this chamber support those voices, as I expect the vote will be in the affirmative. But the Greens will be, and always have been, a voice for workers, and we will stand up for injured workers every bill, every time.

The Hon. K.L. VINCENT (17:44): I take the floor to indicate that Dignity for Disability will support the Hon. Rob Brokenshire's initiative with this bill, and we thank him for it. We also thank the Police Association for briefing my office on its campaign to improve the rights of police officers in the case of injuries caused in the line of their work.

Dignity for Disability would also like to note, as other members have mentioned, the significant safety challenges that many other emergency workers face in their workplaces or in the line of their duties and through no fault of their own. Whether you are an ambulance officer, as the Hon. Ms Franks has pointed out, an emergency department nurse or a mental healthcare nurse, to name just a few, or I even think of my own mother, not strictly an emergency services worker but a registered nurse in aged care who regularly deals with patients who may be confused due to dementia or PTSD, for example, there are other professions that face specific challenges of personal safety and welfare.

I think those need to be treated just as seriously, but particularly those more emergency related professions that I mentioned: mental healthcare nurses and ambulance officers, for example, who can and do face violence or the risk of violence, illness and injury in the course of their duties on a regular basis, despite taking the usual precautions, because the people they are treating might be unwell, under the influence of drugs (including alcohol), or perhaps experiencing significant trauma due to stress due to a violent situation, for example, or a health condition.

So, while we do support these measures to further protect police officers who are injured in the line of their duties and certainly thank them for the service they provide to the community, we, like many other parties, want to remember and better serve and better protect those other workers who also face significant risks in the line of their duties and therefore look forward to working constructively with the government and all other parties to make sure that all members of our community who work hard, who put their safety and wellbeing on the line to protect others, are also protected. With that brief contribution, at this stage I indicate Dignity for Disability's support for this bill.

The Hon. J.A. DARLEY (17:47): I rise to make a brief contribution on the bill and to indicate my support for it. There would not be many people out there who would disagree with the sentiment that police officers are often put in danger due to the nature of their job. This is not contentious. The fact of the matter is that all workers should feel safe in the knowledge that there are systems in place to support them should they be injured at work. They should not have to stress about medical bills or future care. They should not have to apply on a case by case basis for special consideration based on their circumstances.

The changes the government made to the WorkCover scheme saw injured workers severely disadvantaged. When the government introduced the changes to the WorkCover scheme, the Independents and minor parties in this place knew that the changes would mean a raw deal for injured workers. We are starting to see the results of those unfair changes now. The two cases involving police officers, Senior Constables Alison Coad and Brett Gibbons, highlighted by the Hon. Robert Brokenshire certainly demonstrate this. I support the bill, not because I believe police officers should be singled out as a unique class of workers but because it is a step towards rectifying the fundamentally unfair changes made by the government.

The Hon. T.T. NGO (17:48): I rise to give my perspective on the amendment bill. In my first speech to this parliament I made a commitment that I would advocate for retail and hospitality workers. Just last sitting week, I spoke about workers in retail and hospitality who are mainly low paid workers. The workforce is made up predominantly of casuals, young people, migrants and women. The majority of these workers, many honourable members would agree, are people who I would say are doing it tough in our society. They probably live from pay week to pay week.

In that speech I made it clear that I was very disappointed with the Productivity Commission which saw fit to target this group of workers and recommend that their Sunday penalty rates ought to be reduced. I question how the Productivity Commission could determine that one group of workers' time spent with their children on a Sunday is of more value than that of workers in other sectors.

The Hon. Robert Brokenshire is 100 per cent correct when he details the level of risk that police officers take on when they join the force, and it is perhaps far greater than for workers in other industries. However, there are other workers in other industries who do face significant amounts of risk on the job. Notwithstanding all this, it is incumbent on any insurer to ensure that regardless of how injuries have occurred in accordance with an insurer's level of cover, like for like cover is provided for like for like injuries.

There will clearly be envy felt, for example, by a person who perhaps works in a simple office job but somehow managed to sustain similar injuries to that of a police officer in the line of fire. These examples may be rare but it must be considered in this debate. The ultimate aim of work injury insurance cover is to ensure that workers are appropriately looked after at a level set by their level of capacity.

One example of what I am trying to pinpoint here is found with a lady whom I will not identify but is happy for me to tell her story. Let me call her Anne. Anne used to work at various hotels. She was the subject of three hold-ups in her work. The last of these was in 2007 and involved two shotguns. One was real, the other was a replica. As a result of these hold-ups, and particularly the last one, she has post-traumatic stress disorder.

Anne is still largely housebound. She fears going out. Unfortunately, on many occasions, seeing strangers also triggers memories of the hold-up. Anne suffers from sleeplessness and has intrusive thoughts about the hold-up. She has been receiving psychiatric and psychological treatment for many years. She has been unable to work but will nevertheless need to try to find work somehow.

I am told that Anne would not be regarded as seriously injured under the new Return to Work Act, so Anne has to settle her claim on the basis of a redemption calculated by reference to the fact that she would be cut off from weekly payments on 1 July 2017 and cease entitlement to medical expenses on 1 July 2018. Anne told me she does not begrudge the police or anyone else; however, she says, 'What about me and everyone else like me?'

In his contribution to the chamber, the Hon. Robert Brokenshire explained that police officers have the only occupation where they are duty bound to enter dangerous situations. The Hon. Robert Brokenshire argues that workers in every other occupation can choose not to enter a situation where their personal safety could be placed in jeopardy. I have to respectfully disagree with the latter line of argument that workers in every other occupation can choose not to enter a situation where their personal safety could be placed in jeopardy.

Did Anne, of whom I spoke earlier, who had been held up on three separate occasions, choose to enter that situation? What about people working in petrol stations, or in small local delis that are open for long hours? Many of these workers work long hours, often alone. I do not think there is much choice in serving someone who you believe is a genuine customer who then pulls out a hidden firearm from underneath their jacket.

There is no doubt that the choice lies with a person when they choose to work in a certain industry, and this is a difficult choice that our state's police officers have had the courage to make when they have commenced their careers with the force. Amongst all this, I am aware that we need to do everything possible, as members of parliament and as legislators, to ensure that we do not pass laws that discourage people from thinking of joining the police force or other emergency services providers, from pursuing their lifelong dreams.

I understand the Police Association's frustrations in their campaign to get better working conditions for their members. I also want to defend other unions' positions on this matter as well. At the time of the passage of the current workers compensation scheme many unions were concerned, for better or worse, about the reforms made then. Like the police union, they too expressed their concerns in various ways.

I would like to congratulate the Hon. Robert Brokenshire for raising this very important matter. He is a very good member of parliament and he sees the unfairness in the system; however, at this point in time I will not be voting for the second reading, but I do hope that the police union and the minister continue their open dialogue so that an acceptable outcome can be reached. Like the Hon. Tammy Franks' stories about other injured workers, I also want to put on the record that lowly paid workers in retail and hospitality should also be considered for similar conditions, because they too deserve to be looked after.

The Hon. T.J. STEPHENS (17:57): I rise to make sure that my position on this particular bill is recorded, and I congratulate the Hon. Robert Brokenshire for bringing it forward and thank the Hon. Rob Lucas for outlining the Liberal Party's position quite strongly. I am very proud of our position with regard to our police because, like the Liberal Party, I believe that our police, in the difficult task that they undertake, are absolutely unique. As Mark Carroll said, they are the first line and the last line and everything in between, and our society would not function without the fabulous police force that we have.

I note the Hon. Tung Ngo's speech. Obviously it was a very difficult speech for him to give, and I know that he has danced around the issue, but the reality is that our police are unique and they absolutely deserve our support. As far as the other particular issues he talked about go, I believe they are matters for another day. I suspect the government will not support this bill, and I also suspect that it will not call 'divide', which is why I want to be on the record to make sure that the many lifelong friends I have in the police force know that I, and the Liberal Party, are absolutely in lockstep with the Hon. Robert Brokenshire in supporting the bill. I wish it a speedy passage.

Bill read a second time.

Sitting suspended from 18:00 to 19:45.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to acknowledge members of the Rotary Club of Elizabeth, guests of the Hon. John Dawkins.

Bills

POLICE (RETURN TO WORK) AMENDMENT BILL

Committee Stage

In committee.

Clause 1.

The Hon. R.L. BROKENSHIRE: I want to speak to clause 1 to give an overview to the bill, and I will speak specifically to the two amendments that I have put up when you call us on those, sir. First and foremost I want to thank all honourable members who contributed to the debate during the second reading. To me, this is a very important debate because it comes down to the fact as to whether or not a government and a parliament are prepared to support police officers in the line of duty. Like the defence forces, police officers, once sworn under oath and given their badge and number—as I have said and other colleagues have supported—have to put their lives on the line 24/7 to look after the South Australian community.

I, therefore, thank all honourable members for their contributions and I thank honourable members for their support. I also want to put a few other points on the record in clause 1, relevant to the overall thrust of the bill. As we know, today there was a significant rally of police officers, their families, friends and the broader South Australian community that sent a message to both the Parliament of South Australia and particularly to the government, that what the government put up is wrong.

What the government put up was legislation that works against the interests of workers simply because, sadly but truthfully, this government has failed to manage WorkCover with the executive of WorkCover over a period of time and now, in order to try to get a reduction in premiums (which we all know had to occur) we have a situation where police officers in this instance—and others, but I am focused on the police—are subjected to totally unacceptable conditions.

I need to correct some of the things that the Attorney-General has said today. Up until this point in time, I have worked probably more closely with the Attorney-General, and so has Family First, than I probably have with any other minister. The least I can say right now is that after what the Attorney-General said today, I am extremely disappointed in the Attorney-General.

I would welcome having a public debate with the Attorney-General on this issue, with members like myself and other parties and the opposition, to actually thrash out once and for all what the government has done in draconian legislation that has now brought us to a point where I am moving amendments to the Police Act.

Let me just put this on the record, because I listened to the transcript, the very long, the very deliberately boring transcript, called at 1.30 by the Attorney-General because he wanted to shut down one of the most important debates that we could have in the parliament right now, and that is about the protection of frontline police officers.

What he actually said, first and foremost, was: 'The Brokenshire bill provides benefits way beyond the old scheme and the new scheme.' I put on the public record that that is incorrect. That is absolutely incorrect, and if the Police Association were to offer their premises, I invite the Attorney-General to come there with me in front of police officers and debate that point.

What this bill actually does is restore the benefits under the old scheme, and those benefits are offset against any new scheme extra entitlements. In other words, all this does is restore to our South Australian police men and women what they had until 30 June this year, that they lost on 1 July. That is all it does.

I expect this stuff from the Premier and I expect this stuff from some of the other ministers, but I have never seen spin like this before from the Attorney-General, to the point where I would actually say that at best the Attorney-General has misled deliberately the media to try to get his angle on something that the government has messed up.

The second point is that the Attorney-General said, 'All future surgeries are covered after giving notice to employer.' Well, Mr Attorney-General—number one legal officer in this state—you

are wrong. I have had lots of legal advice on this. You may be the number one law officer in this state, but it does not necessarily mean that you are perfect when it comes to your interpretation of the law, nor indeed are those people advising you. I put on the public record, I have to say that some of those whom I have sat with when I have been trying to get some common sense into the Attorney-General I would say were appalling—absolutely appalling.

'Surgeries must be approved by employer to be paid for into the future, and the application must be made by 1 July 2016.' How is someone supposed to have a crystal ball to know what surgery they will need in five years, 10 years or 20 years' time? And this involves not just surgery but mental health issues as well in the case of police officers. Advances in medical technology may bring about new surgeries which will not be covered. So I ask the Attorney-General when this is debated in the lower house to explain why he said that.

Then it goes on to say in the interview: 'It is an outrageously double dipping solution.' That is again an untruth—an absolute untruth. There is no double dipping. There are offsets with ongoing payments against new economic loss payments which only apply to new claims, importantly post 1 July 2015 in any event. I just want to repeat that: there is no double dipping in this bill; there are offsets with ongoing payments against new economic loss payments which only apply to the new claims post 1 July 2015. I have had significant legal advice on this as well, not just within our own office but from outside within the law fraternity.

Then it goes on to say, 'Police officers are asked to attend a siege.' This is what the Attorney-General said. They are 'asked to attend a siege'. There is a radio call through the government radio network that says, 'Car 54, are you happy to go to that siege?' No, that is not how it works! It actually says, 'Life is at risk and this is a priority one and you go for it.' That is what it says, Attorney-General. Maybe you had better go out on a few police patrols and see what happens in the real world.

The fact of the matter is that they are not asked to attend a siege: they are instructed to attend. SAPOL officers are directed to attend. I have the legislation here about how they go about their oath or affirmation when they are sworn in. I have been to plenty of graduations, as I am sure many other MPs have. SAPOL officers are actually directed to attend, and take on oath that they will serve and protect. They are the only occupation in this state (because I am not talking about Army and Navy here, which are parallel to police on this issue) that have that obligation. They have no choice about putting themselves in harm's way. So, how dare the Attorney-General say that they are asked to attend. What a joke!

I want to finish with the case of Brett Gibbons, a senior constable, according to the Attorney-General (and therefore I can only say on behalf of the government), who has apparently been treated poorly by the Police Association of South Australia. Would you believe that? That is a public comment by the Attorney-General in the media today: that Brett Gibbons has been treated poorly by the Police Association. If it was not for the Police Association representing Brett Gibbons, I do not know where Brett would be.

I have had the privilege of meeting with Brett Gibbons several times, and after the Attorney-General's comments today in the media I spoke to Brett Gibbons. I can tell you : whilst Brett Gibbons is a champion, he is a man of incredible fortitude and someone I admire, he is not there for Brett Gibbons. He is there because he has learnt that this legislation is wrong, and he is working with the Police Association, of which he is proud, to correct a wrong. Brett Gibbons has told me that he is getting full support from the Police Association, and that what he is worried about is his colleagues, current and future, who may have to go on a triple murder (like Brett did) and confront that firearm in their face, having it activated and not having the protection that they deserve. Brett Gibbons is a man of integrity.

Publicly and on the record I say: Mr Attorney-General, you are very wrong. You are incredibly wrong in saying that the Police Association treated Brett Gibbons poorly. In fact, I will say this publicly and challenge the Attorney-General further. Why has the Attorney-General focused only on Brett Gibbons? Why has the Attorney-General deliberately not spoken about Senior Constable Alison Coad? Also, why has the Attorney-General not spoken about the other one in the *Police Journal*, namely, Senior Constable Brian Edwards? Why has he only focused on Brett Gibbons? I advise the parliament (I do not have the names, nor should I) that those three officers are three of 46 who I have

on a list who are subject to being cast on a scrapheap unless the Attorney-General shows some fortitude, supports the Legislative Council and fixes this mess.

The Police Association and Brett are working together to highlight the worst aspects of the return-to-work legislation and, whilst the interim decision issued by SAPOL has potentially delayed cut-offs for Brett, the fact is that his clock is still ticking and he may not reach 30 per cent WPI—and we heard from the Hon. Tammy Franks, as one colleague, that it is a very high bar. In fact, an Olympic triathlete would struggle to jump that high to grab the bar, that is how high it is. I cannot understand how caucus allowed this to happen.

SAPOL have verbally told him that they do not believe he will, once the assessment is made, reach the bar and that he will then be cut off immediately. It really is just delaying the inevitable for him. I talked to Brett out here tonight. I had a good chat to him, and he said to me, 'Robert, it's not even a compromise situation for me.' He knows from the advice he has had that his chances of reaching that bar are nearly impossible. So, I ask the Attorney-General to actually put the facts and the real truth on the line.

I also want to raise one other issue. With your indulgence, Mr President, I will just hold up the 'Police injured and abandoned' article in the *Police Journal*. The important part about that is it is August 2015. If you listen to the transcript of the Attorney-General today, he says that Brett Gibbons was advised of the so-called stay of execution in August.

Do you know why it was August? What the Attorney-General forgot to tell the public of South Australia was that this journal had come out. This truthful journal with factual stories had embarrassed some people, so there was a bit of movement in the camp—that is what it was about. No coincidence; they knew this was happening before they went in there to give the stay of execution to Brett Gibbons, and Brett Gibbons is still at major risk of never getting the 30 per cent impairment.

I want to just finish on a couple of other points in summing up and thanking colleagues. Apparently, the Police Association had little in the way of discussions with the government, according to the transcript that I listened to from the Attorney-General. Again, untrue—totally untrue. In fact, I put on the public record so that the history is true and correct that the Police Association were out there before the rest of the horses had even gone into the starting barriers to tell the Premier they were not going to accept what was being put up for police.

They did it at their conference. The president, Mr Mark Carroll, made it very clear, so for the Premier to turn around and say that they had not been advocating or fighting for police is again wrong. It has been ratified by executive of the government, and it is absolutely wrong. If you read the second reading of the Return to Work Bill, you will see where I actually put that on the public record back then.

I know that the Hon. Tammy Franks did some good work with at least one union and, at some point in the future, I am sure she will talk about that. From my personal point of view, I had one union—one—that made representation to me about how bad, how draconian, how unfair and how unjust the Return to Work Bill was going to be, and that was the Police Association, and that must be put on the public record.

I want to finish with these couple of points that are probably really questions. Apparently now, the government is saying that the United Firefighters Union for one and the South Australian Ambulance Employees Association were apparently lobbying very hard and protesting against the draconian Return to Work Bill. I ask the government to show me the evidence of that, because I do not know if any of my other colleagues received anything from them, but I received nothing from them. I heard nothing on the radio and watched nothing on the television, and I wonder what really happened.

Interestingly enough, at the time, when you just look at the UFU, there was movement at the station on what was called a single fire service. There were also allegations around that perhaps some people were interested in political positions down the track, so maybe that is why it was all quiet.

It was actually then interesting, because the MFS got a situation from the government where, out of the blue, after all this draconian legislation, they brought in a bill or said they were going to

bring in a bill to address a situation that had been missed, and that was carcinogenic, smoke inhalation, cancer-causing issues when it came to MFS firefighters. Leading the charge to then ensure that it was at least equal was the Hon. Tammy Franks—I give her credit for that; it is on the public record; everyone knows it—who said, if it is good enough for the MFS, it is good enough for the CFS.

The Hon. T.A. Franks interjecting:

The CHAIR: Let's not have the debate. Let's just—

The Hon. R.L. BROKENSHIRE: So there was a bill put up. The point is it was recognised. But my point is a simple straightforward point. There was an anomaly that had to be fixed. The government accepted that anomaly. The full parliament accepted that anomaly and it was fixed. I suggest to the government this is the second anomaly that we are dealing with right now, that is, the injustice to our police, and it can be fixed. It can be fixed between the houses right now.

I say to the Hon. John Rau, and I have said publicly and I say it again, that both the Premier and John Rau, at one point in their working life before they got into parliament, represented police. They obviously got paid for that, which is fair enough, but they represented police, in two things—first, in industrial relations and, secondly, in WorkCover and occupational health and safety issues. They knew very well the risks police run. Suddenly, after years of mismanagement of the WorkCover system, and administration and all the rest of it, they have got to make some draconian decisions so they walk away from the very people they used to represent when they were lawyers and barristers, that is, police officers.

I finish with this on clause 1. Technology can improve certain things, and I see a situation with fire services, I see a situation with medical services, and I am not saying they are not at risk—obviously, I have been out many times on police patrols but I have also been out with ambulances and I have been into the emergency department at the Royal Adelaide Hospital watching what the doctors have to do with ODs and the whole lot—but technology is helping to reduce risk in a certain number of employment situations, careers, but the reverse is happening when it comes to police. We are living in a more complex society. We are living in a society where terrorism is now a real threat. We are living in a society where the unknown is more the norm than it ever used to be.

What I say in summary to that is that things are not going to get easier for police in the future. Things are only going to get tougher. I beg of this government—not the rank and file. If you ask me whether I am disappointed with the rank and file of the Labor government right now, I would have to say: yes, I am. Why? Because many of them come from a union background, and one thing I learnt as a very young child is never forget where you came from. Never, ever forget where you came from.

Unfortunately, I see some—not all—members of the caucus now who have forgotten where they came from, and I see a cabinet who clearly do not actually get involved in the deliberations of this to the depth that we are right now, because some of the ministers—I won't name them: they are doing their bit—are not on top of this and, therefore, I do not think that the Premier (Hon. Jay Weatherill) and the Deputy Premier (Hon. John Rau) were challenged enough by the cabinet.

This wrong could be righted right now. There is an opportunity to fix this. They have made it pretty messy but it still can be fixed between houses. I thank the Hon. Rob Lucas for his contributions as well as the Hons Tammy Franks, John Darley, Kelly Vincent and Tung Ngo and my colleague the Hon. Dennis Hood for their contributions and support in this chamber but, when it comes to a few of the technicalities, of course, as the democratic process of the Westminster system allows, we can tweak and fine-tune. Rob Lucas has points that I am happy to look at when it comes back from the other house. I am not being presumptuous but, from what I have heard, it is going to go through.

I say to the government: open your eyes, restore your heart, forget about the power and glory on this occasion, admit that you have made a wrong and right it, because the Legislative Council will work with you to right something that the police deserve.

Clause passed.

Remaining clauses (2 to 4) and title passed.

Bill reported without amendment.

Third Reading

The Hon. R.L. BROKENSHIRE (20:11): I move:

That this bill be now read a third time.

The Hon. R.I. LUCAS (20:11): Mr President, I just want to express some concern, I guess. There is no criticism of you or the table staff but there has clearly been a breakdown in terms of the process and the Hon. Mr Brokenshire will need to accept responsibility for that. I have been aware of the amendments that have been circulated but clearly a number of other members have not been made aware of them, so there has been a breakdown in the process. I guess that happens on occasion but it leaves us with a bit of a dilemma.

The Liberal Party's position is that we will support the third reading, but we were supporting the amendments that the Hon. Mr Brokenshire had indicated. The amendments were his best endeavours to seek to restrict the scope of the application of the legislation. As I indicated at the second reading stage, my understanding, from discussions with the Hon. Mr Brokenshire, was that he agreed with the Attorney-General and the government that there were some unintended consequences of his original drafting; that is, it would apply to a wider range of officers than he originally intended, and he was therefore seeking to move an amendment to reduce the scope. I indicated at the second reading stage that our legal advice was that, in practicality, if it was to become law it would probably be able to be manoeuvred by lawyers not to reduce the scope to the extent that the Hon. Mr Brokenshire was talking about, and certainly a number of us would be comfortable with that as well.

Where we are at the moment is, for reasons that are now apparent, that the bill has passed without the amendments even being moved, debated or discussed. I think it would be useful, not during this debate because it is not possible, for the Hon. Mr Brokenshire (perhaps by way of a motion in private members or something next Wednesday) to at least table and explain the detail of the amendments that he was intending to move so that there is, somewhere on the public record, an indication of the precise nature of the amendments that he was moving. That is a completely separate process to this; it cannot impact on the third reading of this particular bill.

It is my expectation, I do not know about the Hon. Mr Brokenshire, but the government may not proceed with the bill in the House of Assembly and therefore the honourable member's amendments may well never see the light of day. At some stage it is for him to get on the public record using some device what it was that he intended in terms of the particular amendments.

In speaking to the third reading, I indicate that the Liberal Party's position is to support the third reading, but our intention was to support the third reading having supported the two amendments that the honourable member was going to move. We did have some questions which I will need to pursue with him privately in relation to work capacity reviews and the impact on both the loss of use payments (lump sum) and the economic loss payments and how that would actually work, which was in part impacted by one of the amendments that the honourable member has got, but we will need to pursue those issues outside this particular parliamentary debate in the chamber.

As the Hon. Mr Brokenshire has indicated anyway, if this is to progress anywhere, the government is going to have to be prepared to enter into further discussions about the issue. If we get to that situation, some of these issues can be further prosecuted. I repeat: the Liberal Party is supporting the third reading but, as I said, we had intended to support the third reading with the two amendments that the Hon. Mr Brokenshire had indicated to us that he was going to move.

The Hon. R.L. BROKENSHIRE (20:16): Just on a point to put on the public record, I am not into the blame game at all and, if I have to take the blame, I will take the blame. I just advise the house that I will take up what the Hon. Rob Lucas said next Wednesday because these are two important amendments because the government indicated to me that, if I could address or attempt to address them and they could look at them, then there may be an opportunity for them to support the bill.

My instructions—and I made sure that every member of parliament, not only in this Legislative Council but also in the House of Assembly, received a copy of these—were filed on

9 November 2015 and, according to the preparation of parliamentary counsel they were filed at 4.06pm. Notwithstanding that, I am happy next Wednesday to bring them in again to make it clear.

There were two amendments. One was to address a concern that had been raised under the bill that someone might have ongoing entitlements through their injury. An example was used by some people of a toaster falling on them in the kitchen at work or their chair breaking. The concern was that these entitlements should relate to injuries that were caused within the police officer's duty in the protection of the community and, therefore, amendment No. 1 standing in my name was clearly then put in to address that concern.

The second amendment that the government raised concern with, which was filed also on 9 November 2015, was under section 56 of the Return to Work Act where a lump sum can be paid to an injured (but not a seriously injured) worker essentially to compensate them to a small extent for not having ongoing payments and medical expenses. There have been concerns raised if the Police Act amendments go through that the officers will essentially double dip and get the section 56 lump sum as well as the ongoing entitlements, so this amendment clarified that the entitlements must be offset against any section 56 lump sum that is paid.

The PRESIDENT: Hon. Mr Brokenshire, I might just intervene. We are just talking to parliamentary counsel here. If we put this bill on hold for a while, we might be able to sort this out.

The Hon. R.L. BROKENSHIRE: Sure. Well, I am happy to cooperate with that because my clear instructions to my staff are to check three times, I believe, and evidence here said it was filed on 9 November. I have explained the amendments and, on that basis, I am happy to take it through to the third reading vote and then we can sort it out between the houses. I am happy to do any work needed here on the next Wednesday of sitting.

The PRESIDENT: Parliamentary counsel is going to see if it is on hard copy. My advice from the Clerk is that if you seek to conclude your remarks and then defer on motion that is okay. Then we will recommit it.

The Hon. R.L. BROKENSHIRE (20:20): Thank you for that advice, Mr President. I seek leave to conclude my remarks at a later time.

Leave granted; debate adjourned.

Motions

SUICIDE PREVENTION

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

That this council—

1. Acknowledges the development of the suicide prevention networks around South Australia and encourages the rapid expansion of this successful initiative;

2. Calls on the Weatherill Labor government to enhance its efforts in the field of suicide prevention, both in programs and funding, and as a matter of urgency progress the development of its 2016-2020 State Suicide Prevention Strategy;

3 Urges the Weatherill Labor government, in the development of its 2016-2020 State Suicide Prevention Strategy, to note—

   (a) the establishment of a Ministerial Suicide Prevention Council by the Western Australian government;

   (b) the commitment by the Victorian state government of $4.9 million to suicide prevention programs specifically for the Lesbian, Gay, Bisexual, Transgender, Intersex and Questioning (LGBTIQ) community;

   (c) the establishment of a suicide register by the Queensland state government to enable better research into the causes and prevention of suicide, and the direction of funding to programs which will reduce the rates of suicide in areas discovered as 'hot spots';

   (d) the implementation of suicide prevention training programs for front-line police officers and public transport employees by the New South Wales state government; and

(e) the development of a dedicated Youth Suicide Prevention Strategy by the Tasmanian state government.

(Continued from 14 October 2015.)

The Hon. T.T. NGO (20:20): The South Australian government is committed to the 'South Australian Suicide Prevention Strategy 2012-2016: Every life is worth living' (the strategy), and to developing a further strategy for 2017-21. I thank the Hon. John Dawkins for the motion and for raising the profile of this important work. I also acknowledge the tremendous support the member gives to suicide prevention networks and the many organisations working in suicide prevention in this state, as well as raising awareness in this place.

Suicide is a tragic event, the effects of which ripple through the community, devastating those in its wake. The government remains committed to building resilient individuals and strong communities through the strategy, and recognises that some groups are particularly vulnerable to suicide, including the LGBTIQ community. The government ensures access and support for these vulnerable groups through mainstream services and tailored programs where possible.

Being connected to community is a powerful protective factor to suicide, and it is for this reason that we are so committed to the development of suicide prevention networks linked to local government. Fourteen suicide prevention networks have been established in South Australia to empower the community to address suicide in the community. It is vital that the networks work locally to break down the stigma around mental health and suicide.

It is also vital that the networks develop connectedness, bring education in mental health first aid to the community, highlight where help is available, and develop ways to support those bereaved by suicide. It is important that we ask, 'Are you OK?' It is even more important to be asking, 'Are you really OK?' These networks assist the communities to start those conversations. Further networks will be established more rapidly with the assistance of a second suicide prevention project officer recently appointed to the Office of the Chief Psychiatrist.

The strategy was developed through extensive local consultation, resulting in an approach which incorporates postvention. This has been recognised both nationally and internationally as innovative in the recognition of the consultation process and the importance of the postvention work. The development of a 2017-21 strategy will occur in 2016, again with community consultation, investigation and incorporation of national and international best practice principles, the investigation of activity and the results of other states' strategies to address suicide.

South Australia continues to strive for best practice which saves precious lives in the most effective way and commits just under $1 million for suicide prevention, in addition to the provision of mainstream health and mental health services.

The Hon. K.L. VINCENT (20:25): Dignity for Disability will, of course, support the Hon. Mr Dawkins with this motion and congratulates him on the initiative and the ongoing work that he does in this very important area of suicide prevention. I know that promoting positive mental health is a mutual passion that Mr Dawkins and I share.

In speaking to this motion I would like to note a couple of points. First, that there is indeed a need to have specific strategies to prevent suicide, suicide attempts and self-harm in particular communities—to name one, the LGBTIQ community, as outlined in this motion—given the high rates of suicide attempts and completed suicides in that community, particularly among young same-sex attracted identifying people.

I would also say that there is a need for a lot more focus on other groups as well. I think people with disabilities, particularly people who may have recently acquired disabilities through accident or injury and may be feeling in need of mental health because of that could also benefit, I believe, greatly from peer mentoring programs to show them that they can recover, they can live meaningful lives, and to bring them out from that cycle of depression and the loss of identity that can come with acquiring a disability through an accident—particularly for young men who are in motor vehicle or motorcycle accidents.

I would also argue that within the LGBTIQ community—bringing it back to that—that one way we could help stop the negative mental health that some people in that community experience is by

legalising marriage equality in this state and in this country. The more messages we send to people who are same-sex attracted that they are not viewed as equal in our community and not worthy of the same rights as other people in other relationships could, of course, have a very negative impact on their mental health.

Secondly, mental health challenges more broadly but in particular borderline personality disorder or BPD is a leading cause of suicide in this state. I think I am correct in saying that as many as 10 per cent of people with a BDP diagnosis will end their lives by suicide. That is those who complete suicide and not just those who attempt it. Of course, repeated self-harm incidents, as well as repeated suicide attempts, are all too common in people with a borderline personality disorder diagnosis.

I recently attended the annual BPD conference where one of the speakers there was a woman who had lived with a BPD diagnosis but now has recovered to the point where there is, as I understand, no evidence of her still having that condition. She had survived (this is me going on my memory) I think as many as 14 suicide attempts in her lifetime, and she would have only been in her mid-thirties, I would estimate. So there is amazing pain and anguish that these people with BPD experience without adequate support services and understanding of their very genuine and very serious condition. However, there is also a resilience that can be found and nurtured with the proper support and understanding in the community.

That is why Dignity for Disability continues to urge the Weatherill Labor government to acknowledge this and incorporate into their suicide strategy 2016 to 2020 plans for a statewide borderline personality disorder service. This has been repeatedly requested by Dignity for Disability and my parliamentary colleague the Hon. Tammy Franks on behalf of the Greens and, in more recent times as well, by the Hon. Stephen Wade as shadow health minister.

To not improve the services for all mental health, but in particular a mental health condition as misunderstood and maligned as BPD, as part of a suicide prevention strategy would be negligent, I believe. We know that we have lost several young people, several young South Australians, to suicide this year alone who had a BPD diagnosis. My office was advocating for a number of those young South Australians whom we have now lost due to the lack of support available to help them recover from their BPD.

Modern medical research will tell you that it is possible to recover from a BPD diagnosis, but the more stigma there is around BPD, and mental health more broadly, the harder it is to show people that we can recover from mental health challenges. There is an old adage that I think rings very true that 'It's hard to be what you can't see.' The less support people have to go out and recover, to come back to the community, to contribute to the community, the more stigma there will be and the more cost to the state coffers through emergency department presentations, self-harm, suicide attempts and so on.

I certainly do not want to negate the human side of suicide by talking about the economics of it, but when it comes to government I think it is important, and when it comes to parliament I think it is important, that we acknowledge the economic benefits as well as the societal benefits to quality of life that can be achieved when we properly support positive mental health and prevent suicide.

That is exactly why Dignity for Disability has been very proud to call for a mental health commissioner in South Australia, one who, obviously, has the appropriate professional qualifications, but who also, I think more importantly, has some independence from the strictly medical model of mental health and can actually go out into the community and be willing to listen to people living with poor mental health and their families, where appropriate, and talk to them about what supports in the community would enable them to feel connected, to feel responded to, to feel respected and help them get out of the cycle of crisis that often leads people to the extent of poor mental health that leads them to consider suicide.

This leads me nicely to my next point, and these will be my closing remarks. I think it is really important that we as a parliament promote the reasons why people might choose to consider suicide, to sadly attempt, or even more sadly, complete suicide. It is my opinion, from the young people I have worked with and supported both in my personal and professional life, that when a person is feeling suicidal, for whatever reason, they do not actually want to die; they want the pain to die.

Unfortunately, they have reached a point where the pain they are experiencing is so severe that they cannot separate themselves from that pain and they cannot see a future without that pain, and so they begin to genuinely believe that the only way to end that pain is to end their lives.

Often we hear people in our community talking about suicide as a very selfish act. To an extent, I understand why people think that, because, of course, when a person attempts or completes suicide it has a big rippling impact on their family, their friends, their workmates and their broader community, but I think it is really important to remember that for many people when they are feeling genuinely suicidal, their self-esteem is so low that they probably do not think that they are doing anyone a disservice by leaving the community.

I think it is really important to change that perception and that conversation away from one that talks about selfishness and being greedy and cowardly by attempting suicide toward one that actually understands that this is a person who does not want to die but just wants their pain to stop, and how can we support them do that and help them build a future and a sense of self that can be free of that pain, because it is possible.

But it is very hard when the overarching messages you are receiving are that you are cowardly or selfish or just need to get over what you are feeling. We need to move beyond that to a conversation that looks at suicide as a genuine issue, one that can be addressed, but addressed holistically and with the proper level of understanding about what a person who is experiencing suicide-like ideation is going through and what is the outcome that they actually want, and that is a life, but a life that is free of pain.

Perhaps with those few brief comments I will wrap up, but reiterate that Dignity for Disability strongly supports this motion, particularly for those in groups who are experiencing a higher rate of suicide attempts than is the general community, particularly the LGBTIQ community and particularly young people in rural areas.

I know that I said I would wrap up, but as I am speaking I am reminded of a friend of mine who is a very young man from Mildura. If my memory serves me, he has lost either four or five friends this year alone to suicide. It has got to the point where now even he, as a 20-year old man, says he cannot go to any more funerals in his life. He has seen too much loss and death and sorrow already at the age of 20. I cannot imagine what that must be like.

Certainly there is a need to move beyond this conversation that looks at suicide as something selfish and cowardly to a genuine response to crisis, crisis that is possible to get out of as long as we continue these conversations and have the appropriate support services within government and the appropriate conversation within the community.

The Hon. J.S.L. DAWKINS (20:37): I am pleased to rise to conclude the debate. I thank very much the Hon. Kelly Vincent and the Hon. Tung Ngo for their remarks. In particular I note the sincerity with which the Hon. Kelly Vincent speaks in her support. She has done that many times before. I note her particular highlighting of the borderline personality sector, and that is a very valid example of many different sectors or subsectors within our community that are at great risk of extreme self harm and, of course, suicide.

I thank the Hon. Kelly Vincent for her sincere support, as I do the Hon. Tung Ngo, who I think also recognises some of the impacts of suicide in many of the migrant and multicultural communities in this state whose culture around the taboo of suicide perhaps still has some way to go. I get told that quite frequently when I go to multicultural groups. I say, with great respect to the Hon. Tung Ngo (and I know that the department would have provided some of that information for him), and I say to the minister and the government, that the $1 million that he quoted (I think it is actually $1.1 million) is chicken feed. Compared to what other states are spending, it is actually chicken feed. That is no disrespect to the Hon. Tung Ngo because he is sincere in his support of what I do, but for the government to say that they are doing everything they can is a real exaggeration.

However, I am always heartened by the increased awareness that various people in the community are now, I think, being exposed to in relation to these matters, particularly members of parliament. When I started on this passion of mine 10 or so years ago, there was one now departed

member of our party room who thought he was whispering and said, 'I wish Dawkins would shut up about suicide.' He was not whispering, of course, and he will remain nameless.

The reality is that more and more people have started to realise the impact that suicide has on the community, and it is pleasing that more members of parliament are finding that out. On Saturday morning, when I did the annual Walk Through the Darkness organised by Living Beyond Suicide, part of AnglicareSA, from Tennyson to Henley Beach, leaving at 5 o'clock in the morning, I was joined by the Hon. Paul Caica, member for Colton, who was representing the minister. I did invite some of my Liberal colleagues to join me on that walk. I think the Hon. Rob Lucas particularly was washing his hair at that time or something like that.

I was very grateful that the Hon. Paul Caica I think had his first experience of the movement that is around suicide prevention and particularly, in this case, around working with the families who are bereaved by suicide. I am very grateful that the Hon. Paul Caica yesterday took the opportunity to put down his particular experiences onto *Hansard* in the other place—that is valuable.

I think many Labor members in this house and in the other place need to get that message to the current Minister for Mental Health who, as I have said here before, has never turned up at a suicide prevention event that I am aware of. I am quite sure he has never done it, so that is a great pity. He needs to lift his game—I have said that before—or let someone else take over the mental health portfolio.

Can I say I think it is appropriate that, given the nature of the debate that we are having on the matters to do with the police force, as I said earlier, the Police Association of South Australia gave some terrific evidence to the Occupational Safety, Rehabilitation and Compensation Committee recently in our inquiry about mental health and suicide prevention in the workplace. The Police Association provided some terrific examples of the impacts of not only when police officers suicide or attempt to take their life but also the constant part of their duties when there is a suicide, as police officers have to attend and have to make reports for the Coroner, etc.

I think none of us probably think in great terms about that being part of a police officer's role, but I have in this motion, of course, highlighted the fact that the New South Wales government has made sure that all operational police officers get training in dealing with a suicide in the community and how to deal, in the right language, with the families who are impacted. I commend the Police Association of South Australia for their commitment in that area as well.

I thank members for their support. I know that, while not many have spoken on the motion on this occasion, there are many who commend me to continue this work.

Only today, we had a question to the Leader of the Government in the Legislative Council about some of her achievements. In her days as the minister for mental health she actually was not very complimentary about my work in this area. At that stage, the government did not want to know about this. In the early days, I did a lot of work to get groups going in the community, without any government help. I am delighted that now there is that help. It is terrific to work with the 14 groups that are out there, as the Hon. Mr Ngo said, and there are more being developed. Hopefully, I am going on Sunday to the launch of one in the Mid Murray area and I recently attended the launch of one on the Yorke Peninsula at Stansbury.

The fact that the appointment of the additional officer, that the Hon. Mr Ngo spoke about, took some 15 months from the commitment in estimates is just a joke, so we need to make sure that more pressure is put on the government to actually get serious about this matter. I thank the chamber for supporting the motion and I commend it for completion.

Motion carried.

Bills

POLICE (RETURN TO WORK) AMENDMENT BILL

Recommittal

The Hon. R.L. BROKENSHIRE (20:46): I move:

That the bill be recommitted for the purposes of reconsidering clause 4 in committee.

Motion carried.

Committee Stage

In committee.

Clause 4—reconsidered.

The Hon. R.L. BROKENSHIRE: I move:

Amendment No 1 [Brokenshire-1]—

Page 3, after line 14—Insert:

(4) For the purposes of this Schedule (and without limiting Part 2 Division 1, or clause 30 of Schedule 9, of the RTWA), an existing injury or a new injury must be an injury that is directly related to the execution of a prescribed police officer's duty in the protection of the community.

I thank my colleagues for their understanding. The situation is that I had a discussion with the Attorney-General in detail and he raised two specific concerns with respect to the bill that I was putting up to amend the Police Act. I sought legal advice outside of this parliament and also sought advice from parliamentary counsel. Subsequent to that, in an effort to see the government facilitate this without further frustration than has occurred, I filed these two amendments on 9 November.

In regard to amendment No. 1, there was a concern, as my colleague the Hon. Rob Lucas and the Attorney-General raised, that under the bill someone might have ongoing entitlements even though their injury was due to a toaster falling on them in the kitchen at work, or their chair breaking, or (to use the Attorney-General's example) someone sitting in his office and the ceiling falling in. I actually told the Attorney-General that if the ceiling fell in they would have a civil right to sue him for not having a safe ceiling.

Notwithstanding that, importantly, we wanted to ensure that this was to do with operational police officers. The concern was that these entitlements should relate to injuries that were caused within the police officer's duty in the protection of the community. Advice from within and without this parliament says that this amendment addresses this concern and I call for support for the amendment.

The Hon. R.I. LUCAS: I repeat the comments I made at the second reading. The legal advice we have taken is that, ultimately, should legislation along these lines come to fruition, this particular amendment would need to be tightened or clarified. The legal advice we have received is that it would cover a broader group of persons than the ones in cases similar to the ones which have led the Police Association campaign, and we do not need to go into the details of those.

The Liberal Party accepts this is a genuine endeavours attempt to draw the line between the cases that have been highlighted and the other cases that, evidently, the Attorney-General and Mr Brokenshire talked about with ceilings falling in and toasters blowing up, or whatever else it might happen to be. There is clearly a line that needs to be drawn somewhere there. There are obviously conflicting legal views as to whether this does that appropriately or not, but the Liberal Party will support this amendment as a genuine endeavours first attempt at trying to draw an appropriate line between the sorts of cases that have been highlighted.

Amendment carried.

The Hon. R.L. BROKENSHIRE: I move:

Amendment No 2 [Brokenshire-1]—

Page 4, after line 23—Insert:

(3) An entitlement under subclause (1) will be reduced (including so as to reduce the entitlement to zero) to take into account any lump sum that has been paid under Part 4 Division 6 of the RTWA in accordance with a scheme prescribed by the regulations.

Taking all of the debate into consideration, and what the Attorney talked about, wanting to absolutely categorically make sure that there was no double-dipping, that was never the intent. The intent was simply to reinstate police rights back to where they were prior to 1 July of this year. As I said to my

colleagues, and I thank them for allowing me to indulge in this, we have had legal advice outside of the parliament as well as parliamentary counsel and we believe that this amendment does cover that. I will put on the public record that I said to the Attorney-General tonight that we could have had a response from the government saying that it did not necessarily think this was right and that it suggested an alternative amendment. At this point in time I have not received anything.

I believe this amendment is right but, as is the Westminster system, there is an opportunity between the houses, or down in the lower house, if the government was to show some wisdom and support this and come back, as the Hon. Rob Lucas has pointed out, with some tweaking of this or sitting down with all of my colleagues and the Police Association and thrashing it out, I am sure that we could find a suitable compromise. I support and commend the amendment standing in my name.

The Hon. R.I. LUCAS: I repeat again the comments that I made at the second reading explanation. Again, we have had conflicting advice in relation to this. Information provided by government representatives to us has sought to claim that there would be some continuing double-dipping even under the amendments moved by the Hon. Mr Brokenshire. Ultimately, we accept, as we did with the previous amendment, that this is a genuine endeavours first attempt to try to resolve the issue of preventing double-dipping. As I said at the second reading, if it got to the stage where the government was prepared to have further discussions it may well be that there would need to be further amendment of this particular amendment that has been included in the Hon. Mr Brokenshire's bill.

In confirming our support for this particular amendment, I again highlight that there were a number of other issues, which I will not delay the committee stages with. I will have a private discussion with the Hon. Mr Brokenshire. There are issues such as work capacity reviews and a number of other issues that have been raised which, if we ever get to the stage where the government is prepared to look at these things, would be the sorts of issues which will need to be discussed before any final package might be able to be agreed with the support of the government. With that, the Liberal Party indicates its support for the amendment.

Amendment carried; clause as amended passed.

Bill reported with amendment.

Third Reading

The Hon. R.L. BROKENSHIRE (20:55): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Motions

NOBEL PRIZE WINNERS

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

That this council—

1. Acknowledges the Centenary of the 1915 Nobel Prize awarded to father and son recipients, William Bragg and Lawrence Bragg; and

2. Recognises, with appreciation, their contribution to science and their connection to the state of South Australia.

(Continued from 14 October 2015.)

The Hon. T.T. NGO (20:56): It is important to recognise the great scientific achievements in our state's history, and this is why I rise to speak about the Nobel Prize motion that the Hon. John Dawkins introduced. Sir William Henry Bragg and his son Sir William Lawrence Bragg were awarded the Nobel Prize in 1915 for their discovery of the X-ray technique for investigating the structure of crystals. At the age of 25 Lawrence Bragg was the youngest ever laureate.

They were the first of a number of Nobel Prize recipients who worked and studied in South Australia. Their work laid foundations that have been built upon by subsequent generations of scientists around the world. The Nobel Prize is among the highest of international honours presented

to the world's greatest minds for work that improves the lives of people everywhere. As we recognise the significance of the contribution William Henry and his son William Lawrence made to science throughout their lives, we must also acknowledge the lasting impression the Braggs made on South Australia.

Sir William Henry Bragg was born in 1862 in Westward, Cumberland, England. He graduated with first class honours in 1885 at Trinity College, Cambridge. Upon William Henry's arrival in South Australia in 1886, he was elected to the Professorship of Mathematics and Physics at the University of Adelaide, South Australia. He also took a keen interest in both science and culture and was involved in the public library, museum and art gallery of South Australia, the School of Mines and Energy and Teachers' Guild. He believed that the greatest work a colonial university could do was to act as 'the centre from which all education radiates' and help to bring all people in touch with the best thinking. After a life of astonishing achievements, Sir William Bragg died on 10 March 1942 in London, United Kingdom.

William Lawrence Bragg was the son of Sir William Henry Bragg. He was born on 31 March 1890 in Adelaide. He was a very clever student from a young age. He studied at St Peter's College and at the age of 15 he entered the University of Adelaide to study mathematics, chemistry and physics. He graduated in 1908 at the age of 18.

Sir William Henry Bragg was offered the Chair of Physics at Leeds University in 1908, which meant that the Braggs had to move back to England. Lawrence also received a major scholarship at Trinity College England in mathematics, despite taking the exam in bed with pneumonia. Lawrence Bragg passed away on 1 July 1971 in Ipswich, the United Kingdom.

We have recognised the importance of the Braggs in the intellectual landscape of this state by naming the transdisciplinary teaching and research facilities at the University of Adelaide 'The Braggs'. In 2012 the university also unveiled a bronze bust of Lawrence. They were honoured with the naming of the Bragg electorate. Hopefully, their achievements will be an inspiration and encouragement to many young people to undertake studies in science, technology, engineering and mathematics. I commend this motion to the council.

The Hon. J.S.L. DAWKINS (21:01): I will be brief in summing this up, but I thank the Hon. Tung Ngo for speaking on this motion and for his great interest in, I suppose, developing his knowledge of the history of South Australia. While I remember once having a member of another place criticising their own time and the time of this place being used for motions of this type, I disagree with that; I think it is a way of preserving the history of our state and allowing more people to know about the fascinating achievements of South Australians around the world.

I particularly commend the member for Bragg in another place for bringing this motion to the attention of the Liberal Party in the first place. Both she and I will attend the unveiling of the bust of Sir William Bragg, adjacent to the existing bust of Sir Lawrence Bragg outside the University of Adelaide, to take place on 2 December, followed by a reception at Government House. I know that His Excellency the Governor is very keen and very pleased to be involved in the celebrations of that wonderful achievement of the Braggs 100 years ago.

The Centenary of the awarding of the Nobel Prize is also being celebrated in Manchester at the University of Manchester, and I know that family members of the Braggs, many of whom live in United Kingdom, will be part of that celebration. I am very pleased that the exploits of both men are being celebrated not only here in South Australia but also in the universities they worked at in the United Kingdom. With those few words I commend the motion to the council.

Motion carried.

UNITED NATIONS ANNIVERSARY

The Hon. J.S. LEE (21:04): I move:

That this council—

1. Congratulates the United Nations for celebrating its 70th Anniversary in 2015;

2. Acknowledges the significant work and commitment of the United Nations in global development and respecting the principles of equal rights and self-determination of all peoples and international co-operation in solving economic, social, cultural and humanitarian problems around the world;

3. Recognises the local South Australian branch, namely United Nations Australian Association-South Australia (UNAA-SA), and the longstanding commitment made by their committee, volunteers and community leaders in bringing global concerns to the forefront of South Australia's community; and

4. Congratulates the United Nations South Australia Branch for its remarkable efforts in organising many innovative and visible community events to commemorate its 70th Anniversary in 2015.

It is with great honour that I rise to move this motion today, congratulating the United Nations for celebrating its 70th anniversary in 2015. I believe it is important for members of parliament and the broader community to acknowledge the significant work and commitment of the United Nations in global development and respecting the principles of equal rights and self-determination of all peoples and international cooperation in solving economic, social, cultural and humanitarian problems around the world.

This motion also recognises the local South Australian branch: United Nations Australian Association, South Australia, and the longstanding commitment made by the committee, volunteers and community leaders in bringing global concerns to the forefront of the South Australian community. I am incredibly delighted that Lidia Moretti, representing the United Nations, is here joining us in the Legislative Council chamber today. She has been very patient: she has been here since 5pm this afternoon. She has been waiting and I am glad that she is joining us and listening to this particular contribution.

Seventy years ago, on 24 October 1945, the United Nations officially came into existence. The United Nations was born of perceived necessity as a means of better arbitrating international conflict and negotiating peace, better than what was provided by the old League of Nations which ceased its activities after failing to prevent the Second World War.

The Second World War became the real motivation for the United Nations, Britain and the Soviet Union to begin formulating the original UN declaration signed by 26 nations in January 1942, as a formal act of opposition to Axis powers, Germany, Italy and Japan.

The principles of the United Nations charter were first formulated at a San Francisco conference which convened in April 1945. It was presided over by US President Franklin Roosevelt, British Prime Minister Winston Churchill, and the Soviet Premier Joseph Stalin, and attended by representatives of 50 nations, including nine continental European states, 21 North, Central and South American republics, seven Middle Eastern states, five British Commonwealth nations, two Soviet Republics, two Eastern Asian nations and three African states.

Two other important objectives described in the charter were respecting the principles of equal rights and self-determination of all peoples, and international cooperation in solving economic, social, cultural and humanitarian problems around the world. To this day the United Nations is needed more than ever, particularly at this time when the world is faced with multiple crises: be it poverty, disease, discrimination, climate change or terrorism.

Recently we were horrified and saddened about the shocking terrorist attack in Paris. France, the home of freedom, had been assaulted by terrorists. This horrible act of attack was to suppress freedom not just in France but throughout the world. I would like to express my deepest condolences and sympathy to the people of France and I am sure all of us here, honourable members in parliament and everyone in Australia are sending our kind thoughts and prayers to Paris and France at this terrible time. Our solidarity is with the people of France. The Prime Minister of Australia, the Hon. Malcolm Turnbull said:

> Freedom stands up for itself, stands up for its values in the face of terrorism.
>
> In France, and Australia, all around the world, we stand shoulder to shoulder with the people of France and with all free peoples in the battle against terrorism.

With so many conflicts happening around the world today, the United Nations is needed more than ever. Millions of global civilians continue to suffer the horrible acts of terrorism, disgraceful exploitation through labour, human trafficking, sexual slavery, or even in unsafe working conditions in mines, factories and fields.

The founding of the United Nations was a solemn pledge to end such assaults on human dignity, and led the way to a better future. The General Secretary of the United Nations, Ban Ki-moon stated in his 2014 United Nations Day speech:

> Governments and individuals are needed to work in common cause for the common good.

That is a statement which our society should embrace if we aspire to live in a better world. Like many, I am proud of Australia's involvement in the United Nations. Australia is a founding member of the United Nations and has consistently supported the United Nations' role in world affairs since that time. Australia was an active participant at the 1945 San Francisco conference, in which a UN charter was negotiated. Australia regards the United Nations as an essential forum through which to influence world affairs, promote a stable international framework, defend Australia's security, pursue trade and economic interests, and promote Australian values.

Australia also provides significant financial support to the UN. The UN system is funded by member state dues and voluntary contributions, and through donations from the private sector, other national and multilateral agencies and individuals. Australia as a country is the 13th largest contributor to the UN regular budget and to the funding of the UN peacekeeping operations.

The year 2015 marks the 70th anniversary of the United Nations. I would like to put some of its achievements on the public record. There are 10 broad categories. In the area of maintaining peace and security, the UN deploys a total of 42 peacekeeping forces and observer missions. As of September 1996, the United Nations has been able to restore calm, which opens avenues for the negotiating process to go forward, while saving millions of lives.

In making peace, since 1945 the UN has been credited with negotiating 172 peaceful settlements that have ended regional conflict. In promoting democracy, the UN has enabled people in over 45 countries to participate in free and fair elections. In promoting development, the UN system has devoted more attention and resources to the promotion of the development of human skills and potential than any other external assistance effort.

In promoting human rights, since adopting the Universal Declaration of Human Rights in 1948, the United Nations has helped enact dozens of comprehensive agreements on political, civil, economic, social and cultural rights. In protecting the environment, the Earth Summit, the UN Conference on Environment and Development held in Rio de Janeiro in 1992, resulted in treaties on biodiversity and climate change, and all countries adopted Agenda 21, a blueprint to promote sustainable development.

In strengthening international law, over 300 international treaties on topics as varied as human rights conventions and agreements on the use of outer space and seabeds have been adopted. In alleviating chronic hunger and rural poverty in developing countries, the International Fund for Agricultural Development has developed a system of providing credit, often in very small loans, for the poorest and most marginalised groups that has benefited over 230 million people in nearly 100 developing countries.

In promoting women's rights, a long-term objective of the United Nations has been to improve the lives of women and to empower women to have greater control over their lives. The UN Development Fund for Women (UNIFEM) and the International Research and Training Institute for the Advancement of Women have supported programs and projects to improve the quality of life for women in over 100 countries.

In providing safe drinking water, UN agencies have worked to make safe drinking water available to 1.3 billion people in rural areas during the last decade. With that amount of work, the magnitude of delivery of services the UN has undertaken for over 70 years, it is no wonder that the United Nations has been awarded the Nobel Peace Prize five times and it is to be congratulated for all its efforts.

Throughout Australia there are so many people and volunteers committed to advancing the work of the United Nations, including members of the United Nations Association of Australia, the South Australian branch. They are committed to building a strong, credible and effective United Nations. I would like to put on the public record my sincere thanks to the very active South Australian branch, particularly to President John Crawford and the Vice President, Lidia Moretti, for all their

wonderful work. Lidia is one of those incredible pocket rockets who continues to involve me and other members of parliament in her innovative UN projects.

Before Lidia came into my life I would never have thought that I would be walking a coloured sheep in the centre of the city of Adelaide, right in Victoria Square. I did that! If I had never met Lydia I would never have thought that I could walk on water. I will tell you a little bit more. They are just some of the innovative projects, sometimes crazy, but they were certainly innovative and memorable. These art installations were done in conjunction with the surrealist artist, Andrew Baines, together with the United Nations of South Australia.

Last year was the Year of International Family Farming for the United Nations. So what did the South Australian branch of the United Nations come up with? They thought it would be really good if we had about 20 celebrities of South Australia, dressed in black suits wearing a blue tie (United Nations colour), walking with 20 coloured sheep right in the centre of Victoria Square. It was very well received. Local media and international media broadcast the YouTube and it went viral.

The emphasis on the family farm goes much wider than just recognising that farming has historically been a family business, yet more significantly we understand that family farming can go on for generations, and the idea of working with the corporate sector, working with family farming, really painted a picture for the United Nations in sustainable farming in rural areas across the world. It was a wonderful concept initiative.

Some of the business and community leaders who walked the sheep included a former premier, Lynn Arnold, the member for Adelaide (Rachel Sanderson), Peter Goers, mayor Gary Johanson, and Kris Lloyd from CheeseFest. They were all willing participants. It would have been easier to walk dogs. Mayor Gary Johanson was saying to me, 'My goodness, this sheep is really difficult'. He kept saying that to me on that day.

In celebrating the 70th anniversary there was another fascinating art installation, and that was done at Henley Beach. I woke up on a very cold morning, I was one of the participants and I had to dress in my Chinese traditional costumes, standing on a clear plastic box, freezing cold water, together with the Hon. Hieu van Le, our Governor of South Australia, and other dignitaries, such as the Hon. Chris Kourakis, the Chief Justice of South Australia; Grace Portolesi, representing SAMEAC; Angela Kenneally, the Mayor of Charles Sturt; Laura Adzanku, African Women's Federation; Joe Scalzi, representing the Italian Carabinieri Association; Jock Zonfrillo, native food chief, Orana; Sarika Young, representing the Indian community; Sonia Feldhoff, the ABC afternoon presenter—we were all adorned in the costumes that represent us.

With the backdrop of the ocean, when the water just kept hitting the boxes, we felt like we were part of a United Nations combining the strength of unity in diversity. We are trying to overcome the tides, as almost represented in the form of adversity and conflict, but we are fighting that by uniting together, and that represents the strength of multiculturalism in South Australia and also symbolises the work of the United Nations. I think that was a wonderful art installation, once again by Andrew Baines working together with Lidia Moretti for the United Nations.

A painting was done of the 10 personalities, and this particular painting currently hangs in Government House. It was well received by the Governor of South Australia. Honourable members, you may have received some envelopes from the United Nations recently. They had a picture of 10 different people in costumes printed on the envelope that was in your pigeonhole. That was delivered by the United Nations as a gift to celebrate the 70-year anniversary.

In my matters of interest speech on 28 October, I spoke on another installation by the United Nations, which was the peace bottle. I think I started singing *Message in a Bottle* and then, that very afternoon, I think another honourable member actually sang a song. That particular peace bottle installation was done in conjunction with the 175-year anniversary of the City of Port Adelaide Enfield. Mayor Gary Johanson highlighted that the council has one of the highest concentrations of people from culturally and linguistically diverse backgrounds, so the peace bottle was very interesting and also a very meaningful installation.

Christopher Woodthorpe, the director of the United Nations Information Centre in Canberra, was a special guest. The Hon. Robert Hill, former senator and ambassador to the United Nations was also there for the peace bottle installation. The idea of the peace bottle was conceived, again,

by the talented artist Andrew Baines to convey peace messages from Australia to the world. The peace bottle was sky blue in colour, matching the logo colour of the United Nations, measured nearly two metres in height and became the centrepiece of the particular installation.

It was sent to the United Nations in New York to mark the 70th anniversary of the world organisation. It also educates our youth and community leaders on global affairs, allowing us as individuals to realise how extremely lucky we are to live in a peaceful, harmonious society, and that there are opportunities for us to be involved and make a change in someone else's life who may be less fortunate.

Other events held by the SA branch of the UN included World Humanitarian Day. It celebrated UN peacekeepers day and also World Peace Day. For all the work that it does, I do not know how it can maximise the 24 hours in its day, but it has done very well, and Lidia and the UN of SA branch are to be congratulated. Happy 70th anniversary! Keep up the great work. With those few words, once again, congratulations to the United Nations for celebrating its 70th anniversary and for all the marvellous work it does. I commend the motion to the chamber.

Debate adjourned on motion of Hon. S.G. Wade.

SOCIETY OF SAINT HILARION

The Hon. J.S. LEE (21:24): I move:

That this council—

1. Congratulates the Society of Saint Hilarion on their significant milestone, celebrating their 60th anniversary in 2015;

2. Pays tribute to the Society of Saint Hilarion's service to Italian migrants and the wider community, especially through their aged care facilities which improves the lives of older people by providing high quality aged care facilities within a culturally diverse community; and

3. Acknowledges the importance of their establishment and the work they have done over the last 60 years in the promotion and preservation of Italian heritage and, in doing so, their contribution to enrich the multicultural landscape of South Australia.

Today it is with great pleasure that I rise to move this motion standing in my name to congratulate the Society of Saint Hilarion on celebrating their 60th anniversary of the Saint Hilarion Feast in 2015. In moving this motion, I also take this opportunity to pay tribute to the Society of Saint Hilarion for their outstanding service to Italian migrants and the wider South Australian community, especially through their aged care facilities, which improves the lives of senior citizens by providing high-quality aged care facilities within a culturally diverse community. I would also like to acknowledge the importance of their establishment and the work they have done over the last 60 years in the promotion and preservation of Italian culture and, in doing so, their contribution has also enriched the multicultural landscape of South Australia.

In marriage, a 60th anniversary is the diamond anniversary, and I know the Saint Hilarion community will be shining brightly with sparkles and adding their light and vibrancy to the festivities organised for the society's milestone anniversary. It is an amazing achievement for the community and the leaders and devotees of Saint Hilarion. Their contribution and service to the Italian and South Australian communities over the last 60 years have been outstanding. As the shadow parliamentary secretary for multicultural affairs, I am humbled to be invited to many events and I am deeply privileged to know so many inspiring leaders of Saint Hilarion and learn about their wonderful work and achievements.

The Society of Saint Hilarion was founded as a cultural and religious body in 1955, and 19 years later the society became incorporated, in 1974. The society is a strong advocate for family and community values, to ensure their members and aged care residents enjoy quality, compassionate care in a caring and supportive environment.

The Society of Saint Hilarion is named after the patron saint of Caulonia, a small town in the region of Calabria, Italy. The organisation was formed by migrants from the region who ventured to Australia by ship on either side of the Second World War. They brought with them their sense of

belonging, cohesiveness, their culture of community and their desire for peace. Initially, their focus was to preserve the cultural and religious traditions that they grew up with in Italy and which were entrenched in their way of life, in particular, family, food and home-made vino.

Many Italian families, mainly from the Calabrian region, were in full support of the establishment of the Society of Saint Hilarion. I wish to put the names of the founding fathers on the public record. They are: Giuseppe Ciccarello, Ilario Fazzalari, Ilario Lamberto and John Anthony Costa OAM. The founding members and their families have made great contributions to so many Italian migrants living in South Australia. They were the key drivers and masterminds behind this community-minded society.

With a large influx of Italian migrants settling in South Australia in the 1950s, Saint Hilarion had the vision and motivation to build a culturally-specific aged care centre which would accommodate senior migrants in a supportive and welcoming facility. By working tirelessly, the Saint Hilarion dream came true in 1977. After decades of fundraising and account management, the society entered the aged care sector and purchased a nursing home at Lockleys in Adelaide's western suburbs.

The Lockleys facility received a renovation in 2010 and now is currently home to 109 residents in both low and high care. This specific facility was built and designed with the needs and expectations of the residents and their families in mind and the facilities were designed to incorporate and encourage participation from the broader community.

With the Lockleys aged care facility increasing in popularity with many migrants of European descent, it encouraged the decision-making team of Saint Hilarion to expand their facilities to a second premises in Fulham. The inviting villas in Fulham provide similar services for low care and respite services in a tranquil location surrounded by beautiful gardens. There are a total of 56 individual villas and residents are offered an ideal balance of individual care and independence.

Saint Hilarion's is a caring multicultural aged care facility. It is unique in the way that it truly cares for its residents by encouraging them to play an active part in the pre-organised social and physical activities. By providing a safe, pleasant home in a caring environment the society meets and exceeds its residents' physical, mental, spiritual and cultural needs. Through its service, the society has grown to become a leading multicultural aged care facilities provider in Adelaide. With more than half of its residents of Italian descent, its facilities are also open to seniors of all cultures and religious beliefs, as the main objective is for the in-house occupants to experience care, compassion and a feeling of community regardless of where they come from.

A special book was published with the title of *The Feast of St Hilarion, Celebrating 60 Years, Personal stories of a migrant community in Adelaide, South Australia, 1955-2015*. I have the book here with me; I am sure it will be available in the library. The author of the book is well known to many of us in parliament, particularly Hansard. Her name is Joycie Strangio. I would like to congratulate Joycie for her wonderful contribution in documenting the moving stories of migrants and their connections with Saint Hilarion. Mr Tony Paganoni, who wrote the foreword for the book, summarised the essence of the community and the book very well. I would like to quote a few paragraphs from the foreword. He said:

> We speak of brain memory, computer memory, short and long-term memory and of tragic memory loss. And we speak of human memory and, most importantly, of collective memory, which is always the sum of individual and personal memories. Memory shapes us…Joycie Strangio's account is punctuated by allusions to the inspirational support of one of the earliest Saints in the life of the Catholic Church. Inspiration is something that makes a person want to do something or that gives someone an idea about what to do or create. It acts like an invisible springboard…Memories need to be recalled. They also need to be acted out: in rituals, in celebrations, in cooking skills, in research, in the collection of relevant materials, in visiting sites where St Hilarion lived, etc. Joycie Strangio's work is most commendable.

Like many other community hubs, fundraising is of vital importance to Saint Hilarion. Fundraising has helped the organisation develop into the leading aged care and cultural facility it is today. In Joycie's book, on page 129, the title of the page, 'In giving we receive,' captured the ethos of generosity through charity work. In the case of the Society of Saint Hilarion, charity certainly started at home. Joycie described how the founding fathers had delivered a much needed service in helping newly arrived and struggling migrants with practical, social and spiritual assistance. Having endured their

own hardships, it became their unspoken mission to help others transition to new lives with less difficulty and more support. Their work, through the Feast of Saint Hilarion, was an extension of their selfless and compassionate charity. As a migrant myself, I have first-hand experience and knowledge of how important migrant services to new arrivals can be. These services help migrants settle into the Australian way of life while maintaining their important culture.

What amazed me even more about the Society of Saint Hilarion was to learn about its incredible philanthropic work to the wider community. At this point I would like to go to the book and read out the type of charitable works they do outside of Saint Hilarion. Feast members and volunteers continue their work by donating the net profits of each feast to various charities including the Goodwood Orphanage, Aboriginal missions, medical drugs to India and the Crippled Children's Association to name only a few. The society also often financially assisted families in the community who were struggling to make ends meet. It even helped to build a chapel for the Sisters of St Paul bookshop in Hindmarsh Square. After all, one of the strongest tenets of the Society of Saint Hilarion which comes from the prayer of St Francis is that it is in giving that we receive.

Without the concept of fundraising, Saint Hilarion would not have been able to build or operate two successful aged care facilities and a strong and supportive Italian multicultural association. Fundraising has enabled the society to build better facilities and provide a higher quality of service to their residents and the wider South Australian community.

Creating an active and social calendar has opened the society to the broader community and has encouraged strong collaborations among other Italian cultural associations. The 60th anniversary of Saint Hilarion's feast day was held on Sunday 25 October and I am sure that many honourable members of parliament would have attended. It was certainly a day full of festivities with great food, music and entertainment.

I would like to extend my warmest thanks and congratulations to the wonderful work of Saint Hilarion's founding members, past and present committee members. Without the leadership and vision of the past and current committee members, the society would not have flourished and honoured the legacy of the founding fathers of the society. I would also like to pay tribute to a few individuals. I pay tribute to Rosemary Velardo who became in 2001 the first woman president of the executive committee. Rosemary steered the society in a new direction, wanting to encourage greater youth participation to ensure that people stay longer at the feast. She cited her biggest achievement as the recruitment of a new generation of members onto committees. With all these new members and energy, we allow many of the younger generation of Italian migrants to also participate in the society. I also pay tribute to Roy Fazzalari and quote from the speech where he paid tribute to the founding fathers, as follows:

> ...we wish to draw inspiration from the theme of Faith, Hope and Charity. These three virtues are just as applicable today in our community as they were in the days of our forefathers. Nearly a century ago our forefathers began leaving their families behind…for a better life here in Australia. Importantly they brought with them their Faith in God and their devotion to Saint Hilarion. They prayed that he would guide them on their journey to the new world and also they prayed to their patron Saint for a better life on arrival.
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> In their hearts and with their 'suitcases' they left with the Hope that they would travel well, arrive safely, find work and prosper in their chosen land where they survived by supporting each other with unconditional and spontaneous Charity. Many of our community were sponsored by one of our four Society founders; Ilario Fazzalari, Giuseppe Ciccarello, Giovanni Costa and Ilario Lamberto. These leaders of our community were all good, humble, honest and generous men.

There are so many pages of this book that are worth reading, but I think it is important to have some personal reflections from those individuals who contributed a lot to build the Society of Saint Hilarion. Another quote is from Joyce Costa. She thinks that the society is a marvellous organisation and community-oriented. She says:

> The change has been like a coming of age: it has just grown and blossomed. Even now, with the trials and errors along the way, we are still growing and serving our community. It is like keeping in touch with our roots. My grandchildren still talk about the Society, and they love the Society. They are involved in the Feast. It's a change from small to more grand, but the fundamentals are still the same. Where we come from, our faith, the devotion of St Hilarion, that does not change; it just might have grown a bit.

Earlier, I talked about presidents and bringing younger people into the society. Jassmine Wood, the current president, is the youngest person and only the second woman to be elected to the society as

president. She explains the personal significance of being involved with the feast and the Society of Saint Hilarion. She says:

> My involvement with the Society makes my nonna incredibly proud and brings me closer to my nonno who has passed. I am privileged to be able to hear firsthand stories from people who spent time with my nonno when he first came to Australia from Italy and these stories are special because I learn things I never would have otherwise had the chance to know.

I thank her for her contribution, and would also like to quote from another really great friend of the Liberal Party, Cosi Costa. He said, in his own words:

> I use St Hilarion as a medium between where we are and God above. Some people pray to St Anthony or St Christopher: I pray to St Hilarion. That is as significant now as it has ever been, that he's the patron Saint of our region, so he's the man who is going to help me for whatever reason. It was a good opportunity, using St Hilarion as a vehicle to understand our history, heritage and appreciate it, and as I learn more and more about him, I realise it's about keeping things in life simple but real. You need to be humble, and that's the most significant thing I've learnt from St Hilarion.

Last but not least, Pino Dichiera spoke about Saint Hilarion and his involvement, which spanned several decades. He served as a junior committee member and has carried the statue of Saint Hilarion in procession many, many times over. He was a member of the fundraising committee for the House of Saint Hilarion Building Appeal and is a member of the aged care management board. This is what he said:

> My memories of the Feast of St Hilarion revolve around community, sacrifice and spirit. Community is the lifeblood of the Feast and represents the link with our families, our ancestry and our people. Sacrifice is a quality of our patron Saint and is reflected in the way the society members, with its families and volunteers, come together each year assisting selflessly with all Feast activities with no thought of reward. And spirit is that trait that keeps us all going, that smile on our faces, that brings us back every year, whilst keeping us linked with our beautiful past.

I have quoted so many memories of the individuals and have made reference to those who have contributed greatly to Saint Hilarion because this is an opportunity for me to put this on the public record and pay tribute to the work that they do.

With those words, once again congratulations on their 60th anniversary. Their continued service and delegation will always be at the heart of celebration for us as proud South Australians. With those remarks, it is a great privilege to commend this motion to the council.

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

WINSTON CHURCHILL MEMORIAL TRUST

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

That this council—

1. Acknowledges the 50th anniversary of the formation of the Winston Churchill Trust in Australia in 2015;

2. Congratulates and pays tribute to the committee and volunteers at Churchill Fellows Association of South Australia for their commitment to honour Sir Winston Churchill's legacy in South Australia; and

3. Recognises the achievements of Churchill Fellows for their outstanding research and contribution to the Australian society.

(Continued from 13 October 2015).

The Hon. T.T. NGO (21:34): In 1962 Sir Winston Churchill, then aged 88, was asked what memorial he would like established in his name. Churchill suggested something like the Rhodes scholarships but made more broadly available. Churchill died on 24 January 1965 and the Churchill Memorial Appeal Day occurred on Sunday, 28 February 1965.

On that day in South Australia 30,000 collectors called on 600,000 homes to collect donations to establish the trust. The target for South Australian donations was the equivalent of $180,000, while Australia-wide the objective was $2 million. However, in South Australia $428,000 was collected, and $4.5 million Australia-wide. It was perhaps the most successful fundraising event ever in Australia, as remarkable as the man it honoured.

The trust has awarded more than 3,000 fellowships across Australia, including over 300 from South Australia. Churchill's wish was to give opportunities by the provision of financial support for people from all walks of life who, having exhausted opportunities at home, desired to further their search for excellence overseas.

There are no prescribed qualifications for the award of most Churchill Fellowships. Merit is the primary test, whether based on past achievements or demonstrated ability for future achievements in any walk of life. Another significant consideration is the potential for benefit to Australia.

The Churchill Fellows Association of South Australia is a network of Churchill Fellows which allows recipients to share their research passions and develop a network with other Churchill Fellows from around Australia and the United Kingdom. It includes social and professional networking including site visits to Fellows' workplaces and those create rich opportunities for research cross-pollinations and collaboration. In recent years South Australian Fellows have researched:

1. International approaches to residential and alternative care for young people with developmental and intellectual disabilities and significant challenging behaviours.

2. Family violence and sexual assault prevention approaches, programs and evaluations.

3. Business cluster development and facilitation from European leaders.

4. Development of a curriculum framework for best practice simulation teaching in Indigenous health.

5. The effectiveness of environmental sustainability programs in international wine regions.

Further, the association is run by volunteers, all former Fellows, who coordinate the association's activities and promote the trust throughout South Australia. I would like to acknowledge their efforts, both the current committee and President Graeme Adcock and all the others who have put in over the past 50 years.

I also acknowledge the regional committee which administers the trust in South Australia, its patron, His Excellency the Governor of South Australia, Mr Hieu Van Le, and the regional chair and national director of the Winston Churchill Memorial Trust, Ms Alexandrea Cannon.

The Hon. J.S. LEE (21:50): I would like to thank the Hon. Tung Ngo for his contribution to acknowledge the 50th anniversary of the formation of the Winston Churchill Memorial Trust. From my contribution earlier, and together with the Hon. Tung Ngo, we understand how important such a trust is in terms of enhancing the many projects and worthy individuals in research. Those achievements need to be acknowledged and they have been outstanding. I commend the motion to the chamber.

Motion carried.

HUNGARIAN CLUB OF SA

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

That this council—

1. Congratulates the Hungarian Club of SA in achieving a significant milestone in celebrating their 50th anniversary in 2015;

2. Acknowledges the excellent work that this club has done over the last five decades and also other related associations in the promotion of Hungarian culture, food, language and support of Australian Hungarians and the broader community; and

3. Recognises the long-standing commitment by community leaders, business leaders and volunteers of the Australian Hungarian community for making important economic, social and cultural contributions to South Australia.

(Continued from 28 October 2015.)

The Hon. J.M. GAZZOLA (21:50): I rise to speak in support of this motion. This year, the Hungarian Club of South Australia celebrates the 50th anniversary of its incorporation on

5 August 1965. Regrettably, I have not visited the club, but I certainly hope to in 2016. For five decades, generations of migrants from Hungary have gathered at the Hungarian Club in Norwood. The club has truly been a home away from home. Since the turmoil of the Second World War and the 1956 uprising, South Australia has welcomed thousands of Hungarian migrants.

For many centuries, the Hungarian Magyar people have struggled against the odds to keep their distinct culture and language thriving despite persistent and forceful foreign domination. Their gritty determination to perpetuate their traditions continues here in South Australia, even for those generations born in South Australia. This is reflected in the regular activities and the fine art and craft proudly produced in South Australia and on display at the Hungarian Club.

Our thriving state has benefited enormously from the contribution those migrants have made to our economic prosperity and cultural fabric. South Australian Hungarians have been remarkably successful in many fields—academia, the arts, science and sports, producing soccer, boxing and basketball stars. The Hungarian community can also be justly proud of the success of many Hungarian businessmen across several industries.

On 2 August 2015, the club celebrated its 50th anniversary at its marvellous clubrooms at 82 Osmond Terrace, Norwood. Those clubrooms hold many memories for almost all members of the South Australian Hungarian community—dances, feast day celebrations, goulash nights and regular lunches for the elderly. The club has been the venue for hundreds of major cultural events. The club can be especially proud of the five Australia and New Zealand Hungarian cultural conventions that it has staged over the years. The success of these great events, dedicated to teaching, promoting and celebrating Hungarian culture, can be attributed to the efforts of the club and the wider community here.

It is pleasing that past club presidents, Mrs Magdalena Kezes and Mr Sandor Farkas, were present at the 50th anniversary celebration. I understand that it is not possible to talk about the Hungarian Club of South Australia without recognising the colossal contribution of the club president, Mr Lazlo Lado. Mr Lado has been at the helm of the club for 15 years and over that time, I am told and I do not dispute it, he has done a fabulous job. Over the past half century, the Hungarian Club of South Australia has been a place for the community to come together, and ultimately a place for Hungarian culture to shine. The government therefore supports this motion.

The Hon. J.S. LEE (21:53): I would like to thank the Hon. John Gazzola for his great contribution. He and I come from multicultural backgrounds, and I think we have a deep appreciation of what migrants can bring to South Australia in terms of their contributions and the fact that South Australia is such a vibrant community because of the sharing of knowledge and wisdom as well as food and culture. With those remarks, I commend the motion.

Motion carried.

MARRIAGE EQUALITY

Adjourned debate on motion of Hon. I.K. Hunter:

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.

(Continued from 28 October 2015.)

The Hon. S.G. WADE (21:55): I rise to indicate that I support the motion. I have consistently supported non-discrimination in the recognition of relationships by government. In relation to the institution of marriage, I would prefer that the government stepped back from legislating marriage, and allowed faith and other communities to solemnise marriage within their own communities in accordance with their own religious beliefs, customs and understanding of marriage, subject to the general constraints of community standards, such as minimum age and prohibition of abuse.

As a Christian I know that the commonwealth Marriage Act of 1961 does not reflect the teachings of Christ in relation to marriage. If the consecration and oversight of marriage by a faith community were separated from relationship recognition by government, Christian churches and

communities would be able to more effectively and more clearly communicate our understanding of marriage. Some faith and other communities accept same-sex marriage and relationships and others do not. That is a matter for each of them. But, as for government, it is my view governments should recognise same-sex relationships and not discriminate against them.

Having restated my general view, I now turn to this motion. To be blunt, I consider this motion is irrelevant. It is irrelevant to this parliament, because in the Australian federation it is the commonwealth parliament that has constitutional responsibility for marriage, not the legislatures of the states. Further, I think the motion is condescending to the Irish people, as if their democratic decision needs validation by a regional parliament of another nation.

Perhaps the key noteworthy element of this motion is that the honourable minister is in conflict with the federal leader of his own party. The minister is embracing a popular vote on marriage equality in Ireland, while his leader is rejecting one for Australia. Nonetheless, as I have said, I support non-discrimination in relationship recognition. I will support this motion as a reaffirmation of that principle.

The Hon. T.A. FRANKS (21:57): I rise to support this motion and to congratulate Ireland on moving forward on equality and to look forward, hopefully, to the day when Australia might be similarly congratulated by other countries around the world. As we know, Ireland did have a constitutional referendum and did vote yes to marriage equality. It is quite timely that this motion comes to a vote in this place because this very week we have seen the first marriages begin to take place in Ireland.

One of the very first couples to tie the knot there, according to the *Irish Independent*, is Delores Murphy and Mabel Stoop-Murphy. They will be one of the first couples, because they were already joined in civil union, so therefore they do not have to wait the three-month long betrothal process, which is the case in Ireland. Those already in civil partnerships, which had been available since 2011, only had to give five days' notice.

So Delores and Mabel will finally have legal rights for their two-year-old son and also will have a joyful wedding day, but a wedding day tinged with sadness. As Murphy told the *Irish Independent*, 'It will be bitter sweet because there will really be just the two of us and our two witnesses', and of course their son. The reason is that Murphy's father, who was present to walk both women down the aisle during their civil partnership ceremony some years back, died in 2013. Murphy goes on to say, 'My dad knew Mabel for more than 10 years, and he adored her. We are both so sad he won't be here to share this special day with us.'

That is the consequence of governments dithering on this issue where we know popular opinion is on the side of marriage equality. We know that the majority of Australians support marriage equality, and yet we continue to see dithering from leaders who toy with the idea of an expensive plebiscite—a plebiscite which would cost $158.4 million if held outside of a general election. This would be an incredibly expensive $158.4 million opinion poll, when opinion poll after opinion poll tells us what we already know, which is that the majority of Australians support marriage equality.

The only people who will be affected by marriage equality are those people who wish to get married and who are currently prevented from doing so and, of course, their family. We do not want to see more family members like those of Mabel's pass away before they can see their loved ones join their family through marriage.

Momentum continues to build for marriage equality in this country, and I commend new Greens Senator Robert Simms's efforts recently to get the Senate to reject a plebiscite. I note that that motion that he put to the Senate passed on the voices there with the support of Liberal, Labor, Greens, Independents and crossbenchers. Indeed, the Senate joins parliaments in New South Wales and WA in rejecting a marriage equality plebiscite. As Senator Robert Simms says, 'Australians don't want another opinion poll on this issue. They want the Parliament to legislate.'

There was no need for a referendum when the Marriage Act was changed under prime minister Howard; there is no need for a plebiscite now. With those few words, I commend this motion to the house, because these discussions mean that marriage equality will not be dropped from the

agenda. We will not give up until this fight is won. The white flag is not the rainbow flag. The rainbow flag is not a flag of surrender.

The Hon. K.L. VINCENT (22:01): Just very briefly, I would like to put on the record my support of this motion. I doubt that that will come as a surprise to anyone in this chamber, given that I have supported marriage equality for many years, and I have also supported other measures to fight discrimination against same-sex attracted people and same-sex couples in this state and in this country.

I would take small issue with something that was said by the Hon. Mr Wade. He seemed to suggest that moving this motion was patronising to the people of Ireland. I think he said words to the effect that we were trying to validate what they had achieved there. I do not think that is what we are doing at all. I think what we are doing is recognising that the people of Ireland, like the majority of people of Australia, support marriage equality.

I think that to be good policymakers we have to look outside of our own state, outside of our own country and toward what other countries are doing and draw inspiration from them. For that reason, I do not find it patronising. I think it is quite reasonable to notice and congratulate other countries for implementing progressive policy.

Like previous speakers, however, I am not convinced that a plebiscite is the way to go. In fact, I have read several articles in the last few weeks that suggest that public support for a plebiscite drops significantly once people are made aware of how much running a plebiscite could cost. I would also argue that it should not be up to an expensive resource-intensive plebiscite to enact something that we have known for a long time now the public already supports. It should not take this hugely resource and finance-intensive measure for us to do something that the public has already been calling on us as a parliament to do for many years now. With those few brief words, I indicate my support for the motion.

The Hon. T.J. STEPHENS (22:04): I do not support the motion. Marriage is a matter for the commonwealth and, although similarly to the Irish situation, the Australian people will have a say through a plebiscite, I do not think congratulation is needed. The Irish marriage law is a matter for Irish people under the Irish constitution, and Australian marriage law is a matter for the commonwealth parliament under the Australian constitution. I would prefer the minister to turn his attention to job creation, given that we are the highest rated unemployment state in Australia, and dealing with things that are out of our jurisdiction I think is a waste of the parliament's time.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (22:05): I would like to thank all honourable members who have spoken on this motion. An awful lot has happened, of course, since this motion was moved, not the least being the fact that, as the Hon. Tammy Franks mentioned, the first Irish same-sex marriages are happening right now. In fact, I think the first one was celebrated on Tuesday of this week. As the Hon. Kelly Vincent alluded to, the genesis for moving this motion was really out of an overwhelming desire to celebrate the great triumph of the Irish people in supporting love.

The public sentiment supporting marriage equality following that referendum in Ireland has also had quite a ripple effect in Australia. I think the public sentiment around marriage equality here in Australia was boosted by the Irish result and it certainly caused some issues for the federal government and the Prime Minister at the time and his position on the issue. I understand that this, in a roundabout way, led to a six-hour joint party room meeting that not only resulted in the ire of pro marriage equality Liberal members of parliament but, also, a rather confused statement committing Australia to a plebiscite or a referendum some time in the future. I will come to those issues in a minute. I think there are many reasons why a plebiscite is the wrong way to go in Australia. That is my firmly held view.

I think it is important that we distinguish the Irish experience from that which pertains in Australia, just in passing. The Irish constitution enshrined the definition of marriage so they had to change that by a referendum. That is not the case here in Australia, and I actually agree with my colleague the Hon. Terry Stephens that marriage is an issue for the federal parliament, so let us get

the federal parliament to do what it is supposed to do, and vote on marriage, not fob it off in some confused issue around a plebiscite or referendum.

One of the key reasons I think a plebiscite is wrong for us in Australia is that, simply, human rights should not be subject to a vote, I believe. I can recall a wonderful TV ad as part of the campaign in Ireland that involved a man knocking on a front door saying to the chap who opened the door, 'Hello, I'm here to ask for the hand of Siobhan in marriage,' and the rather confused looking bloke at the door says, 'Yes, okay, sure.' Then he went next door and did the same thing. He knocked on the door and said, 'Hello, I'm here to ask for the hand of Siobhan in marriage.' And so on, and so on all the way down the street and, in fact, all the way around Ireland. He was asking every Irish citizen (those who could vote) if he could have permission to get married.

Of course, the key point the ad was making was, in fact, how would you feel if you were in Ireland and you had to ask for the permission of every Irish citizen so that you could go off and get married to the person you love? I think that brought home, very clearly, to people that having to ask for permission to marry the person you love is, in fact, patronising. It is degrading. It does not reflect on human rights that we would expect to be honouring in our society today. I think it was a very humorous way of driving home a very important point.

That brings me back again to the very issue of why a plebiscite is not the way forward for Australia. As I said, human rights should not be the subject of a vote. That is why they are called rights in the first place. They should not be hostage to a majoritarian vote of a parliament, for example, otherwise those rights could be taken away at the whim of the government of the day or those who command a majority in a particular parliamentary chamber. Equality before the law is a universal principle that should not subject a minority to the whims of the majority.

Unlike a referendum, voting in a plebiscite (which is the current thinking of the federal government, I understand) is not compulsory, neither does it bind parliament to make a decision consistent with the results of a plebiscite; and there are no guidelines (as far as I can ascertain, at least) for how plebiscites are to be conducted, and there are no rules of transparency when it comes to public or private spending on plebiscites or, indeed, public funding.

Plebiscites, as the Hon. Tammy Franks has alluded to, I think she mentioned a referendum, are hugely expensive, particularly when taken outside an election cycle. I understand the 1999 republic referendum cost Australian taxpayers about $66.8 million. In today's money that is worth about $105 million, I suppose, so that is a rough starting point for a cost, and of course estimates have been much higher for a plebiscite on this issue now.

There are those who are arguing that plebiscites can be very divisive and could provide a platform for the worst kinds of hatred that can lead to an increase in negative feelings in the community. I am not so sure about that. It is entirely possible, of course, but I would hope that the Australian public would be mature enough to have a considered debate and not descend into those scary areas, but there is that potential.

I think the most cogent argument in this regard is simply this: a plebiscite, or indeed a referendum, is just not required. The High Court has clearly confirmed that parliament can enact marriage equality. After all, that is what happened when a former prime minister changed the act in the first place, he did it through legislation, a vote in parliament. As I said earlier, we do not need to have a referendum, unlike Ireland, which had to change its constitution.

Coming back to the genesis of the motion: it congratulates the Irish public on the success achieved from their public vote. I think it was a fantastic campaign, conducted in a very respectful way, but of course Australia is in a very different situation. The Australian parliament could legislate for marriage equality next week, if it chose to do so, if a cross-party free vote was granted. I understand that even the Liberal Party's preferred research company, Crosby/Textor, has found that 72 per cent of the public already support marriage equality, higher than many countries that already have marriage equality I would note. I understand that our new Prime Minister, Malcolm Turnbull, conducted his own survey on marriage equality in his electorate of Wentworth and that confirmed those very figures for him.

We are increasingly becoming a bit of a stand-out on the international scene. International pressure is being brought on Australia in this regard. At a recent meeting of the United Nations Human Rights Council, members of the 23rd session of the Human Rights Council's Universal Periodic Review Working Group called on Australia to catch up with other Western countries on the issue of marriage equality. Indeed, we had a motion in this place tonight congratulating the work of the United Nations in Australia. We should pay attention to the United Nations when it reminds Australia that it needs to join the rest of the world—the parts of the world we like to compare ourselves to at the very least—in relation to this matter.

Ireland, continuing its great work advocating for equality, has urged Australia to change its marriage laws, and I thank Ireland for that. Iceland and the Netherlands have recently said that Australia has fallen behind other Western countries by failing to recognise marriage equality. The Netherlands recommended that Australia:

> …revise the Marriage Act of 1961 in a way that ensures full equality with respect to the civil institution of marriage. As a strong advocate of marriage equality and equal rights for all, The Netherlands notes that Australia's Marriage Act de facto discriminates against LGBTI people.

While a referendum in Ireland was a necessity and we should applaud the Irish for taking this step and for their own overwhelming support of marriage equality, I believe our federal government also needs to heed the advice of its international colleagues, heed the advice of its own polling company and catch up to the overwhelming majority view of Australians—the federal parliament should just get on and do it, in my view. I think it is appropriate that we congratulate the Irish public for their courageous campaign and for their overwhelmingly positive decision.

The council divided on the motion:

Ayes 10
Noes..... 4
Majority..... 6

AYES

Darley, J.A.	Dawkins, J.S.L.	Franks, T.A.
Gazzola, J.M.	Hunter, I.K. (teller)	Maher, K.J.
Ngo, T.T.	Parnell, M.C.	Vincent, K.L.
Wade, S.G.		

NOES

Brokenshire, R.L.	Hood, D.G.E. (teller)	Lucas, R.I.
Stephens, T.J.		

PAIRS

Lensink, J.M.A.	Lee, J.S.

Motion thus carried.

Bills

WORK HEALTH AND SAFETY (INDUSTRIAL MANSLAUGHTER) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 May 2015.)

The Hon. T.T. NGO (22:20): I rise to indicate my intention to refer this bill to the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation for further exploration and consideration. Before doing so, I would like to make a few remarks about this bill.

In the past 10 years there has been a great deal of review and change to the work health and safety legislation. Consideration has been given to the offence of industrial manslaughter within these laws as part of a local and national review. In 2006 the SafeWork SA Advisory Committee considered amending the now repealed Occupational Health, Safety and Welfare Act 1986 to include an offence of industrial manslaughter. They recommended against creating an offence of industrial manslaughter. In 2008 it was again considered, this time as part of the National Review into Model Occupational Health and Safety Laws. Again, it was rejected.

The Work Health and Safety Act 2012 (SA), consistent with the national model, does not contain an offence of industrial manslaughter. The Australian Capital Territory is currently the only jurisdiction with a specific offence of industrial manslaughter. That was introduced in 2003. However, it is important to note that it is contained within the Criminal Code rather than within its work health and safety legislation.

This government has historically opposed introduction of an industrial manslaughter offence. Manslaughter offences in South Australia are a matter for the criminal jurisdiction and may be prosecuted under the provisions of the Criminal Law Consolidation Act 1935. The term 'manslaughter' has well-established meaning and precedents in the context of general criminal law and is not consistent with work health and safety legislation. The offence is inconsistent with a philosophy and intent of work health and safety legislation, where culpability is established by unlawful exposure to risk of death, injury or illness rather than by the final consequences of that exposure.

South Australia's work health and safety laws contain three escalating duty of care offences based on the seriousness of the breach and level of risk. The highest level of offence, category 1, is based on recklessness with regard to exposure to risk of death or serious injury or illness, with a maximum corporate penalty of $3 million and a maximum individual penalty of $600,000 or five years' imprisonment, or both. The current penalties offer a very significant deterrent to those with a health and safety duty who engage in conduct that exposes individuals to a risk of death, serious injury, or illness. With that, I move to amend the second reading motion as follows:

Leave out all words after 'that' and insert 'the bill be withdrawn and referred to the Occupational Safety, Rehabilitation and Compensation Committee.'

The Hon. R.I. LUCAS (22:24): The Liberal Party's position on proposals for industrial manslaughter legislation is well known and well established, and that is similar to the government's position—we have not supported it. However, we have no concerns about the issue being canvassed again by this particular standing committee of the parliament.

There have been some interesting developments in recent times in relation to the prosecution of a particular manslaughter case under the criminal law in South Australia anyway and so it may well be that the committee can look at recent developments in that area, as well as what has occurred in other jurisdictions.

The Liberal Party's position remains much the same as the government's position, and that is to oppose the specific introduction of further industrial manslaughter legislation. I repeat, we have no concerns about the occupational health and safety committee having a look at this area and reporting to the parliament at some time in the future.

The Hon. J.A. DARLEY (22:26): I rise to support the motion to refer the matter to the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation. The work of my predecessor and colleague, Senator Nick Xenophon, in this area is well known. There have also been significant changes to work health and safety legislation since he left this place. Given these changes and the ongoing debate over industrial manslaughter, an inquiry will provide the opportunity to consider the issue of appropriate penalties for workplace accidents that result in the death of a worker, as well as the opportunity for relevant stakeholders to provide their input.

The Hon. T.A. FRANKS (22:26): I would like to thank the Hon. Tung Ngo, the Hon. Rob Lucas and the Hon. John Darley for their contributions, and for the willingness to canvass this issue through the committee and I look forward to seeing the consultations that are undertaken through that. I will, noting the hour, keep it brief and indicate that, of course, I support the amendment to the motion.

Amendment carried; motion as amended carried; order of the day discharged.

Motions

MOTIVATION AUSTRALIA

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

That this council—

1. Notes the contribution that Australian non-government organisations make to improving the welfare and quality of life of disadvantaged people living in less resourced settings in developing countries, including our new neighbours such as the small island nations in the Pacific region;

2. Notes the South Australian non-government organisation, Motivation Australia, works in partnership with local organisations in the Asia-Pacific region and rural and remote Australia to improve the quality of life of people with mobility disabilities in the Asia-Pacific region;

3. Notes that over 100 million people globally have a mobility disability. Currently it is estimated that only 5 per cent to 15 per cent of people who require mobility equipment can access it. Across the small island nations in the Pacific region there are more than 150,000 people in need of a mobility device, with this number set to rise due to the diabetes epidemic. There is a heavy reliance on inappropriate and donated equipment and a desperate lack of rehabilitation staff and services; and

4. Notes and commends Motivation Australia's work, increasing access to mobility devices to enable people with a mobility disability to be active, contributing participants within their family, community and broader society.

(Continued from 25 March 2015.)

The Hon. J.M. GAZZOLA (22:28): I rise on behalf of the government in support of this motion moved by the honourable member. Motivation Australia is a not-for-profit disability and development organisation registered in South Australia in February 2007. They are one of few development organisations working within the mobility device sector globally, and the only development organisation working in this field in the Asia-Pacific region. Motivation Australia strives to enhance the wellbeing and quality of life for people living with mobility disabilities.

Their rights-based and inclusive approach brings together local organisations and builds on the knowledge of established clinical and technical personnel. Training is provided in the skills and systems necessary, allowing these organisations to stand on their own, increasing their capacity to provide much needed services to their local communities. These essential services are provided in several Asia-Pacific countries, including Ethiopia, Fiji, Kiribati, Papua New Guinea, Samoa, Thailand, the Solomon Islands, Tonga, Timor-Leste and Vanuatu.

Motivation Australia also provides services in remote communities in central Australia. The Department for Communities and Social Inclusion's statewide equipment program services the equipment and home modification needs of clients of Disability SA and Disability and Domiciliary Care Services, working closely with Australian non-government organisations.

The department has also been working closely with the National Disability Insurance Agency to transition clients to the National Disability Insurance Scheme (NDIS). During the trial period, Domiciliary Equipment Services continues to provide equipment services to NDIS participants as part of the overall contribution from South Australia. The department's comprehensive prescriber education program provides training in high-risk areas such as wheelchair prescription, complex seating, pressure management in beds and chairs, communication and access technology and home modifications.

The training is also available to clinicians from external agencies who prescribe equipment or home modifications on behalf of the equipment program. The services provided by Motivation Australia and other non-government organisations enhancing the quality of life of people living with disability are commendable. The provision of mobility devices and other disability equipment assists those living with a disability, especially those in developing countries where there are limited resources and knowledge, to contribute to family life and participate in their local communities. I commend the motion to the house.

The Hon. S.G. WADE (22:32): I rise to indicate the support of the Liberal team for this motion. I thank the Hon. Kelly Vincent for bringing the motion to the council and commend her for

her work personally as an ambassador for Motivation Australia. The motion notes the contribution of all Australian non-government organisations which endeavour to improve the welfare of the world's needy people. It focuses on the importance of mobility services for the many developing countries in our region, and in particular the work of Motivation Australia.

Motivation Australia has a core mission of enhancing the quality of life for people with mobility disabilities in the Asia-Pacific region. The organisation pursues this goal by providing people with disability in disadvantaged communities with mobility devices such as wheelchairs, supportive sitting, prosthetics, orthotics and other aids. These services are particularly important in developing countries, where mobility challenges are often greater than they may be here. These countries often do not have the resources to invest in making their rural, urban and built environment more physically accessible.

As a Liberal, I am highly supportive of initiatives which promote opportunities and freedoms of people across the diversity of our community. Providing individuals with mobility issues with appropriate mobility devices supports them to engage fully with their community and provides them with opportunities to participate in the workplace. This is important not only for individuals who experience mobility issues, but also for their families or carers who with the effective provision of mobility services are more likely to have time and resources to engage in activities beyond carer support.

Providing people in developing countries with the mobility they need to enter into productive work is one of the best ways we can help to increase opportunities and reduce poverty in developing countries. Motivation Australia is guided by principles of cost effectiveness, gender equity and local partnership. I would like to highlight the importance of local partnerships in particular, as they empower people in local communities to be involved in the planning and implementation of community programs. Giving local people ownership of projects in their own community will help ensure that the projects are sustainable, culturally sensitive and tailored to local needs.

This model of community-driven development is also adopted in work undertaken within Australia. Motivation Australia is engaged with the First Peoples Disability Network to promote disability services for Aboriginal and Torres Strait Islander people living in remote communities. Motivation Australia advocates for a community-driven approach, which aims to create whole-of-community development.

Finally, I would like to touch on the importance of utilising a holistic approach as we seek to improve health and disability issues in communities. The increasing prevalence of non-communicable diseases, such as diabetes and stroke, has created increasing demands for mobility services. The latest ABS health survey indicates that 5.4 per cent of Australians aged 18 years or older have diabetes, more than double the prevalence just two decades ago.

In the Pacific Islands this figure has reached as high as 47 per cent in some countries. Diabetes is known to lead to mobility issues and physical impairment, and is undoubtedly placing increased demands on the need for mobility devices in the Pacific Islands. Where possible, prevention is better than cure. It is important that we encourage and support preventive health initiatives in countries so that as much as possible we reduce the proportion of people at risk of developing health issues that may lead to mobility impairment.

Preventive health, acute care and mobility assistance should all form part of a holistic approach in supporting the development of our developing neighbours. I commend the part that Motivation Australia plays and their dedication to providing community-based solutions to mobility issues in the Asia-Pacific region, and I commend the motion to the council.

The Hon. K.L. VINCENT (22:36): I will say a few brief words to sum up the debate and thank the speakers to the motion, the Hon. Mr Wade and the Hon. Mr Gazzola, for indicating their support and also other members who have indicated their support without necessarily wishing to make a contribution.

As the speakers have rightly pointed out, the work of Motivation Australia is absolutely vital for many reasons, not the least of which is the fact that it is estimated that over 100 million people globally have a disability impacting on their mobility, and that currently only between five and

15 per cent of people all over the world who require a wheelchair due to their disability or impairment have ready access to a wheelchair.

Motivation Australia works tirelessly to close this huge gap, which has an enormous impact on people's quality of life but also on their ability to participate socially and economically in their communities, by providing mobility aids—wheelchairs, scooters, gophers, and so on—in areas throughout the Asia-Pacific, as well as in rural and remote Australia, including, as I understand it, the APY lands.

In fact, just a few weeks ago when I attended the Disability, Ageing and Lifestyle Expo, Disability Recreation and Sport (DRS) was there doing a display of some of the services they have available for people with disabilities to participate in sport. I got to sit in one of the special sports wheelchairs they have there. They were telling me that they were provided through Motivation Australia at a much lower cost than would otherwise have been possible.

Motivation Australia is working in a variety of areas to improve access to community, but also a variety of life experiences for people with disabilities, and I am very proud to be an ambassador for them for those reasons. As has been pointed out, often people in rural and remote or geographically disadvantaged areas rely on equipment that is donated with the best of intentions but often is not suited to the terrain on which it is going to be used.

Often it is donated from areas such as right here in metropolitan Adelaide, and therefore the mobility aids, be they wheelchairs, scooters or whatever, are not suited to the terrain. They might have inadequate wheels that work perfectly well functionally and are quite suited to the terrain here in the CBD but they will not necessarily suit the needs of someone living in the APY lands, Fiji or Kiribati, for example.

As the Hon. Mr Wade pointed out, it is important to support small community organisations who are filling the gaps but are not necessarily funded or provided by government. One of the areas that I think Motivation Australia is doing some fantastic work in that I am very proud of is the area of not only providing the equipment but providing peer training and mentoring so that people can actually learn how to use the device or the equipment to the best of its potential.

Motivation Australia actually allows volunteers who have disabilities themselves to go over to the area, be it remote Australia or somewhere else in the Asia-Pacific, to provide training on how best to use the mobility aid so that the person actually gets the best benefit out of it rather than having a bunch of us sending over our old equipment and feeling warm and fuzzy in ourselves when that equipment may not be in fact reaching the outcome that we would wish it to.

Certainly, Motivation Australia is closing a lot of gaps for people who are disadvantaged in many areas throughout the Asia-Pacific. As the Hon. Mr Wade pointed out, they are also working in areas that are not strictly in the Asia-Pacific. In fact, my partner Nick and I, this weekend just gone, actually attended a Motivation Australia event raising funds for a peer-led organisation for women with disabilities in Tigray, Ethiopia.

The Hon. Mr Wade is quite right: my geography is not particular strong. That is not strictly in the Asia-Pacific but, again, I think that just goes to show how dedicated the workers and volunteers at Motivation Australia are that they are willing to expand beyond the strict scope of their work to fund where the genuine need exists.

It was a fantastic event where the passion and the expertise of the people working with Motivation were clearly demonstrated. In fact, I was sitting just one table in front of a man who is actually a professional occupational therapist. He was quick to tell me that my wheelchair was overly complicated and Nick that his was overly simple, so the passion and expertise are definitely never off the clock. They are always on duty and looking out for the people they are working to service and provide for.

With those few brief words, I will sum up and just say that Motivation Australia is clearly doing extremely important, vital work for people who are disadvantaged, and they do so with very little funding. I would encourage any member here, if anything that has been said has piqued your interest, to please feel free to join us at the fundraising events that will be held throughout the coming year. I thank all members for their support.

Motion carried.

COWDREY, MR MATTHEW

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

That this council acknowledges the extraordinary Paralympic swimming career of South Australian Matthew Cowdrey and on his retirement from elite sport notes that—

1. He embodies a social model of disability which acknowledges that it is society that creates barriers to people with disability succeeding, not disability itself;

2. Amongst the 20 medals, he won 11 gold medals across three Paralympic Games in 2004, 2008 and 2012, making him Australia's most successful Paralympian; and

3. Throughout his successful career, he has become an outstanding ambassador for the Paralympic movement.

(Continued from 25 February 2015.)

The Hon. T.J. STEPHENS (22:44): On behalf of Liberal members, it is with a great deal of pride that I rise to support the motion. Paralympic swimmer Matthew Cowdrey has been an outstanding athlete and, on his retirement, we would like to note that, in fact, he won 11 gold medals across three Paralympic Games (those being in 2004, 2008 and 2012) making him Australia's most successful Paralympian.

Throughout his incredibly successful career, we concur that he has become an outstanding ambassador for the Paralympic movement of Australia and, in fact, probably worldwide. I have not had the pleasure of meeting Matthew Cowdrey myself but I am reliably informed by a number of Liberal members of parliament that they have had that privilege. They tell me he is an incredibly humble but talented young man and he has the capacity, we believe, to succeed at anything he turns his mind to.

With those few words, it is with a great deal of pride that I, on behalf of the Liberal Party, support the motion of the Hon. K.L. Vincent and congratulate her for bringing this motion to the parliament.

The Hon. R.I. LUCAS (22:46): I rise to support the motion. I do not have much more to add to the comments of my colleague the Hon. Terry Stephens other than to say that I have met Matthew and I can only acknowledge that, whilst he has been extraordinarily successful in all that he has done thus far, the world is his oyster.

There are many challenges ahead for Matthew and, given that he is such a personable young man with the capacity to meet many people and make a very favourable impression on all those he meets, I have no doubt that whatever future path he chooses he will be very, very successful. In any role that he was to adopt which involved meeting people, representing people and engaging with people in the wider community, I am sure he would be very successful.

I join with the Hon. Kelly Vincent and my colleague the Hon. Terry Stephens in supporting this particular motion and acknowledging his achievements but, more particularly, wishing him well for future endeavours and future challenges.

The Hon. T.T. NGO (22:48): I would like to congratulate one of Australia's most successful sportspersons, Paralympian Matthew Cowdrey OAM, who announced his retirement on 10 February 2015 at the age of 26 after an incredible competitive swimming career. I would like to thank the Hon. Kelly Vincent for this motion.

Matthew was born with a congenital amputation to his lower left arm. He competed in the S9, SB9 classification of physical impairment. He was raised by his parents in South Australia. At a young age, they taught him that he could achieve whatever he wanted. He was allowed to participate in the same activities like everyone else his age, from riding a bike to playing football. Like many parents, they introduced Matthew to water when he was a baby and he found a love for it immediately.

By the age of five years, he had learnt to swim at the Golden Grove State Swim Centre, before joining his first swim club at Norwood. He was guided by his long-term coach, Peter Bishop,

who recognised Matthew's ability. Peter and Matthew have maintained a strong relationship throughout his career.

Before Matthew made the national team at age 13, his coach Peter set a long-term goal for him to become Australia's best ever Paralympian. In 2000, he broke his first Australian Open record at age 11 and a world record at just 13 years of age. In 2004, at the age of 15, he earned the right to represent Australia and compete at his first Paralympics in Athens. He was incredibly successful on his debut and won three gold, two silver and two bronze medals. For his accomplishments at his first Paralympic Games in Athens, Matthew was awarded with the Medal of the Order of Australia (OAM).

In 2008, he captained the Australian Paralympic swimming team at the Beijing Olympics and he won more medals than any other Paralympian attending the event, claiming five gold and three silver medals. Each of his five gold medals were won in world record time. He also had the privilege of being chosen to be Australia's flag bearer at the closing ceremony. In London 2012, he won five gold, two silver and a bronze medal, which made him Australia's most successful Paralympian ever. After competing in three consecutive Paralympics, he has won gold in each of his specialty events: the 100 metres freestyle and the 200 metre individual medley. In three Paralympic Games: Athens, Beijing and London, Matthew won a total of 23 medals.

In 2009, he was named the Young South Australian of the Year. In September 2012, in recognition of his achievements, the Premier officially named the South Australian State Aquatic and Leisure Centre's main competition pool the Matthew Cowdrey Competition Pool. One of his most treasured possessions are the keys to the City of Salisbury, which he received in 2013. He became the third person to receive the keys to the area in which he grew up.

While swimming competitively, Matthew enrolled in a Bachelor of Law at the University of Adelaide. He completed his law degree and he is now working full time at KPMG. In life, it just shows that when you have courage, dedication and determination you can achieve many things. Matthew is an inspiration and role model for all Australians, not just those with a disability. I am very happy to support this motion.

The Hon. K.L. VINCENT (22:53): I have a few brief words to sum up. Can I thank the speakers to this motion, the Hon. Tung Ngo, the Hon. Terry Stephens, the Hon. Rob Lucas and those who have indicated their support without necessarily verbalising it in the chamber today. I will admit that when I first started to think about putting this motion forward congratulating Matthew Cowdrey on his successful Paralympic career, I did it with a small amount of hesitation. I was a little bit hesitant about the way this motion might be interpreted because often the way people's disabilities are perceived by the broader society, not everyone but the broader society, and particularly the media, is a spectrum of—in fact, I would not even call it a spectrum.

I would call it two polar opposites where one is where the bludgers sit at home all day feeling forlorn and looking sick in crocs and a lap rug—not that there is anything wrong with wearing crocs and a lap rug, if that is what you choose—and feeling sorry for ourselves. The other is what I have deemed affectionately or perhaps not so affectionately as 'supercrip' where you are climbing Mount Everest with no oxygen tank despite your complete lack of limbs and so on. Often we forget, and the media in particular forgets, that most of us fall somewhere in the middle.

I wondered whether moving a motion drawing attention to a successful Paralympian would again perpetrate that idea that all people with disabilities are born to be Paralympians who show us how to overcome every obstacle that we have ever faced and so on, but that certainly was not my intention. Neither was it my intention to illustrate that with bravery and courage, as I think the Hon. Tung Ngo put it, you could achieve anything. While to an extent that is true I would respectfully submit that it is not really bravery and courage that give you the opportunities, it is the lack of barriers that you face that translates to you having those opportunities. That is exactly why in the motion I talk about Mr Cowdrey's work being a great example of the social model of disability where we recognise that it is not the disability in and of itself that is the issue, it is the barriers that are erected to us as society's reaction to our disabilities that create the issue.

I move this motion to thank Mr Cowdrey for his contribution to the state of South Australia and to Australia as a nation with a proud history of participation in sport and to illustrate that the only difference between people with and without disability is opportunity.

Motion carried.

Bills

DOG AND CAT MANAGEMENT (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (22:57): Obtained leave and introduced a bill for an act to amend the Dog and Cat Management Act 1995; and to make related amendments to the Criminal Law Consolidation Act 1935, the Equal Opportunity Act 1984 and the Major Events Act 2013.

Read a first time.

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (22:58): I move:

That this bill be now read a second time.

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

Leave granted.

Approximately two thirds of South Australians are pet owners. The way we manage dogs and cats as part of our community is a matter of concern for many organisations and community members and the issues involved can be complex and sometimes very emotive.

Since the Dog and Cat Management Act came into operation in 1995, best practice in dog and cat management has evolved and it is important that the Act is changed to reflect this. We are no longer willing to accept euthanasia rates of dogs and cats being in the thousands each year and the unacceptable practices of puppy and kitten farms. We also recognise that the way dog and cats are managed can have an impact on the community causing nuisance, financial costs and in some cases, injury.

This needs to be balanced with the benefits and the unique place that dogs and cats have as companion animals in the community. Community attitudes and our understanding of the role of dogs and cats in society has changed. We now acknowledge that dogs and cats are important family members and their welfare and protection is a concern for many South Australians.

I acknowledge the work of the late Bob Such in calling for the Select Committee on dogs and cats as companion animals that was convened in 2012. This was the first step in identifying the amendments that I bring forward today.

The government has conducted significant levels of consultation on the proposed amendments with the community and stakeholders including the RSPCA, Animal Welfare League, Local Government Association, the Australian Veterinary Association and dog and cat breeder associations. This consultation will continue as the proposed regulations and procedures are developed.

The Dog and Cat Management Board is the government's key partner in developing the proposed amendments and has been crucial in bringing the Bill to Parliament. I thank them for their commitment and conviction in bringing these amendments forward.

The Bill aims to contemporise the Dog and Cat Management Act and implement solutions to dog and cat management challenges that reflect the community's views.

Local councils will continue to have the task of administrating and enforcing the Act in the community. The Bill provides additional powers to authorised council employees that are consistent with powers afforded under the Local Government Act. These additional powers strengthen councils' ability to investigate breaches of the Act such as dog attacks and the keeping and sale of restricted dog breeds, and also includes the ability to sight, collect and test evidence.

Introducing consistency between the local government and dog and cat management legislation reduces red tape for councils.

Previously, council employees were required to be authorised as dog management officers to respond to a dog complaint, and as cat management officers to respond to a cat complaint, carrying an identification card for each role – this will now be a single form of identification.

A Council employee that administers the Local Government and Dog and Cat Management Act will now be referred to as an Authorised Person and have powers that are reasonably consistent.

The Bill provides councils with additional powers to manage cats that are broadly consistent with the existing powers to manage dogs. These powers have been provided, but not prescribed, and councils will continue to be the authority that determines the extent of cat management in their jurisdiction.

To protect the State's biodiversity and reduce predation of native animals, the Bill continues to permit an authorised person to destroy a cat if found in a national park or vulnerable environment.

The Bill introduces the first increase in expiations and penalties in ten years. This reform is necessary to maintain an adequate deterrence that seeks to reduce the number of irresponsible pet owners who allow their animals to impact on public safety, with appropriate penalties should they do so.

Local Government supports the increases so that compliance with the Act is strongly incentivised, which is not currently the case. For example, councils are permitted to set a dog registration fee at $85 but the current expiation for failing to register is $80, and therefore wholly ineffective.

During public consultation, it was identified that the increases proposed in the draft Bill, were considered excessive, particularly for wandering-at-large and administrative offences. The Government has listened to this feedback and with the assistance of the Dog and Cat Management Board, has reviewed the expiation and penalty amounts to a level more reflective of community expectation. This review reduces the likelihood that owners would abandon animals to avoid payment.

The Bill further supports the reduction of red tape through simplification of the disability dog accreditation process.

Previously, the Dog and Cat Management Board was required to approve all accreditations. Powers will be extended to 'prescribed accreditation bodies' that fulfil the requirements of the Board. This means that organisations that train disability dogs will now be provided with the power to accredit dogs graduating from their own training courses.

The Dog and Cat Management Board as the body administering assistance dog accreditation, will retain the ability to revoke and place conditions on delegation of this power.

The terms 'disability dog', 'hearing dog' and 'guide dog' will be retired in favour of the nationally consistent term 'assistance dog' and a consequential amendment made to the Equal Opportunities Act 1984 to reflect the change.

The Bill meets an election commitment to introduce mandatory microchipping. South Australia is the only state not to have introduced this measure to return lost animals home and trace the ownership of dogs that threaten public safety.

The Bill requires mandatory microchipping of all dogs and cats by an age set by regulation. This is proposed to be 3 months and will commence for all dogs and cats from a specific date. The reform requires an animal's microchip number to be provided to the purchaser at point of sale whether it be through a pet shop, shelter, or online.

Penalties will be imposed for owning a un-microchipped dog or cat and for failing to keep details up to date with a microchip registry. To facilitate microchipping state-wide, the bill provides a framework for approval of microchip implanters by the Dog and Cat Management Board providing for animals to only be microchipped by an appropriately trained person.

The Bill provides a framework for the Board to regulate and administer a state-wide microchipping database. The government has produced a business case on a state-wide database and is working with the Board and the Local Government Association to explore its implementation.

The Bill introduces mandatory desexing of dogs and cats. Desexing has been defined as 'to castrate or spay an animal so as to permanently render the animal incapable of reproducing'. It is proposed that the requirement to desex will apply to new animals from a prescribed date.

The issue of mandatory desexing arose during the Government's public consultation despite none of the proposed amendments containing any provision for desexing. The Government received over 1800 submissions via the Your SAy website, and of these, 155 gave support for desexing.

Mandatory desexing has also been recommended to the government by the Citizens' Jury on unwanted dogs and cats, the Dog and Cat Management Board, the RSPCA and the Animal Welfare League. The Select Committee on dogs and cats as companion animals supported mandatory desexing for cats.

The Bill provides for this requirement to be administered through council dog and cat registration and exemptions will be available. These are envisaged as certification by a veterinary surgeon, plus working, greyhounds and security dogs and consideration will be given to appropriate arrangements for rural and remote communities including Aboriginal communities.

This reform will is aimed at reducing cat over-population and the subsequent impact on animal welfare shelter admission rates and may also reduce hormone related nuisance behaviours that include aggression and wandering.

The schemes that provide for mandatory microchipping and desexing are contingent upon the making of regulations. Due to the importance of these regulations in implementing the schemes, there will be further community and stakeholder consultation during their preparation. This consultation will work through the issues of the appropriate

age for desexing, details of the exemptions and the interaction of the sale of dogs and cats and the appropriate age for desexing.

The Bill also introduces changes to dog registration that supports introduction of mandatory microchipping and desexing by providing a discount to owners of existing dogs that have voluntarily complied with the requirements. This reform further reduces red tape for council as registration categories that must be administered moves from a minimum of eight, to two.

Following the introduction of the prescribed date after which the requirement to desex new animals will apply, dogs born before that date that are not desexed will be categorised as 'non-standard' and their owners will pay a higher registration fee than those who have voluntarily desexed. As the existing dog population dies, and the requirement to desex comes into effect, registration categories will reduce to one – 'standard dog' which is a microchipped and desexed dog or an exempted dog.

The Bill removes the council requirement to provide a registration rebate for trained dogs. This rebate was ineffective in encouraging training and was difficult to administer for councils and the Dog and Cat Management Board.

The Bill introduces breeder registration to improve oversight of breeders without unnecessarily increasing red tape. Breeders will be required to register with the Dog and Cat Management Board disclose their location and comply with requirements.

This will assist to locate and eradicate operations where dog and cat management and welfare is a secondary concern to profit. These puppy or kitten farms have no place in South Australia.

Councils will be able to utilise breeder registration to enforce bylaws such as animal limits, trace the breeders of aggressive dogs in the community, understand animal density and incorporate the needs of breeders into animal management plans.

The Bill requires that breeders register individually and will be allocated a unique breeder registration number. This number must be included in any advertisements, including online, for the sale of a dog or cat. The streamlining of process requirements for members of breeder organisations will be considered.

It will also be a requirement that the registration number of the breeder is provided to consumers at the point of sale so they can identify where their pet originated. This provides a means for consumers to enforce their rights if sold a dog or cat that has a behavioural, medical or genetic condition.

The Bill allows the Board to set a fee for breeder registration. This revenue will be paid into the Dog and Cat Management Fund and used to administer the breeder register and conduct compliance activities as the Board sees fit.

I recognise that the broad majority of dog and cat breeders in South Australia raise their animals in appropriate conditions. These measures are aimed at locating unethical breeders and planning for the inclusion of humane breeders that produce healthy, sociable dogs in our communities.

The government is serious about clamping down on unethical practices and reducing the number of animals' euthanised in animal welfare shelters. The government is also serious about preventing serious dog attacks that have caused fatalities interstate, and addressing the cat over-population issue that impacts on the sta biodiversity.

I note that the Companion Animals Amendment Bill introduced by the Honourable Michelle Lensink MP included many of the reforms I have brought forward today however, by legislating these changes under the Dog and Cat Management Act, instead of the Animal Welfare Act, we are utilising the existing statewide compliance framework that exists through the Dog and Cat Management Board and the sixty-nine metropolitan and rural councils. It is the Governments view that this approach is more effective as it utilises the current, established system of local government councils and provides a focus on safe communities in addition to protecting dogs and cats.

The Dog and Cat Management Board will also work with all of the stakeholders on a community awareness campaign and support for implementation of the reforms.

This Bill deserves the support of all parties as the reforms received significant support from the community and stakeholders during the 10-week consultation period from April—June this year.

We must take this opportunity to contemporise dog and cat management and address issues that are increasingly in the forefront of the community's mind.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Dog and Cat Management Act 1995*

4—Amendment of section 3—Objects

This clause makes a consequential amendment to section 3 of the principal Act.

5—Amendment of section 4—Interpretation

This clause amends section 4 of the principal Act, inserting definitions of key terms used in the measure, making consequential amendments and correcting obsolete references.

6—Amendment of section 5—Owner of dog or cat

This clause amends section 5 of the principal Act to extend the operation of the relevant parts of that section to include cats as well as dogs.

7—Amendment of section 6—Person responsible for control of dog or cat

This clause amends section 6 of the principal Act to extend the operation of the relevant parts of that section to include cats as well as dogs.

8—Amendment of section 21—Functions of Board

This clause amends section 21(1)(b) of the principal Act to extend the operation of that paragraph to include cats as well as dogs, as well as making consequential amendments to the remainder of the section.

9—Amendment of section 21A—Accreditation of assistance dogs

This clause amends section 21A of the principal Act to allow certain prescribed bodies to accredit assistance dogs, previously referred to as guide dogs, hearing dogs or disability dogs.

10—Insertion of section 21B

This clause inserts new section 21B into the principal Act. The new section empowers the Board to keep a register in respect of dogs and cats microchipped and/or desexed under the Act.

11—Insertion of section 23A

This clause inserts new section 23A into the principal Act, conferring on the Board a standard power of delegation.

12—Amendment of heading to Part 3

This clause amends the heading to Part 3 of the principal Act.

13—Insertion of Part 3 Division 1

This clause inserts new Part 3 Division 1 into the principal Act, with that Division allowing for the appointment of authorised persons under the Act, and related provisions setting their powers as well as requirements relating to their identification and limitations on their powers. The clause also inserts a heading to the remaining provisions of Part 3, which now becomes Division 2.

14—Amendment of section 26—Council responsibility for management of dogs and cats

This clause amends section 26 of the principal Act to extend the operation of the relevant parts of that section to include cats as well as dogs. The clause also sets out additional responsibilities of councils in respect of registers, and simplifies the arrangements relating to rebates of dogs or cats that are desexed etc, providing that a standard dog or cat (ie one eligible for the rebate) is one that is both desexed and microchipped.

15—Amendment of section 26A—Plans of management relating to dogs and cats

This clause makes a technical amendment to section 26A(3) of the principal Act.

16—Repeal of sections 27 to 30

This clause repeals sections 27 to 30 of the principal Act, consequent upon the amendments made by this measure.

17—Amendment of section 31—Offence to hinder etc authorised person

This clause makes a consequential amendment to section 31 of the principal Act.

18—Amendment of section 32—Offences by authorised persons

This clause makes a consequential amendment to section 32 of the principal Act.

19—Amendment of heading to Part 4

This clause makes a consequential amendment to the heading to Part 4 of the principal Act.

20—Amendment of section 33—Dogs must be registered

This clause amends the penalties under section 33(2) and (3) of the principal Act as stated, and makes consequential amendments.

21—Amendment of section 37—Notifications to ensure accuracy of registers

This clause amends the penalties under section 37(1) and (2) of the principal Act as stated.

22—Amendment of section 38—Transfer of ownership of dog

This clause amends the penalties under section 38 of the principal Act as stated.

23—Repeal of section 40

This clause repeals section 40 of the principal Act.

24—Amendment of section 41—Applications and fees

This clause makes consequential amendments to section 41 of the principal Act.

25—Repeal of section 42

This clause repeals section 42 of the principal Act.

26—Insertion of Part 4A

This clause inserts new Part 4A into the principal Act as follows:

Part 4A—Microchipping and other identification

42A—Dogs and cats to be microchipped

This section requires dogs and cats to be microchipped in accordance with the regulations. The penalty for contravening the section is a fine of up to $5,000. The clause also makes provision for exceptions to the requirement.

42B—Further offence if certain dogs and cats not microchipped following offence against section 42A

This section creates a cognate offence where a person who has been found guilty of an offence of not microchipping their dog or cat under new section 42A continues to fail to do so after being found guilty.

42C—Further requirements relating to identification of certain dogs and cats

This section requires certain dogs and cats (being animals that are not, or are not yet, required to be microchipped under the Act) to wear specified forms of identification in public.

Part 4B—Desexing

42D—Certain dogs and cats to be desexed

This section requires dogs and cats to be desexed in accordance with the regulations. The penalty for contravening the section is a fine of up to $5,000. The clause also makes provision for exceptions to the requirement.

42E—Further offence if certain dogs and cats not desexed following offence against section 42D

This section creates a cognate offence where a person who has been found guilty of an offence of not desexing their dog or cat under new section 42D continues to fail to do so after being found guilty.

27—Amendment of section 43—Dogs not to be allowed to wander at large

This clause amends the penalties under section 43 of the principal Act as stated.

28—Amendment of section 44—Dogs not to be allowed to attack etc

This clause amends the penalties under section 44 of the principal Act as stated.

29—Amendment of section 45—Transporting unrestrained dogs in vehicles

This clause amends the penalties under section 45(1) of the principal Act as stated, and makes other consequential amendments.

30—Amendment of section 45A—Miscellaneous duties relating to dogs

This clause amends the penalties under section 45A of the principal Act as stated, and makes consequential amendments.

31—Substitution of heading to Part 5 Division 1A

This clause amends the heading to Part 5 Division 1A of the principal Act.

32—Amendment of section 45B—Dogs of prescribed breed

This clause amends section 45B of the principal Act to standardise the offence in subsection (1) by clarifying that dogs of prescribed breeds must be both muzzled and restrained in public. The clause also increases offence penalties, and makes consequential amendments in relation to desexing.

33—Amendment of section 45C—Greyhounds

This clause amends section 45C of the principal Act to standardise the offence in subsection (1) by clarifying that greyhounds (unless exempted from the muzzling requirement) must be both muzzled and restrained in public. The clause also increases offence penalties, and clarifies that the exceptions in current subsection (2) do not include council dog parks.

34—Amendment of section 45D—Attack trained dogs, guard dogs and patrol dogs

This clause amends the penalties under section 45D of the principal Act, and makes a consequential amendment.

35—Repeal of section 45E

This clause repeals section 45E of the principal Act.

36—Amendment of section 47—Court's power to make orders in criminal proceedings

This clause makes a consequential amendment to section 47 of the principal Act.

37—Repeal of Part 5 Division 2

This clause repeals Part 5 Division 2 of the principal Act.

38—Amendment of heading to Part 5 Division 3

This clause makes a consequential amendment to the heading to Part 5 Division 3 of the principal Act.

39—Amendment of section 50—Destruction and control orders

This clause amends section 50 of the principal Act. Some of the amendments are consequential, while the requirement that dogs or their owners or both undertake specified training is extended to the remaining control order categories. Most notably, the clause amends section 50 to enable the Board, as well as councils, to make the relevant orders.

40—Substitution of section 51

This clause substitutes section 51 of the principal Act, standardising the grounds on which orders may be made under section 50, and in particular including the grounds that the dog is subject to a similar order under the law of another jurisdiction.

41—Amendment of section 52—Procedure for making and revoking orders

This clause makes a consequential amendment to section 52 of the principal Act, in particular recognising that the Board may now make orders.

42—Amendment of section 55—Contravention of order

This clause amends the penalties under section 55 of the principal Act as stated.

43—Amendment of section 56—Notification to council

This clause amends the penalties under section 56 of the principal Act as stated.

44—Amendment of section 57—Notification of order to proposed new owner of dog

This clause amends the penalties under section 57 of the principal Act as stated.

45—Repeal of section 58

This clause repeals section 58 of the principal Act.

46—Amendment of section 59A—Prohibition orders

Consistent with clause 39, this clause amends section 59A of the principal Act to enable the Board to make prohibition orders.

47—Amendment of section 59B—Contravention of Prohibition Order

This clause amends the penalties under section 59B of the principal Act as stated.

48—Repeal of section 59C

This clause repeals section 59C of the principal Act.

49—Substitution of Part 5 Division 4

This clause inserts new Part 5A into the principal Act as follows:

Part 5A—Destruction, seizure and detention etc of dogs and cats

Division 1—Destruction, seizure and detention etc of dogs

59D—Power to destroy dogs

This section sets out the circumstances in which a person may lawfully destroy or injure a dog. This provision (along with new section 60) is essentially a rationalisation of various existing provisions in the principal Act.

60—Power to seize and detain dogs

This section sets out the circumstances in which a person may seize and detain a dog. Again, this provision (along with new section 59D) is essentially a rationalisation of various existing provisions in the principal Act.

61—Procedure following seizure of dog

This section sets out what is to happen to a dog once it is seized and detained under the Act.

62—Destruction or disposal of seized dog

This section sets out that a person detaining a dog may destroy, sell or otherwise dispose of the dog if it is not claimed within 72 hours, or its owner will not take possession or pay moneys owing.

Division 2—Destruction and seizure etc of cats

63—Power to destroy cats

This section sets out the circumstances in which a person may lawfully destroy or injure a cat. This provision (along with new section 64) is essentially a rationalisation of various existing provisions in the principal Act.

64—Power to seize and detain cats

This section sets out the circumstances in which a person may seize and detain a cat. Again, this provision (along with new section 63) is essentially a rationalisation of various existing provisions in the principal Act.

64A—Destruction or disposal of seized cat

This section sets out that a person detaining a cat may destroy, sell or otherwise dispose of the cat.

Division 3—Miscellaneous

64B—Certain bodies may microchip and desex detained dogs and cats

This section provides that an animal welfare organisation or council detaining a seized dog or cat (whether the animal was seized under the principal Act or any other Act) may microchip or desex (or both) the dog or cat. However, such an action must be done in accordance with guidelines developed by the Board.

64C—Limits on entitlement to return of dog or cat

This section sets out prerequisites to return of a dog or cat seized under this proposed Part.

64D—Notification to owner of dog or cat destroyed etc under Division

This section requires certain persons who destroy, injure, seize or detain a dog or an identified cat under this proposed Part to notify the animal's owner and the local council (or, if it is outside of council areas, a police officer).

64E—Recovery of costs

This section enables the operator of a facility at which a dog or cat has been detained under this proposed Part to recover (as a debt) charges payable under the regulations in relation to the seizure, detention or destruction of the dog or cat.

64F—Ownership of certain dogs and cats to vest in operator of facility

This section vests ownership of certain dogs or cats destroyed or otherwise disposed of under this proposed Part in the operator of the facility taking the action. The section also provides that no compensation is payable to a previous owner of the dog or cat in respect of its destruction or disposal.

50—Amendment of section 66—Liability for dogs[1]

This clause corrects an obsolete reference in section 66 of the principal Act.

51—Substitution of Part 7

This clause inserts new Parts 7 and 7A into the principal Act, in substitution for current Part 7, as follows:

Part 7—Breeding and sale of dogs and cats

68—Registration of breeders

This section provides for the registration by the Board of persons as a breeder of dogs or cats (as the case requires). The section also sets out procedural requirements in respect of registration.

69—Offence for breeder to sell dogs or cats unless registered

This section creates an offence for a person to sell a dog or cat that he or she has bred unless he or she is appropriately registered as a breeder under this Part, or registered with an approved representative body or under the law of another jurisdiction. The maximum penalty for an offence is a fine of $5,000.

70—Offences relating to sale of certain dogs and cats

This section creates offences for a person to sell a dog or cat that has not been micro-chipped (in subsection (1)) or desexed (in subsection (2)) in accordance with the requirements to be set out in the regulations. The maximum penalty for an offence is a fine of $5,000. The section also confers a regulation making power to disapply the section in respect of sales occurring in certain circumstances.

71—Certain information to be given to buyers

This section creates offences for a person who sells a dog or cat to fail to provide the information required by subsection (1). A similar offence is created by subsection (2) in respect of a person publishing an advertisement for the sale of a dog or cat. The maximum penalty for an offence is a fine of $5,000. The section also confers a regulation making power to disapply the section in certain circumstances.

Part 7A—Review of decisions by SACAT

72—Review of certain decisions by South Australian Civil and Administrative Tribunal

This section confers jurisdiction on the SACAT to review certain decisions under the principal Act.

52—Insertion of section 80A

This clause inserts new section 80A into the principal Act. The new section allows the Board to exempt a person or body from the operation of a specified provision or provisions of the principal Act.

53—Amendment of section 81—Assistance dogs

This clause makes consequential amendments to section 81 of the principal Act, as well as aligning terms used in subsection (2) with those used in the *Disability Discrimination Act 1992* of the Commonwealth.

54—Amendment of section 81A—Interference with dog or cat in lawful custody

This clause makes a consequential amendment to section 81A of the principal Act, as well as increasing the maximum penalty for an offence under the section to a $5,000 fine.

55—Insertion of section 81B

This clause inserts new section 81B into the principal Act. The new section creates an offence where a person, without lawful excuse, interferes with the identification carried by a dog or cat.

56—Amendment of section 83—No liability for action taken under Act

This clause makes a consequential amendment to section 83 of the principal Act.

57—Amendment of section 85—Continuing offences

This clause amends section 85 of the principal Act to include the provisions of new Parts 4A and 4B in the exceptions to the scope of the continuing offence provision.

58—Amendment of section 88—Evidence

This clause makes consequential amendments to section 88 of the principal Act.

59—Amendment of section 88A—Liability of vehicle owners in relation to transporting unrestrained dogs

This clause makes a consequential amendment to section 89 of the principal Act.

60—Amendment of section 90—By-laws

This clause makes a consequential amendment to section 90 of the principal Act.

61—Amendment of section 91—Regulations

This clause, in addition to inserting standard provisions relating to codes etc and expiation fees, amends section 91 of the principal Act so that regulations under the Act no longer need the recommendation of the Board before they can be made, rather the Board must now be given notice of proposed regulations, and consideration must be given to submissions made by the Board within the specified period.

Schedule 1—Related amendments and transitional provisions

Part 1—Amendment of *Criminal Law Consolidation Act 1935*

1—Amendment of section 83H—Interpretation

2—Amendment of section 83L—Evidentiary

These clauses make consequential amendments to the *Criminal Law Consolidation Act 1935*.

Part 2—Amendment of *Equal Opportunity Act 1984*

3—Amendment of section 5—Interpretation

This clause makes a consequential amendment to the *Equal Opportunity Act 1984*.

Part 3—Amendment of *Major Events Act 2013*

4—Amendment of section 26—Powers of authorised persons at major event venues

This clause makes a consequential amendment to the *Major Events Act 2013*.

Part 4—Transitional provisions

5—Accreditation of assistance dogs to continue

6—Certain exemptions under section 45E to continue

7—Dog management officers taken to be authorised persons

8—Cat management officers taken to be authorised persons

9—Designated areas

These transitional provisions continue appointments and other administrative acts made or done under the principal Act prior to the commencement of this measure.

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

TOBACCO PRODUCTS REGULATION (ARTISTIC PERFORMANCES) AMENDMENT BILL

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (22:59): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill seeks to amend the *Tobacco Products Regulation Act 1997* to provide the Minister for Mental Health and Substance Abuse with the power to exempt artistic performances from Section 46(1) of the *Tobacco Products Regulation Act 1997*.

Artistic performances add to the rich culture and the economy of South Australia. Sometimes these performances include smoking. For instance, in historical pieces smoking may be used to make the performance feel more authentic. While a few performances are willing to use alternative options, sometimes producers advise that the inclusion of smoking is integral to the script or an essential activity within the context of the performance. It is anticipated that as smoking continues to become further de-normalised in society it will be less necessary in artistic performances. As alternative theatrical devices become more sophisticated we expect these to be used more frequently.

Smoking in enclosed public places, workplaces and shared areas has been prohibited under Section 46(1) of the *Tobacco Products Regulation Act 1997* since 2004. A process was introduced to allow artistic performances to apply for an exemption from this Section. Between 2008 and September 2015 a total of 53 requests for exemptions were received and of these, 48 obtained an exemption. Conditions apply to these exemptions including the requirement for audiences to be informed of smoking within the performance, adequate stage and audience ventilation and the use of only herbal rather than tobacco cigarettes.

However, the current process is administratively protracted as exemptions can only be granted by His Excellency the Governor. For applicants this means that they must apply at least three months in advance of the performance and rehearsals. For government this is a complex process of exemption assessment and approval which is disproportionate to the risks posed.

Amendment through the passing of this Bill will simplify the Government's artistic performance exemption procedures by enabling the Minister, or delegate, to grant these exemptions. This will reduce the administrative burden on Cabinet and the Governor. It will produce more flexible and timely responses to applications and reduce the risk of disruption to artistic productions. The current process for applicants will remain unchanged.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Tobacco Products Regulation Act 1997*

3—Amendment of section 71—Exemptions

This clause amends section 71 of the principal Act to allow the Minister to grant exemptions from the Act in relation to artistic performances by notice in writing.

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

PLANNING, DEVELOPMENT AND INFRASTRUCTURE BILL

Introduction and First Reading

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

Second Reading

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (23:02): I move:

That this bill be now read a second time.

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

Leave granted.

The impact of today's planning decisions will either bless, or burden future generations.

This Bill will shape the course of South Australia's development for decades to come.

Our city and regions must be the best places to live, work, study, and invest. Others should regard our State as a destination of choice.

A great planning system is at the core of this vision. Reforming our planning system is one of the most important and enduring things we can do in this parliamentary term. This is truly a chance to lay down a long term vision, way beyond the narrow constraints of the normal four year political cycle.

We must set South Australia on a long-term trajectory of growth and prosperity.

The planning system must enable this State to thrive and prosper.

The planning system must encourage investment. It must enable the creation of jobs.

The planning system must have the tools to deliver affordable living options and welcoming communities.

The planning system must compliment other strategic priorities including a great public transport system and vibrant city life. It must respect our environment and protect our food bowl.

Most importantly, the planning system must be open and transparent. The long term public interest must never be compromised for short term political, or corporate gain.

Unlocking South Australia's potential

South Australia has many natural advantages, but so much untapped potential.

We are at a moment of transition from the old to the new economy. It is important to remember these advantages we have and to work to unlock potential. We live in an advanced economy with:

- an adaptable and highly skilled workforce
- first-class science, innovation and academic sectors
- an abundant supply of mineral resources
- an amazing natural environment
- a rich and varied cultural, artistic and sporting heritage, and
- some of the world's best food and wine produce.

Our track record in social innovation, an enviable standard of living and a stable business environment are factors that help make South Australia an attractive destination for investment and people.

It is little wonder that our capital city is consistently rated as one of the most liveable in the world. As is so often the case, though small, we punch well above our weight.

Governments of all political stripes have built upon this potential to shape the South Australia we know today. As history has shown, all that is needed is the confidence to take bold steps.

In recent years, the government has undertaken a number of targeted 'bite size' reforms to regulatory and policy settings that have helped to unlock the potential hidden and unrealised around us.

We've unlocked the potential of our city's laneways through licensing reforms so that now, more than 50 new small venues, are contributing to a new vibrant city culture.

This minor regulatory change has inspired a generation of young entrepreneurs to make Adelaide the place to set up shop.

Zoning changes have unlocked the potential of our inner city, creating opportunities for apartment living, instituting the widely praised design review service and generating up to $4.6 billion in new investment in the past four years.

We're unlocking the potential of Kangaroo Island, establishing the new office of 'Commissioner for Kangaroo Island'. Economic development opportunities are already starting to emerge, such as the recently announced 200-bed tourism facility at American River.

We've started unlocking the potential of our suburbs through rezoning and the use of the Urban Renewal Authority, backed by legislative powers, to drive neighbourhood regeneration. We will see the renewal of 4,500 public housing properties in the inner city, over the next 5 years.

Through the *30-Year Plan for Greater Adelaide* and the *Integrated Transport and Land Use Plan* we have a vision to unlock more potential.

We have been joined in this process, by local councils, through major urban renewal projects and rezoning across the city, in Bowden, Glenside, Glenelg, Tonsley, along The Parade, Unley, Greenhill and Churchill roads. We will continue doing more over coming months to maintain this momentum.

All of this has been backed by a renewal of the infrastructure this State needs to prosper and grow.

The Adelaide Oval and SAHMRI are the standout successes on this front to date. Soon the new Royal Adelaide Hospital and Festival Plaza will be similarly well known. The old RAH site will also emerge as a city focal point.

Planning reform—the journey so far

What has been achieved so far has been involved pulling a few clunky policy levers. These levers, however, are hardware designed for the needs of 25 years ago. They are increasingly inadequate for contemporary and future needs.

We need to set our sights now for future generations through a system-wide reform.

Two years ago we set up an independent expert panel to undertake a comprehensive review of our planning system.

We recognised that to unlock even more potential, in our capital and across the State, tweaks and tinkering won't be enough. This State needed a comprehensive rethink of our planning system and its role as an agent to grow South Australia.

We gave the Expert Panel on Planning Reform, which led this process at arm's length, a mandate to examine every aspect of our planning system.

The Panel met with over 2,500 people. Industry, local government, professional and community groups engaged in a mature and open-minded way with the Panel during this time.

As was apparent from their first two reports, the Panel was prepared to be bold. They did not shy away from inconvenient truths.

The ideas contained in the final report could not have been formed without thorough, genuine consultation.

The government has embraced those ideas in the Bill we now bring before you.

This Bill presents a platform for reform. A package of profound changes to meet contemporary needs.

I hope we can all approach this Bill in a genuine spirit of collaboration.

This Bill directly implements the key reforms recommended by the panel.

It lays down the basic building blocks of a new planning system that will ensure better decision-making, a better focus on design and better consultation processes leading to outcomes that meet community expectations.

As indicated in the government's response earlier this year, we have chosen to undertake further work on several key areas. These are left out of this bill for later consideration. Each is a significant piece of work in its own right.

We have chosen to leave current local heritage provisions essentially untouched while we undertake a close examination of the benefits of integrating our state and local heritage laws under one umbrella. Aboriginal heritage laws are also untouched by this Bill.

We have also left undisturbed existing linkages between mining laws and the planning system, as we continue to work through issues concerning multiple land uses.

As members will know, the government has been pursuing a multiple land use framework with the resources sector and this is the appropriate process for the intersection planning, environmental and mining issues to be explored.

We have also chosen to leave the Urban Renewal Act essentially unchanged for the time being. The amendments passed in our last term need to be bedded down.

Lastly, we have decided that issues around open space and public realm, although partly addressed in this Bill, require further work in the longer-term consideration.

Although all of these are important issues and require more time to resolve, this should not delay this Bill.

Some of these issues may actually be best explored once the new Planning Commission has been established. The government and community will benefit from the Commission's advice.

The deferral of these matters aside, there is nothing in this Bill that should be unexpected.

As we indicated in the government response to the panel's report earlier this year, the Bill does go further than the panel's advice in one respect.

The Bill will create new protection for our farmlands and environmental areas around Adelaide in the form of an environment and food production reserve. This area will be given appropriate priority.

The provisions in this Bill for this area are modelled on the laws we have already enacted for the Barossa Valley and McLaren Vale. As with those laws, parliament will have a role in any change which may adversely impact upon these important natural assets.

This is both good planning policy and a critical public integrity issue. Total transparency and public debate about such important decisions is both a protection for future taxpayers and a bulwark against corruption and special pleading behind closed doors.

Combined with the existing Hills Face Zone and other open space zones, this will give Greater Adelaide a 'green belt', mirroring the parklands around the city mile itself. Our first government planner originally envisaged this nearly 100 years ago.

It will make sure our market gardeners, vignerons and fruit growers spread through the Fleurieu and the Adelaide Hills can be certain that their livelihoods will not be affected by opportunistic urban development.

At the same time, as is the case now, compatible rural activities, such as existing small-scale quarries, will be able to continue consistent with the appropriate zoning policies.

Importantly, this innovation will also help to pivot Adelaide's future growth towards employment generating urban renewal, saving future taxpayers billions of dollars.

Given we have more than 20 years' supply of zoned land in Greater Adelaide, this is an easy step for this parliament to take, safe in the knowledge there will be no adverse effect on housing affordability. In the future, subject to periodic review, adjustments can be made by consensus and with the best available evidence at hand.

Of course, all of these measures will be backed by other new tools that will ensure the protection offered by this clause is given life at all levels in the system.

Affordable housing and living is a priority for this government. A growth in home ownership will take pressure off of the public and not-for-profit housing sectors.

Powerful sectional interests have perpetuated myths about affordable housing. These myths repeated so often, have become conventional wisdom. These myths are self-serving in the mouths of their proponents who are often more concerned with maintaining lucrative, taxpayer subsidised, mid-twentieth century business models than with housing affordability. It is time to explode these myths.

It is time to lift the burden of basic infrastructure from first homebuyers, by sharing the cost over time and reducing barriers to first homebuyers from entering the market.

It is time to produce housing that meet the needs of contemporary and future household formation. It is time to place affordable housing nearer to work and services, saving homeowners a fortune in transport costs and other services.

This Bill will be an enabler to these positive changes.

Why urban renewal is the way forward

This government has made no secret of our desire to focus on urban renewal and regeneration as an alternative to urban sprawl. This Bill helps us to deliver on that vision.

We must be able to build homes where the jobs are and must have a planning system that enables us to do this. We cannot ignore the fact that everyone wins through thoughtful infill development.

We know that a more compact urban form not only makes daily life better but also makes for a more sustainable and vibrant city. A city that aims to be truly carbon neutral cannot be based on sprawl.

Adelaide has the lowest density of any Australian capital city. Yet our higher-density suburbs such as Black Forest and Parkside, with 3,000 people per square kilometre, Glenelg South with 3,500, and the south-east of the city with 4,000, are considered some of our most desirable, liveable and vibrant suburbs.

These are suburbs with character and people aspire to live in them.

It is no coincidence that cities around the world with similar densities—Melbourne, Prague, Stockholm, and Vancouver, have viable, cost-effective and quality transit systems.

Simply put, infill creates more economic benefits, costs less to service and makes for a better life for residents.

The following facts illustrate this clearly:

- at infill locations the cost to provide infrastructure is between $15 and 45 million, where fringe developments cost a staggering $62 to 89 million: up to 600 per cent more
- for every 1,000 homes built at infill locations there are more than twice as many jobs created compared to fringe developments
- overall, the economic benefit per 1,000 dwellings in infill locations equates to more than twice as much as compared to fringe development.

It is sobering to remind ourselves that a century ago Adelaide's CBD had double today's population and most of what is now the eastern suburbs, from Magill to Colonel Light Gardens were fertile, productive market gardens interspersed by villages.

In the intervening century we have designed and built many of our suburbs around industries, economies, business models and lifestyles that we now know are unsustainable. Our city is a legacy of cheap petrol, ignorance of climate change, a love affair with private motor vehicles, and concealed State Government subsidies of greenfield development infrastructure costs.

We cannot allow these out-dated approaches determine our future.

We can, however, capitalise on 21st-century planning and design to unlock the potential of our inner and middle-ring suburbs as the turnover of older housing stocks opens up redevelopment opportunities.

It would be a wasted opportunity if we did not get the best legislative framework in place now.

Why our planning system needs to change

Our planning system must be the most competitive in the nation if we are to attract and retain the investment we need to provide jobs and services for future generations of South Australians.

It is clear from the more than 2,500 people who participated in the Expert Panel's engagement process that there is a real and genuine appetite for change in our community.

It is also clear that our current system is struggling under the task. As the panel said, 'We cannot continue with a system that is increasingly unaffordable, unsustainable and unconnected to our future needs'.

With more than 23,000 pages of regulation in our current system it should not be surprising that over 90 per cent of development applications are forced to go through the most onerous and lengthy of assessment processes.

In sum, our current rulebook is unclear, inconsistent and out-of-date.

Until we fix these and other issues, we will always have difficulty in cementing the potential of Adelaide as one of the world's great cities in which to live and work.

Without change, the pressure to use valuable farmland and environmental assets instead of renewing our inner city neighbourhoods will continue. The public realm will continue to be an afterthought, and the hidden costs of fringe living will continue to be passed on to the next generation of taxpayers and new home buyers.

There will continue to be inadequate integration of transport needs, poor coordination of infrastructure with urban development, and fitful attention to those design features that can help make our city carbon-neutral in years to come.

This cannot continue.

Local councils, who will always have a central role in planning policy, are willing to play their part.

A key employment summit hosted by the Lord Mayor, and supported by the Premier, showed how much state and local government can achieve working together. I hope this Bill will be seen as another opportunity to cooperate.

In the new planning system, councils will continue to take the lead in engaging with their communities, facilitating high quality development and helping set the rules for what can happen and where. They will have better ways to collaborate regionally and better avenues to engage on long-term planning issues through the new State Planning Commission.

I feel confident that councils will embrace the opportunities this new planning system will present. This government will work with local government to ensure a smooth transition as we implement this Bill, if passed.

South Australia needs a planning system that will contribute to a stronger economy and a better lifestyle for all South Australians, today and tomorrow.

A planning system that will enable developments, big and small, to happen quickly and easily.

A planning system that promotes design quality at every scale and in every project, and ensures integrated delivery of infrastructure and services to communities.

A planning system that places a premium on professionalism and is based on ongoing, meaningful engagement with communities.

A planning system that will open the door to investment and help generate jobs.

This Bill delivers the effective, efficient and enabling planning system the South Australian community, business and industry want and deserve.

It provides the basic building blocks for the new planning system. It has been developed in a tight timeframe to deliver the reforms South Australian communities, businesses and industries have told us they want.

I would like to pause at this point to put on record my thanks to the many members of the public service, in the Department of Planning, Transport and Infrastructure, Parliamentary Counsel and elsewhere, who have contributed to the development of this important Bill.

I would also like to thank the many community, business and professional groups who have contributed to this Bill.

I would like to thank AGD ministerial staff.

I know this Bill is of great interest to members.

We look forward to this debate. I assure members that the government will be open to consider amendments that cure oversights or unintended omissions.

There are also many people outside this place with an interest in this Bill. Comprehensive and detailed resources are available for members, councils and others from my department's website at or by simply entering 'SA planning reforms' into your preferred search engine. A dedicated hotline is also available on 1300 857 392 to answer questions and provide information.

Planning SA has also engaged in a comprehensive campaign to ensure councils, business, professional and community groups have access to details of the Bill. Workshops and events with local councils, planning professionals, community, and business groups will enable this parliament to engage with these groups, which were instrumental in the Bill's development.

I now turn to the key elements of the Bill.

A better framework for long-term planning

Long-term planning will form the cornerstone of our planning system, through objects and principles and a new general duty, all set down in law, that reinforce the shared responsibilities of government, local councils, industry and communities.

This will provide the certainty to drive investment and secure better on-the-ground outcomes across South Australia.

With an arm's-length role, a new State Planning Commission will be a trusted central point for coordinating long-term planning and helping the Minister deliver the State's planning goals. The Commission will be charged with providing independent advice on key proposals for policy change, making independent decisions on defined categories of development, and providing independence guidance on matters of procedure and interpretation.

Joint planning arrangements will enable and encourage integration and collaboration at a regional scale. It will provide genuine opportunities for partnership between councils, State Government and communities. This will reinforce the conversations the Premier and Minister for Local Government are leading through the Premier's State/Local Government Forum.

The legislation also introduces a new option for upfront consultation with parliament in setting planning policy, reflecting the importance of democratic processes in building and maintaining policy consensus about policy that can span political cycles.

In particular, a new requirement for parliament to approve (after considering a report and inquiry by the State Planning Commission) any decisions about urban expansion that affect our important food production and environmental areas will also be introduced. This ensures that decisions about urban expansion that confer windfall gains to land owners, or incur major infrastructure costs for the community, are appropriately scrutinized.

This Bill also builds upon the foundations of probity and transparency. It creates a system in which elected officials from local government and the State parliaments will be precluded from joining development assessment panels, effectively de-politicising decision-making. New accreditation requirements will be introduced for persons serving on development assessment panels, thereby ensuring appropriate standards of professional or technical expertise. The Independent Commissioner Against Corruption has been briefed on these matters.

Better ways to engage South Australians

Engagement with communities will be a central feature of the new planning system. Our current system is too heavily geared towards involving communities at the later stages of the planning process, when it is too late to influence outcomes.

The Expert Panel's review demonstrated how, when given the opportunity, South Australians will embrace the chance to make positive and meaningful contributions upfront. This planning-focused conversation with the community must continue. This Bill is founded on the tenet that it will.

A new engagement charter will set benchmarks for meaningfully and genuinely engaging communities as ideas are being formed and tested, giving people genuine influence in the process of developing the plans and policies that will shape their communities.

The charter will allow engagement approaches to be tailored to suit each community and authorities will be obligated to meet or exceed key performance benchmarks.

At the same time, online engagement will be encouraged through a new planning website enabling South Australians to engage with the planning system at anytime from anywhere, in a user-friendly format.

A better focus on design quality

Life in our neighbourhoods and regions happens on our streets, in our parks and public places, the spaces we call the 'public realm'. Too often the design practices necessary to integrate the built form with public spaces are an afterthought in our planning system.

If we want to create communities where people and businesses thrive and neighbourhoods that are liveable, attractive and safe, our planning system must seek and reward high-quality design which integrates development on private land with the public realm.

As we increasingly seek to accommodate future growth through urban renewal and neighbourhood regeneration, it is critical that design considerations have more influence.

In a national first, the Bill will enable the establishment of design standards for the public realm and infrastructure, reinforcing an emphasis on design in other parts of the Bill.

Design is also weaved through a number of other elements of the Bill. Design review, design principles and design-based zoning will make design the bedrock for policies and practices at all levels.

A better, clearer rulebook for everyone

The warren of planning rules continually thwart and exasperate ordinary South Australians trying to build a house, or businesses wanting to deliver a development, will be replaced with a single, easy-to-access set of rules that can be applied consistently across the State.

The new rulebook, the 'Planning and Design Code', will be written in plain language, and focused on design outcomes that can be tailored to address local character needs.

To streamline delivery at a local level, the burden of maintaining convoluted development plans will be lifted from local government, and replaced with a simpler set of regional plans and a menu of zoning options in the code.

It will be supported by a new e-planning system so that planning information is easily accessible online.

This will make updating the rulebook quicker and easier than current cumbersome processes that lead to delays of years.

All of this will help to deliver the government's policies quicker and more consistently.

For example, after nearly a decade we still have many development plans that do not include the government's affordable housing policies: in the new planning system, we will be able to make this change without the need for separate amendments to 72 development plans.

The same is true for statewide policies that touch on critical challenges such as climate change, sea level rise, bushfire management or job creation opportunities. Current clumsy mechanisms such as statewide DPAs will no longer be needed to give effect to such obviously important matters.

Better process leading to quicker decisions

Our planning system is too often focused on processes rather than outcomes.

Homebuilders and small businesses deserve certainty when they apply for approval of development that is expected in a zone.

Yet simple developments are regularly subject to over-engineered assessment processes, resulting in unacceptable delays, wasted effort and avoidable expense.

In short, the development assessment process needs a major shake-up.

New assessment pathways will increase certainty for development that is reasonably expected in given locations, while providing a tailored assessment approach for more complex projects.

This will ensure that effort is matched to the scale, impact and risk of proposed projects, and entry points into full environmental impact assessment will be more transparent.

Importantly, this will align us with federal environmental laws.

The assessment task should not be seen as a dilettante exercise.

It requires technical expertise and that's why in the new planning system, suitably qualified professionals will be empowered to make assessment decisions directly.

We will give council assessment panels and staff the professional independence they need to make decisions, without any need for second-guessing by elected officials.

We will not allow assessment panels to be dominated by the vagaries of local politics. Councillors and members of parliament will be precluded from sitting on assessment panels. This will help reduce the risk for conflict of interest and improve turnaround times.

At the same time, the focus will shift to the needs of applicants, facilitating outcomes, allowing greater flexibility in the way in which assessment is staged, and providing more and better options for decisions to be reviewed.

These changes will mean that minor issues will be dealt with quicker through simpler processes, allowing the limited assessment resources to be directed to where they are needed most.

We will also empower councils with better enforcement tools, including the ability for courts to capture profits from breaches, impose corporate multiplier penalties, and make adverse publicity orders.

Better coordination and delivery of infrastructure

One of the most common complaints communities have about our planning system is that the delivery of important infrastructure is often out of step with the pace of development.

Often it results in funding bottlenecks that leave new homeowners 'stranded' without the services they are entitled to expect.

In the new planning system, essential social and physical infrastructure will be factored in from the outset. Infrastructure needs will be identified, its costs calculated, and locked in before a development can begin, and costs equitably apportioned.

New infrastructure delivery schemes will fairly spread the costs among the beneficiaries. This will ensure a fair share of the windfall gains a landowner obtains from changes to zoning will be spent on community needs.

Unlike other states, we will make sure the costs may be paid over long-term horizons rather than in one upfront lump sum. This will help create opportunities for finance and help avoid price hikes that impact on the affordability of housing for new homeowners.

These tools will be available to both State and local government and enable communities to be involved in the negotiations about infrastructure and facilities delivered as part of new developments.

Transparent, equitable cost-sharing arrangements will encourage better quality and thoughtful developments.

The type of quality development we want to see in South Australia.

At the same time, clear infrastructure design standards will protect industry from gold plating and price gouging.

Better information that is digital by default

South Australians have made it clear they want to interact with the planning system online in their own time.

In the new planning system, all planning information will be accessible on a central e-planning portal.

South Australians will be able to participate in planning processes from consultation to lodgment—anywhere, any time. This online platform will reduce costs for applicants, councils and ratepayers and deliver faster turnarounds and tracking of decisions.

Funding for this new system will be finalised once this Bill has passed and after negotiations with local government. However, there are likely to be substantial cost savings to ratepayers through a 'digital by default' strategy.

The new e-planning portal will not only help make information accessible, it will also improve our capacity to monitor the health of the planning system by capturing data which will enable us to assess and understand the planning system's performance.

Implementing the new planning system

This Bill lays down the building blocks for the new planning system.

It does not include the consequential amendments that will be necessary across the statute books to commence the Bill; nor does it address all the reforms the government agreed it would enact when we issued our response to the Expert Panel's report in March.

It is the government's intention, that once parliament has considered this Bill, a further Bill dealing with consequential amendments, transitional arrangements and related implementation measures will be brought to parliament in the new year. This will be similar to how the *Local Government Act 1999* was implemented.

Our expectation is that this comprehensive suite of reforms to the planning system will need several years to fully implement.

The advantage of this approach is that members will be able to focus on the key elements of the new system in the knowledge that there will be a further opportunity to discuss implementation details. The important policy detail work lies ahead and will involve extensive consultation.

It will also allow the government to work with local councils to put in place an implementation plan.

This will help bed down the new planning system and allow for further targeted reforms to be undertaken in time.

This Bill will transform our planning system and will make South Australia the national leader in planning. This Bill delivers on the strategic priority of making South Australia a place where people and business thrive.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Interpretation

These clauses are formal.

4—Change of use of land

This clause sets out matters relevant to determinations of whether a change in the use of particular land has, or has not, occurred, and further sets out matters that will be taken not to be changes in use.

5—Planning regions and Greater Adelaide

This clause enables the Governor, on the recommendation of the Minister, to divide the State into planning regions for the purposes of the measure, and to designate one of the regions as Greater Adelaide.

The clause sets out matters to be taken into account in relation to Ministerial recommendations and requires the Minister to consult with the Commission and affected councils.

6—Subregions

This clause enables the Minister, after seeking the advice of the Commission, to further divide a planning region into subregions.

7—Environmental and food production areas—Greater Adelaide

This clause provides for the Minister, by notice in the Gazette, to establish within Greater Adelaide (other than any part of Greater Adelaide within a character preservation area) environmental and food production areas, which will be areas protected from urban encroachment.

The variation or abolition of an environmental and food production area cannot occur unless the Commission has conducted an inquiry and prepared a report on the variation or abolition and it has been approved by a resolution passed by both Houses of Parliament.

8—Application of Act—general provision

This clause sets out the scope of the measure's application in the State.

9—Application of Act—Crown

This clause extends the application of the Act to the Crown to the limit of the legislative power of the State.

10—Interaction with other Acts

This clause clarifies that (other than where it is otherwise provided) this measure is in addition to, and does not derogate from, other Acts.

11—Recognition of special legislative schemes

This clause defines *special legislative schemes* for the purposes of the proposed Act.

Part 2—Objects, planning principles and general responsibilities

Division 1—Objects and planning principles

12—Objects of Act

This clause sets out the objects of the proposed Act.

13—Promotion of objects

This clause requires those involved in the administration of the Act to promote the object of the Act.

14—Principles of good planning

This clause sets out principles to which regard should be had by persons or bodies seeking to further the objects of the Act.

Division 2—General duties and coordination of activities

15—General duties

This clause sets out a series of duties applicable to certain persons or bodies under the Act that seek to ensure things under the measure are done in good faith. Those duties include, for example, requirements that people act cooperatively and constructively, are honest and comply with relevant codes of conduct. However, these duties are precatory in nature, and do not create rights of action or liabilities.

16—Responsibility to coordinate activities

This clause sets out the expectation that State or local government bodies or agencies will develop and implement policies that are consistent with the schemes established by this measure.

Part 3—Administration

Division 1—State Planning Commission

Subdivision 1—Establishment and constitution of Commission

17—Establishment of Commission

This clause establishes the State Planning Commission (the *Commission*). The Commission is subject to the general control and direction of the Minister.

18—Constitution of Commission

This clause sets out the Commission's composition, namely a Chief Executive who is a member ex officio, plus between 4 and 6 persons appointed by the Minister and who possess a range of skills and knowledge set out in the proposed section.

The clause also makes procedural provisions in relation to the Commission.

19—Special provision relating to constitution of Commission

This clause provides for additional members for where the Commission is dealing with a matter arising under the measure.

20—Conditions of membership

This clause provides that the conditions of membership of the Commission will be as determined by the Minister, and sets out when members may be removed from office, and when offices become vacant.

21—Allowances and expenses

This clause provides that Commission members may be paid fees, allowances and expenses determined by the Minister.

Subdivision 2—Functions and powers

22—Functions

This clause sets out the functions of the Commission under the proposed Act, and makes related procedural provision.

23—Powers

This clause provides that the Commission has all the powers of a natural person as well as any other power conferred on the Commission under the proposed Act or any other Act.

24—Minister to be kept informed

This clause requires the Commission to keep the Minister informed as to its activities and potential risks.

25—Minister to have access to information

This clause provides in effect that the Minister may require the Commission to collect specified information, and further that he or she may access any information (other than the information referred to in subsection (3)) held by the Commission.

Subdivision 3—Related matters

26—Validity of acts

This clause provides that an act or proceeding of the Commission is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

27—Proceedings

This clause sets out procedural matters relating to meetings of the Commission.

28—Disclosure of financial interests

This clause requires members of the Commission to disclose their financial interests in accordance with Schedule 1 of the measure.

29—Committees

This clause provides that the Commission may establish committees, and makes procedural provision in relation to such committees.

30—Delegations

This clause confers a standard delegation power on the Commission. In addition, the clause provides for the delegation of the Commission's function with respect to granting planning consents.

31—Staff and facilities

This clause provides that the Commission may be assisted by such public service employees as may be approved by the Minister, and may make use of government assets.

32—Annual report

This clause requires an annual report to be prepared by the Commission and laid before Parliament.

Division 2—Chief Executive

33—Functions

This clause sets out the functions of the Chief Executive (an ex officio member of the Commission).

34—Delegation

This clause confers a standard delegation power on the Chief Executive.

Division 3—Joint planning arrangements

Subdivision 1—Planning agreements

35—Planning agreements

This clause enables the Minister to enter planning agreements with the entities specified in subsection (1).

The matters that a planning agreement may provide for are set out and include the establishing of a joint planning board as contemplated by the Division.

A planning agreement remains in force for 10 years and may be varied or terminated by agreement.

A register of planning agreements must be kept by the Chief Executive.

Subdivision 2—Joint planning boards

36—Joint planning boards

This clause requires the Minister to establish a joint planning board on commencement of a planning agreement under section 34. The joint planning board is constituted in accordance with the terms of the relevant planning agreement, including with respect to its functions and powers.

37—Disclosure of financial interests

A member of a joint planning board who is not a member of a council must disclose his or her financial interests in accordance with Schedule 1 of the measure.

38—Committees

This clause provides that a joint planning board may establish committees (and must do so if the relevant planning agreement so requires), and makes procedural provision in relation to such committees.

39—Subsidiaries

This clause provides that a joint planning board may establish a subsidiary to perform specified activities. The clause sets out requirements relating to the establishment of subsidiaries.

40—Delegations

This clause confers a standard delegation power on joint planning boards.

Subdivision 3—Appointment of administrator

41—Appointment of administrator

This clause enables the Minister to appoint an administrator to administer the affairs of a joint planning board in the circumstances set out in the new section, and sets out procedural provisions applicable if an administrator is so appointed.

Division 4—Practice directions and practice guidelines

42—Practice directions

This clause confers on the Commission a power to issue practice directions for the purposes of the measure. It also requires the Commission to issue a practice direction of a kind set out in subsection (2).

The clause sets out how practice directions are to be published.

43—Practice guidelines

This clause empowers the Commission to make practice guidelines in relation to the Planning Rules and the Building Rules.

Part 4—Community engagement and information sharing

Division 1—Community engagement

44—Community Engagement Charter

This clause requires the Minister to establish a charter relating to public engagement in respect of the measure and other matters.

The clause sets out what the charter may contain, and makes provision in respect of compliance with the charter.

45—Preparation and amendment of charter

This clause sets out how the charter is to be prepared and amended, including consultation and adoption processes.

The clause requires the charter to be reviewed at least once in every 5 year period.

46—Parliamentary Scrutiny

The charter will be subject to scrutiny by the ERD Committee and, if the ERD Committee decides to object to the charter (or an amendment), subject to potential disallowance.

Division 2—Online planning services and information

47—SA planning website

This clause requires the Chief Executive to establish a website (the *SA planning portal*) for the purposes of the measure, and sets out matters relating to the operation of the portal.

48—Planning database

This clause requires the Chief Executive to establish an electronic database (the *SA planning database*) for the purposes of the measure, and sets out matters relating to the operation of the database.

49—Online atlas and search facilities

This clause requires the Chief Executive to establish an online atlas and search facility, and sets out matters relating to the operation of the facility.

50—Standards and specifications

This clause provides that the Commission may publish standards or specifications to be applied in relation to the SA planning portal, the SA planning database and the online atlas or search facility.

The records under this proposed Division are not subject to the *State Records Act 1997*.

51—Certification and verification of information

This clause makes evidentiary provisions in respect of instruments published on the SA planning portal or produced on the SA planning database.

52—Online delivery of planning services

This clause provides that the regulations may provide for online delivery of planning services.

53—Protected information

This clause allows the Minister to prohibit, restrict or limit access to documents, instruments or other material on the SA planning portal on the grounds specified in subsection (1).

54—Freedom of information

This clause disapplies the *Freedom of Information Act 1991* in respect of documents received, created or held under this proposed Division.

55—Fees and charges

This clause allows the Chief Executive, with the approval of the Minister, to impose fees and charges with respect to gaining access to, or obtaining, information or material held under this proposed Division.

Part 5—Statutory instruments

Division 1—Principles

56—Principles

This clause sets out principles that must be taken into account with respect to the instruments created under this proposed Part, and articulates the relationship between such instruments and other instruments.

Division 2—Planning instruments

Subdivision 1—State planning policies

57—Preparation of state planning policies

This clause enables the Minister to prepare state planning policies, and sets out what those policies are to achieve and what they may contain.

58—Design quality policy

This clause requires the Minister to ensure that there is a state planning policy that specifies design policies and principles to be applied in the other instruments under this proposed Division. The policy is to be known as the design quality protocol.

59—Integrated planning policy

This clause requires the Minister to ensure that there is a state planning policy that specifies policies and principles to be applied with respect to integrated land use, transport and infrastructure planning. The policy is to be known as the integrated planning protocol.

60—Special legislative schemes

This clause requires the Minister to ensure that there is a state planning policy with respect to each special legislative scheme, and defines what those schemes are for the purposes of the section.

Subdivision 2—Regional plans

61—Regional plans

This clause requires the Minister to prepare a regional plan for each planning region. However, if a joint planning board has been constituted in relation to a particular area of the State, the regional plan for that area must be prepared by the joint planning board. The Minister must then prepare the regional plan for the balance of a planning zone that remains outside the area in relation to which the joint planning board has been constituted.

The clause also sets out procedural provisions relating to regional plans.

Subdivision 3—Planning and Design Code

62—Establishment of Code

This clause requires the Minister to prepare a Planning and Design Code.

63—Key provisions about content of Code

The code must set out a comprehensive set of policies, rules and classifications which may be selected and applied in the various parts of the State through the operation of the Planning and Design Code and the SA planning database for the purposes of planning and development within the State.

The clause sets out what the code must contain, as well as providing for variation of applicable rules.

64—Local heritage

This clause provides that the Planning and Design Code may designate a place as a place of local heritage value in the circumstances set out in subsection (1), and sets out procedural provisions relating to such designations.

65—Significant trees

This clause provides that the Planning and Design Code may declare a tree, or a strand of trees, to be a significant tree or trees in the circumstances set out in subsection (1), and sets out procedural provisions relating to such declarations.

Subdivision 4—Design standards

66—Design standards

This clause enables the Minister to prepare design standards relating to the public realm or infrastructure for the purposes of the measure, including a standard that supplements the Planning and Design Code in the manner set out in subsection (2).

Subdivision 5—Related and common provisions

67—Interpretation

This clause defines *designated instruments*.

68—Incorporation of material and application of instrument

This clause sets out technical matters related to designated instruments (as defined in section 66).

69—Status

This clause articulates the nature of designated instruments, including a requirement that judicial notice be taken of them.

70—Preparation and amendment

This clause sets out how designated instruments are to be prepared and amended, including who can initiate the preparation or amendment of one. The clause also sets out procedural matters related to their preparation, amendment and adoption, including a requirement that state planning policies be approved by the Governor.

71—Parliamentary scrutiny

This clause requires the designated instruments approved by the Governor to be referred to the ERD Committee of the Parliament, and sets out procedural provisions accordingly, including by making provision for the disallowance of a designated instrument or an amendment to a designated instrument.

72—Complying changes—Planning and Design Code

This clause allows the Minister (in his or her discretion) to initiate or agree to an amendment to the Planning and Design Code in the circumstances set out in subsection (1), and makes procedural provisions accordingly.

73—Minor or operational amendments

This clause allows the Minister to make certain minor and technical amendments to certain instruments in the manner and circumstances set out in the proposed section.

Subdivision 6—Other matters

74—Early commencement

This clause allows the Minister to declare that an amendment to the Planning and Design Code, a regional plan or a design standard come into operation on an interim basis earlier than would otherwise occur under the measure.

The Minister must, as soon as practicable after the publication of a notice, report to both Houses of Parliament in relation to the matter.

The clause also sets out when such amendments cease operation.

Division 3—Building related instruments

75—Building Code

This clause provides that the Building Code applies for the purposes of the measure, subject to the modifications contemplated by subsection (1).

76—Ministerial building standards

This clause empowers the Minister to publish Ministerial Building Standards for the purposes of the measure.

Part 6—Relevant authorities

Division 1—Entities constituting relevant authorities

77—Entities constituting relevant authorities

This clause sets out who or what are relevant authorities for the purposes of the measure.

Division 2—Assessment panels

78—Panels established by joint planning boards or councils

This clause sets out provisions that apply to an assessment panel appointed by a joint planning board or a council (to be known as a *designated authority*) under the proposed Part, setting out the number and makeup of membership of, and making procedural provisions applicable to, such designated authorities.

79—Panels established by Minister

This clause sets out provisions that apply to an assessment panel appointed by the Minister under the proposed Part, setting out the constitution and membership of, and making procedural provisions applicable to, such panels.

80—Appointment of additional members

This clause provides that an assessment panel may appoint 1 or 2 members to act as additional members for the purposes of dealing with a matter that it must assess as a relevant authority.

Division 3—Assessment managers

81—Assessment managers

This clause sets out provisions that apply to assessment managers under the proposed Part, requiring each assessment panel to have an assessment manager. The clause sets out the functions and appointment methods for assessment managers.

Division 4—Accredited professionals

82—Accreditation scheme

This clause requires the Minister (in association with the Commissioner for Consumer Affairs) to establish an accreditation scheme with respect to persons who are to act as accredited professionals for the purposes of this measure, and sets out factors that the scheme may address.

83—Notification of acting

The provisions creates an offence for an accredited person to fail to notify, or provide certain information or documents to, a prescribed body on making certain decisions.

84—Removal from acting

This clause creates an offence to remove (except with Ministerial consent) an accredited professional from engagement as a relevant authority in relation to a development if he or she has not completed the functions of a relevant authority in relation to the development.

85—Duties

This clause imposes a series of duties on accredited professionals (for example, to act in accordance with the public interest), and creates offences for breaching those duties.

86—Use of term 'building certifier'

This clause sets out when an accredited professional may be known as a building certifier.

Division 5—Determination of relevant authority

87—Relevant authority—panels

This clause sets out the circumstances in which an assessment panel will be the relevant authority in relation to a proposed development.

88—Relevant authority—Commission

This clause sets out the circumstances in which the Commission will be the relevant authority in relation to a proposed development.

89—Relevant authority—Minister

This clause sets out the circumstances in which the Minister will be the relevant authority in relation to a proposed development.

90—Relevant authority—assessment managers

This clause sets out the circumstances in which an assessment manager will be the relevant authority in relation to a proposed development.

91—Relevant authority—accredited professionals

This clause sets out the circumstances in which an accredited professional will be the relevant authority in relation to a proposed development.

92—Relevant authority—councils

This clause sets out the circumstances in which a council will be the relevant authority in relation to a proposed development.

93—Related provisions

This clause makes provision in relation to instances where a proposed development involving the performance of building work is referred by the relevant authority to a council or a building certifier for assessment against the Building Rules.

Division 6—Delegations

94—Delegations

This clause confers a standard delegation power on relevant authorities.

Part 7—Development assessment—general scheme

Division 1—Approvals

95—Development must be approved under this Act

This clause requires all development to be approved development, as defined in proposed section 79.

96—Matters against which development must be assessed

This clause sets out what is an approved development. To be an approved development, a development must be assessed by a relevant authority and be granted a consent in respect of each of the matters listed in subsection (1) as may be relevant to the development.

Division 2—Planning consent

Subdivision 1—Categories of development

97—Categories of development

This clause provides that development is, for the purposes of assessment in relation to planning consent, divided in 3 categories, namely:

(a) *accepted development*;

(b) *code assessed development;*

(c) *impact assessed development.*

Subdivision 2—Accepted development

98—Accepted development

This clause sets out what is accepted development, 1 of the 3 categories of development.

Subdivision 3—Code assessed development

99—Categorisation

This clause sets out what is code assessed development, 1 of the 3 categories of development.

100—Deemed-to-satisfy assessment

This clause sets out when proposed development is to be classified as deemed-to-satisfy development.

101—Performance assessed development

This clause sets out where development will be assessed on its merits against the Planning and Design Code (being a case where proposed development is to be assessed as code assessed development and the development cannot be assessed, or fully assessed, as deemed-to-satisfy development).

Subdivision 4—Impact assessed development

102—Categorisation

This clause sets out what is impact assessed development, 1 of the 3 categories of development.

103—Practice direction to provide guidance

This clause requires the Commission to publish a practice direction relating to the operation of this proposed Subdivision, and sets out relevant procedural requirements.

104—Restricted development

This clause provides that the Commission will determine whether or not planning consent will be granted in relation to restricted development and sets out procedures relating to the assessment of restricted development.

105—Impact assessment by Minister—procedural matters

This clause provides for the assessment by the Minister of impact assessed development (except restricted development), being development classified as impact assessed development by regulation or by declaration by the Minister. Procedures relating to the assessment of such development are provided for.

106—Level of detail

This clause provides for the Commission to determine the level of detail required in relation to an EIS for a proposed development.

107—EIS process

This clause provides for the preparation of an EIS for a proposed development.

108—Amendment of EIS

This clause provides for the amendment of an EIS and an Assessment Report for a proposed development in certain circumstances.

109—Decision by Minister

This clause makes provision in relation to the Minster's decision on a proposed development.

110—Costs

This clause provides for the Minister to recover reasonable costs incurred in relation to aspects of the assessment of a proposed development under this proposed Subdivision.

111—Testing and monitoring

The Minister may require the carrying out of, or cause to be carried out, tests and monitoring in relation to a proposed development and to comply with an audit program specified by the Minister.

Division 3—Building consent

112—Building consent

This clause makes provision in relation to the granting or refusal of building consent for a proposed development.

Division 4—Procedural matters and assessment facilitation

113—Application and provision of information

This clause sets out requirements in relation to an application for a proposed development and for the provision of certain information.

114—Outline consent

This clause provides for a relevant authority to grant a consent in the nature of an *outline consent* and sets out procedures in relation to such consents.

115—Design review

This clause provides for a person who is considering the undertaking of development specified under the Planning and Design Code to apply to a design panel for advice.

116—Referrals to other authorities or agencies

This clause provides for a referral system for applications in accordance with the regulations. The referral can have the status of a mandatory direction from the referral body, or a concurrence where both the relevant authority and the referral body must agree on a decision.

117—Preliminary advice and agreement

This clause provides for a person to seek advice about a proposed development from a referral body before lodging an application. If the referral body agrees that the development meets its requirements the application for the development will not be referred under the usual referral system provided for in the preceding clause.

118—Proposed development involving creation of fortifications

This clause provides that if a relevant authority has reason to believe that a proposed development may involve the creation of fortifications, the relevant authority must refer the application for consent to, or approval of, the proposed development to the Commissioner of Police. Procedures in relation to referrals under the proposed section are provided for.

119—Time within which decision must be made

This clause provides that a relevant authority should deal with an application as expeditiously as possible and within the time prescribed by the regulations.

If time limits are not observed, an applicant may give the relevant authority a *deemed consent notice* that states that planning consent should be granted. Procedures are provided for in relation to such notices, including the imposition of conditions on deemed planning consents and the quashing by the Court of such consents.

120—Determination of application

The outcome of an application will be notified under this clause. Any authorisation will remain operative for a period prescribed by the regulations.

Division 5—Conditions

121—Conditions

This clause provides for the imposition of conditions on a decision under the proposed Part and provides that they bind successive beneficiaries of the approval. Provision is also made in relation to conditions of an authorisation relating to the killing, destruction or removal of a regulated or significant tree.

Division 6—Variation of authorisation

122—Variation of authorisation

This clause provides for a person to seek the variation of a development authorisation previously given under this Act or a condition of an authorisation.

Part 8—Development assessment—essential infrastructure

Division 1—Development assessment—standard designs

123—Development assessment—standard designs

This clause provides that assessment against the Planning Rules and planning consent are not required for a proposed development for the purposes of essential infrastructure within an infrastructure reserve. An accredited professional may be the relevant authority for such development.

Division 2—Essential infrastructure—alternative assessment process

124—Essential infrastructure—alternative assessment process

This clause provides that the Commission may approve development for the provision of essential infrastructure of a prescribed class and sets out procedures in relation to such approvals.

Part 9—Development assessment—Crown development

125—Development assessment—Crown development

This clause provides that the Commission may approve development proposals by Crown agencies, except in certain circumstances (such as if the development is deemed-to-satisfy development, in which case the usual approval process applies). The clause sets out procedures in relation to the approval of Crown development.

Part 10—Development assessment and approval—related provisions

Division 1—General principles

126—Law governing proceedings under this Act

These provisions are similar to section 53 of the *Development Act 1993*.

127—Saving provisions

These provisions are similar to section 52 of the *Development Act 1993*.

Division 2—Buildings

128—Requirement to up-grade

This clause provides for a relevant authority to require, in certain circumstances, before granting a building consent, that building work that conforms with the requirements of the Building Rules be carried out to the extent reasonably necessary to ensure that the building is safe and conforms to proper structural and health standards.

129—Urgent building work

This clause recognises the occasional need for emergency building work and provides that it is not an offence provided an approval is subsequently applied for.

Division 3—Trees

130—Urgent work in relation to trees

This clause provides for urgent work in relation to trees and is similar to the provision relating to urgent building work.

131—Interaction of controls on trees with other legislation

This clause makes provision in relation to the interaction of controls on trees with other legislation.

Division 4—Land division certificate

132—Land division certificate

This clause provides a mechanism for certification by the Commission that conditions imposed on a development approval for land division have been met, thus enabling the issue of new Certificates of Title and allows for procedures for the issue of certificates to be set out in the regulations.

Division 5—Access to land

133—Activities that affect stability of land or premises

This clause requires owners of land to be informed of activity that may affect the stability of neighbouring land.

134—Access to neighbouring land—general provision

This clause allows a person who gives notice to the owner of an adjoining allotment that the person requires access to part of a building or an allotment from the adjoining allotment for certain purposes related to a proposed development to apply to the council for the area for an authorisation to access to the adjoining allotment if the owner of that allotment does not respond to the notice or does not grant reasonable access.

Division 6—Uncompleted development

135—Action if development not completed

This clause allows a relevant authority to apply to the Court for orders (such as the removal of work) in relation to work that has not been substantially completed within the prescribed period.

136—Completion of work

This clause allows a designated authority to require that work be completed in certain circumstances.

Division 7—Cancellation of development authorisation

137—Cancellation of development authorisation

This clause provides for a general power for a relevant authority to cancel a development authorisation on the application of a beneficiary of the authorisation.

Division 8—Inspection policies

138—Inspection policies

This clause requires the Commission to publish a practice direction requiring councils to carry out inspections of development undertaken in their respective areas.

Part 11—Building activity and use—special provisions

Division 1—Preliminary

139—Interpretation

This clause allows the regulations to prescribe a council, person or body to be the *council* for the purposes of the proposed Part in relation to a development or building that is not within the area of a council.

Division 2—Notifications

140—Notification during building

This provision enables regulations to require notification to the council of the progress of building works. The council will be able to require the builder (or another person) to provide a written statement that the building work has been carried out in conformity with the proposed Act.

Division 3—Party walls and similar matters

141—Construction of party walls

This clause provides mechanisms setting out the rights of parties in relation to party walls and sets out procedures for agreements between parties relating to building party walls.

142—Rights of building owner

This clause provides rights to maintain party walls, subject to approvals under the Act for building works. Either party may keep a party wall in good repair. Notices and appeals relating to disputes over whether works are necessary are provided for.

143—Power of entry

This clause provides for mechanisms to give effect to the clauses relating to party walls by giving adjacent owners the right to enter land and sets out procedures relating to entry and forced entry.

144—Appropriation of expense

This clause provides a process for apportioning costs of party wall works and for resolution of disputes over the cost.

Division 4—Classification and occupation of buildings

145—Classification of buildings

This clause allows a council to classify buildings and thus determine which provisions of the Building Code apply. A building must not be used except in accordance with its classification.

146—Certificates of occupancy

This clause provides for the issue of certificates of occupancy after the completion of building work. A building must not be occupied unless a certificate of occupancy has been issued.

147—Temporary occupation

This clause provides for temporary occupation without a certificate. This could be used to approve the use of site offices on a building site, or the erection of a large marquee for short term entertainment purposes.

148—Building certifiers

This clause provides for a building certifier to exercise the powers of a council under the proposed Division in relation to Crown buildings or buildings for which the certifier has issued a building consent.

Division 5—Emergency orders

149—Emergency orders

This clause allows certain forms of 'emergency orders' to be issued by authorised officers who hold prescribed qualifications.

Division 6—Swimming pool and building safety

150—Designated safety requirements

This clause enables regulations to specify requirements that are to apply in relation to designated safety features for swimming pools are buildings. The regulations may require a designated owner of a swimming pool or building to ensure that designated safety features are installed and maintained in accordance with prescribed requirements. In addition, the regulations may require the owner of an existing swimming pool or building to ensure that designated safety features are installed, replaced or upgraded before, or on the occurrence of, a prescribed event or install, replace or upgrade designated safety features within a prescribed period.

The Commission may issue a practice direction that requires councils to carry out inspections of swimming pools and buildings to ascertain compliance with the proposed section.

151—Fire safety

This clause provides for councils or other authorities to ensure buildings maintain appropriate fire safety.

Division 7—Liability

152—Negation of joint and several liability in certain cases

This clause provides that responsibility for defective building work will be apportioned between the parties in default according to the extent to which their default contributes to any damage or loss.

153—Limitation on time when action may be taken

This clause restricts the time within which an action for damages for economic loss or rectification costs arising from defective building work to the period of 10 years.

Part 12—Mining—special provisions

154—Mining tenements to be referred in certain cases to Minister

This clause (along with the next clause and the definition of *development*) operate to exclude designated mining matters (as defined) from development approval. The clause provides a mechanism for the Minister to provide planning and environmental advice to the appropriate Authority (the Minister responsible for mining).

155—Related matters

This clause provides that only the proposed Part applies to operations under the Mining Acts and also makes provision in relation to private mines.

Part 13—Infrastructure frameworks

Division 1—Infrastructure delivery schemes

Subdivision 1—Establishment of scheme

156—Initiation of scheme

The Minister may initiate a proposal for an infrastructure delivery scheme.

157—Scheme coordinator

The Chief Executive must appoint a coordinator for the scheme.

158—Consideration of proposed scheme

The coordinator must give consideration and take certain action in relation to the proposed scheme.

159—Adoption of scheme

The Minister may adopt the arrangements for the proposed scheme.

160—Role of scheme coordinator in relation to delivery of scheme

This clause sets out the functions of the coordinator in relation to the infrastructure delivery scheme.

Subdivision 2—Funding arrangements

161—Funding arrangements

This clause sets out the matters that may be included in funding arrangements for an infrastructure delivery scheme.

162—Government guarantees

This clause provides for government guarantees in relation to the scheme.

163—Exemptions from taxes and levies

This clause provides for exemptions from taxes and levies in relation to the infrastructure delivery scheme.

Subdivision 3—Scheme contributions

164—Application of Subdivision

This clause provides for the application of the proposed Subdivision, including by specifying that contributions to the infrastructure delivery scheme will apply in relation to an area of the State designated as a contribution area by the relevant funding arrangement established under the preceding Subdivision.

The proposed Subdivision establishes a scheme similar to the scheme for the collection of funding for Natural Resources Management Boards under the *Natural Resources Management Act 2004*.

165—Contributions by constituent councils

This clause operates to require councils within a contribution area established for an infrastructure delivery scheme to make a contribution based on an amount specified by the Minister in accordance with the proposed Subdivision in respect of each financial year to which the Subdivision applies. The clause sets out how contributions of councils will be shared between them.

166—Payment of contributions by councils

This clause requires quarterly payment of contributions by councils in equal instalments.

167—Funds may be expended in subsequent years

This clause makes it clear that funds collected from councils may be spent in a financial year subsequent to the 1 in which the funds were paid.

168—Imposition of charge by councils

Similar to the scheme under the *Natural Resources Management Act 2004*, councils are required to impose a charge as a separate rate on the rates payable in respect of rateable land in the contribution area. This enables councils to reimburse themselves for amounts contributed to an infrastructure delivery scheme.

169—Costs of councils

The regulations are to provide for a scheme relating to the amounts that councils may be paid for their costs in complying with the requirements of the proposed Subdivision.

Subdivision 4—Statutory funds

170—Establishment of funds

The Chief Executive must establish a fund for the purposes of each infrastructure delivery scheme that provides for the imposition of a charge under the preceding Subdivision.

171—Audit of funds

The Auditor-General will audit each fund established for the purposes of an infrastructure delivery scheme.

Subdivision 5—Winding up

172—Winding up

The Minister may wind up an infrastructure delivery scheme.

Division 2—Infrastructure powers

173—Interpretation

This clause inserts definitions for the purposes of the proposed Division (including *designated entity*).

174—Infrastructure works

Infrastructure works are defined for the purposes of the proposed Division.

175—Authorised works

A designated entity may carry out any infrastructure works if authorised to so do by or under the proposed Act or any other Act. An authorisation could be (for example) included in arrangements relating to an infrastructure delivery scheme.

176—Entry onto land

A designated entity is authorised to enter land in connection with the exercise of its powers under the proposed Division.

177—Acquisition of land

This clause enables the compulsory acquisition of land for a purpose associated with infrastructure works.

Division 3—Related provisions

178—Incorporation of Chief Executive

The Chief Executive is constituted as a body corporate for the purposes of the proposed Part.

179—Step in powers

This clause sets out a scheme that will allow the Chief Executive to take over any work envisaged by an infrastructure delivery scheme established under the proposed Part or by certain other projects involving State agencies.

Part 14—Land management agreements

180—Land management agreements

This clause provides for a *designated authority* (being the Minister, another Minister or a council) to enter into an agreement relating to the development, management, preservation or conservation of land with the owner of the land. The clause also provides for registration of agreements.

181—Land management agreements—development applications

This clause provides for a designated authority to enter into an agreement with a person who is applying for a development authorisation that will, in the event that the relevant development is approved, bind the person, any other person who has the benefit of the development authorisation and (if relevant) the owner of the relevant land (so long as certain requirements set out in the clause are met).

Part 15—Funds and off-set schemes

Division 1—Planning and Development Fund

182—Continuance of the Fund

This clause continues the Planning and Development Fund in existence.

183—Application and management of Fund

This clause sets out how the Fund may be applied.

184—Accounts and audit

This clause provides for auditing of the accounts of the Fund.

Division 2—Off-set schemes

185—Off-setting contributions

A designated entity may establish a scheme under this section that is designed to support or facilitate certain developments and initiatives. A scheme could include an ability for a person who is proposing to undertake development (or who has the benefit of an approval under this Act) to make a contribution to a fund established as part of the scheme, or to undertake work or to achieve some other goal or outcome (on an 'in kind' basis), or a combination of both.

An example of a contribution on an 'in kind' basis could be the provision of a child care centre within or near a development of a large building.

186—Open space contribution scheme

This clause effectively continues the open space contribution scheme established under the *Development Act 1993*.

187—Multi-unit buildings

This clause provides for the Commission to require an applicant for planning consent for a building designed to include 2 or more apartments, units or other residential place capable of being divided into 2 or more allotments to make a contribution in accordance with the clause. The rates of contribution under the clause must be consistent with the rates applying under the open space contribution scheme. In addition, if the building is subsequently divided into allotments, the liability under the open space contribution scheme is to be adjusted to reflect the fact that payments have made under this clause.

188—Urban trees funds

This clause replicates the existing provision (in the *Development Act 1993*) that enables urban trees funds to be established.

Part 16—Disputes, reviews and appeals

Division 1—General rights of review and appeal

189—Interpretation

This clause defines *prescribed matter* for the purposes of the Division.

190—Rights of review and appeal

This clause established appeal rights to the Court for applicants aggrieved by decisions under the proposed Act, and for other parties as stated. The clause also provides that specific provisions elsewhere in the Act can override the general appeal provisions in the clause.

The clause also provides for referrals of appeals involving building matters to a commissioner.

191—Application to assessment panel

This clause provides for a review of a prescribed matter by an assessment panel where an assessment manager acted as the relevant authority.

192—Applications to Court

This clause sets out requirements in relation to applications to the Court.

193—Powers of Court in determining any matter

This clause sets out the powers of the court in relation to proceedings under the proposed Act.

194—Special provision relating to building referees

This clause provides for a commissioner or commissioners to whom a building dispute is referred under the proposed Part to determine the matter as a building referee or as building referees and to have the powers of arbitrators under the *Commercial Arbitration Act 2011*.

Division 2—Initiation of proceedings to gain a commercial competitive advantage

195—Preliminary

Definitions and interpretative provisions are set out for the purposes of the proposed Division.

196—Declaration of interest

This clause requires the disclosure of a commercial competitive interest by persons who commence or are a party to proceedings under the proposed Act.

197—Right of action in certain circumstances

This clause provides for a proponent of a development to recover loss suffered by the proponent as a result of delays to the development on account of proceedings conducted or financed by a person with a commercial competitive interest in the proceedings.

Part 17—Authorised officers

198—Appointment of authorised officers

This clause provides for the appointment of authorised officers for the purposes of the proposed Act.

199—Powers of authorised officers to inspect and obtain information

This clause sets out the powers of authorised officers in relation to inspections and obtaining information.

Part 18—Enforcement

Division 1—Civil enforcement

200—Interpretation

This clause sets out matters which constitute a breach of the proposed Act for civil enforcement proceedings and defines a *designated authority* for the purposes of the proposed Division.

201—Enforcement notices

This clause enables a relevant authority to direct that a contravention of the Act be remedied.

202—Applications to Court

This clause provides for a general civil enforcement power to the Court. This clause allows any person to commence an action. However, the Court may require that a bond be paid by an applicant in appropriate cases. Exemplary damages may be awarded against a respondent in certain circumstances.

Division 2—General offences and provisions relating to offences

Subdivision 1—General offences

203—General offences

This clause set outs general provisions relating to offences.

204—Offences relating specifically to building work

This clause provides for offences relating specifically to building work.

205—False or misleading information

This clause makes it an offence to provide false or misleading information for the purposes of the proposed Act.

Subdivision 2—General provisions relating to offences

206—Criminal jurisdiction of Court

This clause provides that offences constituted by the proposed Act lie within the criminal jurisdiction of the Court.

207—Proceedings for offences

This clause sets out who may commence proceedings for an offence under the proposed Act and time limits for matters to be pursued as breaches of the Act.

208—Offences by bodies corporate—responsibility of officers

This clause sets out provisions relating to offences by bodies corporate, in particular about the responsibility of officers of bodies corporate.

209—Penalties for bodies corporate

The maximum penalty that may be imposed for an offence against this Act that is committed by a body corporate is 5 times the maximum penalty that the court could, but for this section, impose as a penalty for an offence.

210—Order to rectify breach

This clause allows the Court, in its criminal jurisdiction, to make orders to rectify breaches of the Act. It avoids the need for 1 matter to be heard by the Court in 2 jurisdictions.

211—Adverse publicity orders

The Court may make an *adverse publicity order* against a person found guilty of an offence against the Act.

212—Proceedings commenced by councils

This clause provides for a mechanism to ensure that a fine paid to a clerk of the court in prescribed proceedings for an offence commenced by a council is forwarded to the council by the clerk.

Division 3—Civil penalties

213—Civil penalties

This clause inserts a standard civil penalties regime so that a designated entity may, as an alternative to criminal proceedings, recover, by negotiation or by application to the Court, an amount as a civil penalty in respect of a contravention of the Act.

Division 4—Other matters

214—Imputation of conduct or state of mind of officer, employee etc

This clause is a standard technical provision for the imputation of the conduct or state of mind of an officer, employee or agent of a body corporate acting within the scope of his or her actual, usual or ostensible authority to be imputed to the body corporate.

215—Statement of officer evidence against body corporate

This clause is a standard technical provision providing that a statement made by an officer of a body corporate is admissible as evidence against the body corporate.

216—Make good orders

This clause enables the Court to require that a contravention of the Act that involved the undertaking of a tree-damaging activity be remedied.

217—Recovery of economic benefit

This clause enables the Court to require that a person who has contravened the Act pay to the Commission or council an amount that represents the Court's estimate of economic benefit acquired by the person (in addition to any penalty imposed by the Court).

218—Enforceable voluntary undertakings

This clause sets out a scheme for written enforceable voluntary undertakings.

Part 19—Regulation of advertisements

219—Advertisements

This clause provides that either the council or the Commission may order the removal of outdoor advertisements considered unsightly.

Part 20—Miscellaneous

220—Constitution of Environment, Resources and Development Court

This clause makes provision in relation to the constitution of the Environment, Resources and Development Court when exercising jurisdiction under the proposed Act.

221—Exemption from certain action

This clause effectively provides that public bodies and officials may only be held liable for their actions during the assessment and approval processes, and not thereafter.

222—Insurance requirements

This clause provides for mandatory insurance in appropriate cases.

223—Professional advice to be obtained in relation to certain matters

This clause provides for the use of professional advisers in certain circumstances. The Minister may give full or conditional recognition to professional advisers required under various provisions of the proposed Act.

224—Confidential information

This clause seeks to ensure that persons involved in administration of the proposed Act do not misuse information obtained by virtue of the proposed Act.

225—Accreditation of building products etc

This clause enables accreditation of building products.

226—Copyright issues

This clause makes provision in relation to copyright issues relating to the publication of documents etc. by the Minister, the Commission or the Chief Executive acting for the services of the State.

227—Charges on land

This clause sets out a scheme for securing a charge on land created under the Act.

228—Registering authorities to note transfer

This clause sets out a scheme for the registering or recording of a transfer of assets, rights or liabilities to the Minister or another body under the proposed Act.

229—Delegation by Minister

This is a standard delegations clause.

230—Approvals by Minister or Treasurer

This clause makes provision in relation to approvals by the Minister or Treasurer under the proposed Act.

231—Compulsory acquisition of land

This clause enables the compulsory acquisition of land where necessary to implement the Planning and Design Code, a development authorisation of a prescribed class or to further the objects of the Act.

232—Regulations

This clause contains general regulation making powers to supplement the specific head powers provided throughout the proposed Act and in the Schedule that sets out specific regulation making powers.

Schedule 1—Disclosure of financial interests

This Schedule provides for the disclosure of financial interests by prescribed members of designated entities.

Schedule 2—Subsidiaries of joint planning boards

This Schedule provides for joint planning boards to establish subsidiaries (in a similar manner to the establishment of subsidiaries under the *Local Government Act 1999*) by applying to the Minister under the Schedule.

Schedule 3—Codes of conduct and professional standards

This Schedule provides for codes of conduct for various persons and bodies who perform functions under the Act. The regulations may require compliance with a code of conduct or regulate the conduct of accredited professionals.

Schedule 4—Performance targets and monitoring

This Schedule provides for the setting of performance targets and monitoring of the achievement of those targets by those who perform functions under the Act.

Schedule 5—Regulations

This Schedule provides for specific regulation making powers.

Schedule 6—Repeal and certain amendments

This Schedule provides for the repeal of the *Development Act 1993* and certain related amendments necessary for the purposes of the measure. Other related amendments and transitional provisions will be included in an 'Implementation' Bill.

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

FIREARMS BILL

Introduction and First Reading

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

At 23:03 the council adjourned until Thursday 19 November 2015 at 14:15.

Answers to Questions

MINISTERIAL TRAVEL

8 The Hon. R.I. LUCAS (3 December 2014). (First Session) For any overseas trip undertaken by the Minister for Manufacturing and Innovation and staff or officers since 1 January 2014, can the minister advise—

1. How much of the total cost of the trip was paid by the minister's office budget and how much by the minister's department or agency?

2. What are the names of officers or staff who accompanied the minister on each trip?

3. Was any officer or staff member given permission to take private leave as part of the overseas trip?

4. Details of the cities and locations visited if they have not been already previously published on the Department's proactive disclosure website?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation):

I have been advised that the then Minister for Manufacturing and Innovation undertook overseas travel to China in May 2014.

I am also advised that no private leave was taken as part of this travel.

Details relating to the cost, accompanying staff and cities visited have been published on the DSD website under the proactive disclosure section.

PUBLIC SECTOR ENTITLEMENTS

105 The Hon. R.I. LUCAS (3 December 2014). (First Session) For each department or agency then reporting to the Minister for Manufacturing and Innovation—

1. What is the estimated annual leave liability as at 30 June 2014 in days and dollars?

2. What is the highest annual leave entitlement that has not been taken for any employee, as at 30 June 2014, in days and dollars?

3. What funding, as at 30 June 2014, was held in accounts controlled or administered by the department or agency to fund annual leave; and

4. What were the names of the accounts and total funds held in these accounts as at 30 June 2014?

5. What policies, and monitoring of these policies, are in place to ensure that there is not a build-up of annual leave liability within the department or agency; and

6. Are employees required to take annual leave after a certain level of entitlement has accrued?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation): I am advised:

1. The estimated annual leave liability for the former Department for Manufacturing, Innovation, Trade, Resources and Energy (DMITRE) as at 30 June 2014 was 9,680 days and $3,960,000.

2. The highest annual leave entitlement that has not been taken for any employee, as at 30 June 2014, is 88 days equating to $36,141.

3. $18.2 million.

4. DMITRE Operating Account. $18.2 million.

5. The former DMITRE managed annual leave liability in accordance with the Commissioner's Determination and required manager approval for any carry-over of annual leave.

6. Employees are required to have a plan in place to take annual leave if their leave balance exceeded 40 days.