LEGISLATIVE COUNCIL

Wednesday, 27 September 2017

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:17 and read prayers.

The PRESIDENT: We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional owners of this country throughout Australia, and their connection to the land and community. We pay our respects to them and their cultures, and to the elders both past and present.

Bills

PUBLIC INTEREST DISCLOSURE BILL

Conference

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:18): I seek leave to move a motion without notice concerning the conference on the bill.

Leave granted.

The Hon. P. MALINAUSKAS: I move:

That the sitting of the council be not suspended during the continuation of the conference on the bill.

Motion carried.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

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

National Environment Protection Council—Report, 2015-16
Forestry (Forest Reserve and Native Forest Reserve—Northern Forest District) Variation Proclamation 2017

Ministerial Statement

POWER OUTAGES

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:19): I table a copy of a ministerial statement made in another place by the Treasurer: Statewide Blackout—12 Months On.

MURRAY-DARLING BASIN PLAN

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:19): I table a copy of a ministerial statement made in another place by the Premier: Royal Commission Now Required.

Question Time

SOUTH AUSTRALIAN HEALTH AND MEDICAL RESEARCH INSTITUTE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:20): My question is to the Minister for Health. Minister, have you or your predecessor received any correspondence from the federal health minister raising concerns in relation to the process of the selection of the supplier of the proton beam therapy unit in the SAHMRI 2 building?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:21): I have not seen any correspondence to date in the time that I have been minister of the nature that the honourable member refers to. That is not to say there might not be correspondence that has been received more recently that is in the process of making its way to my desk, but I can safely say that I personally have not seen such correspondence in the time that I have been minister. It may well be on its way or making its way to me.

In respect of correspondence that has been received from the previous minister, I, naturally, have not had the chance to read every piece of correspondence or every letter that has been written to him, but I am more than happy to make inquiries regarding the specific question that the honourable member has raised.

SOUTH AUSTRALIAN HEALTH AND MEDICAL RESEARCH INSTITUTE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): Supplementary question: has the minister been briefed and does he have confidence in the procurement process undertaken for the proton beam therapy unit?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:22): No, I have not been briefed. I am more than happy to seek those briefings. Obviously, I am having lots on a daily basis at the moment, but also equally it is true to say that I have not received any briefings saying that there are any concerns yet either.

SOUTH AUSTRALIAN HEALTH AND MEDICAL RESEARCH INSTITUTE

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:22): Further supplementary: will the minister make some inquiries and perhaps bring back to the chamber tomorrow the response that his predecessor gave to the federal health minister, as reported in *The Australian*, I think on 12 September this year, in relation to the procurement for the proton beam therapy unit?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:22): I am more than happy to make some inquiries along the lines of the honourable member's question and if there is information I am able to share with the chamber, I will be more than happy to do so.

REPATRIATION GENERAL HOSPITAL

The Hon. J.M.A. LENSINK (14:23): My questions are to the Minister for Health:

1. What is the sale price of the Repatriation General Hospital?

2. Will the minister release the contract for the sale of the Repat together with the land management agreement embedded in it?

3. Given that the government claims that the land management agreement is an enduring restriction on the future use of the land, why is the proposed zoning of the land more permissive than the land management agreement?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:23): I thank the honourable member for her question. The government has announced its policy and has been on the record for some time regarding the Repat site. Obviously, this is a significant change that has, naturally, attracted a lot of interest within the community and within South Australia. It is widely known and has been reported extensively that the government does have a contract of sale with the ACH Group which we believe will allow for a renewal of the Repat site in a way that is consistent not only with the community's interest but also consistent with the nature of the site generally.

The services that are currently being provided for at the Repat site are being transitioned to other locations around the state and they are fantastic new facilities. As I think I alluded to yesterday, I had the opportunity to visit those facilities. In the case of the Flinders Medical Centre they represent an incredible improvement upon what was previously being provided for at the Repat.

The one that really jumped out at me are the hospice facilities. At the Daw House Hospice, which was located at the Repat, the people working there have done an outstanding job in the community for a number of years providing palliative care services to those South Australians who

require them. Those same services now will be provided for at the new site at Flinders. One of my close family relatives passed away at Daw House Hospice. Having seen the facilities there and having now seen the facilities at Flinders, the contrast is extraordinary. I imagine that all South Australians that are able to visit this facility, or indeed utilise them in a practical or functional capacity, will appreciate just how outstanding and world class these new facilities are.

So, we are in the process of transferring from the Repat to the new facilities that the government has invested in. Of course, we look forward to opening up soon the Jamie Larcombe Centre as well. We are committed to making sure there are outstanding world-class facilities that will be able to consume and absorb the services that are provided at the Repat by a large number of committed staff.

In regard to the location going forward, as I mentioned, we have the contract of sale with the ACH Group. That is subject to a land management agreement that will ensure the preservation of a large number of historical buildings at the Repat site. That is a great result for the local community. We are committed to working with ACH to ensure the outcomes and that South Australians generally, particularly people living in and around the area around the Repat, get access to quality services that are consistent with the spirit of everything that was provided for at the Repat but also reflects a changing need, a changing way of doing things in a modern age.

The reality is that the Repat's facilities were old. They were not fit for purpose. We are committing to making sure that the existing services are provided for in fit-for-purpose facilities, and that what happens with the Repat site on an ongoing basis also provides a fit-for-purpose model so that South Australians can enjoy that facility to the extent they have become accustomed.

REPATRIATION GENERAL HOSPITAL

The Hon. J.M.A. LENSINK (14:27): Supplementary question: is the minister refusing to outline what the sale price is and refusing to agree to release the contract, and if so why is the government willing to release, in contrast, the sale price of the ORAH?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:27): I thank the honourable member for her question. The land management agreement is a very important document that I think most South Australians would see as a good thing. It is a principal mechanism—not the only one, but it is a principal mechanism—that ensures that communities in and around the Repat site can have confidence that that site will be used in a way that is consistent with their expectations but also, like I said, consistent with the spirit of the services and the culture that has existed in and around the Repat for a long period of time.

There is no doubt that the Repat is an iconic site, but part of the things that have contributed to that status as an iconic site is that lots of those buildings are quite old. They should be preserved. They should be preserved in a way that provides a service to the community that is of a health nature. It also acknowledges the fact that many of those facilities were old, weren't fit for purpose, and we want to make sure that people using those facilities can get access to new facilities that are state of the art, that are world class, that do provide for the dignity that those people who use those services deserve while at the same time providing appropriate reference to the Repat site for future generations.

REPATRIATION GENERAL HOSPITAL

The Hon. S.G. WADE (14:29): Supplementary question: if the minister's intention is the land management agreement would provide assurance to the community, will the minister release the land management agreement?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:29): I am happy to take advice on that. What I can safely say, as I keep reiterating, is that the LMA, or the land management agreement, is one instrument that the government relies upon to ensure that the South Australian public, particularly the communities in and around the Repat, can have confidence that that site will be put to good use for many generations to come in a way that is consistent with the culture that exists at the Repat but also in a way that is consistent with the practical functionality of many of those facilities that exist there.

REPATRIATION GENERAL HOSPITAL

The Hon. S.G. WADE (14:29): Supplementary question: how can the community have confidence when the minister is not willing to release the land management agreement, and the government's own planning document makes it clear that uses well beyond the health uses the minister has referred to will be permitted under the government's proposed rezoning of the site?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:30): I don't know how many times I can keep saying the same thing. The land management agreement is an important document that a lot of effort has been put into to ensure that the preservation of the Repat site is done in a way that is consistent with what the community reasonably expects.

We will be working on an ongoing basis with the ACH Group, with residents within the local community, to make sure they get an opportunity to provide input in terms of the way that site is used into the future. We are satisfied that the ACH Group, which of course is a proud South Australian company that has been providing outstanding services with respect to aged care after a long time in South Australia, has the track record, the connection to our community, to ensure that the Repat site is utilised in a productive and appropriate way for the community at large.

We are confident in that. We would expect the opposition would also share confidence in the ACH Group, as a proud South Australian company, having the capacity to do the same thing. We will be working with the local community on an ongoing basis. We look forward to working closely with the ACH Group to ensure the preservation of the Repat site is done in a way that is sympathetic to the culture of the site but also conscious of making sure that it is useful for generations into the future.

REPATRIATION GENERAL HOSPITAL

The Hon. S.G. WADE (14:31): Can the minister confirm that the land management agreement allows ACH to use the site for motels, hotels, warehouses and convention centres, as is allowed under the planning document?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:32): The land management agreement: I appreciate that the opposition is keen to create a degree of fear and angst within the community in regard to the way the Repat site will be used. The Hon. Mr Wade loves the idea of suggesting that we will be putting things on that site that have a profit motive at the heart of the objective, that somehow have the objective of building five-star hotels or high-density housing. That is not consistent with what the land management agreement's objectives are.

We have been working incredibly hard to make sure that the land management agreement is sympathetic to the community's interests and also works consistently with a history of that site. I am more than happy to seek advice as to the ability of my releasing the land management agreement publicly, but we won't do that if it compromises the capacity to be able to get the outcome. That is what the South Australian public want to see, that is what the local community expect, and we look forward, as a government, to working closely with the ACH Group, working closely with the local community to make sure that site is preserved in a way that best represents the history of the site.

REPATRIATION GENERAL HOSPITAL

The Hon. J.M.A. LENSINK (14:33): Further supplementary: how can the document have, as the minister claims, sympathy for the local residents when the residents have not had any opportunity to have any input into it?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:33): As I stated, the government is committed to working with the local community and the ACH Group to ensure that, as development on that site occurs, there is an opportunity for the local community to provide feedback into it.

TRANSFORMING HEALTH

The Hon. S.G. WADE (14:33): I seek leave to make a brief explanation before asking questions of the Minister for Health.

Leave granted.

The Hon. S.G. WADE: SA Health has released information that the gross savings from Transforming Health in 2016-17 were $16.3 million, and that that was $102 million (or 87 per cent) less than the forecast. SA Health has also advised that the government had to spend $33 million to achieve those $16 million savings; that is, they made a net lost of $17 million. My questions to the minister are:

1. Given that SA Health is now $17 million behind the eight ball, what strategies does the minister have to meet the Weatherill government's original savings target of $332 million?

2. What is the financial savings target from the Transforming Health plan for the 2017-18 financial year?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:34): I thank the honourable member for his important question. It is important to say from the outset that the objective of Transforming Health at its core is about providing a better standard of health care to South Australian citizens. The opposition may have, as its intent in their question, the thought that somehow Transforming Health is all about budget savings. That couldn't be further from the truth. The objective of Transforming Health is to make sure that, within existing resources, we make sure we deliver an outstanding form, a modern form, of health care to South Australians to best represent their interests. That is why the government has been making difficult decisions for a sustained period of time now to achieve those objectives.

A large number of them are already on the record. I mentioned yesterday, for instance, in regard to the north-eastern suburbs, the dramatic increase that has occurred in respect of elective surgery. I might just add that the honourable member asked I think a pertinent and decent supplementary question in respect of the fact: does the increase in elective surgery that occurred at the Modbury Hospital largely reflect the fact that there has been an equal reduction at the Lyell McEwin Hospital?

I am pleased to explain to the chamber—and I think I took it on notice so that there would be a formal process to provide the honourable member with this information—that the Lyell McEwin saw a reduction. In the same period where Modbury saw, I am now advised, up to a 36 per cent increase in elective surgery, the Lyell Mac saw a reduction that was less than 2 per cent. That means that overall across the NALHN health area, we have seen in excess of a 10 per cent increase in elective surgeries that have taken place for the residents of the northern suburbs. That is just one example of where Transforming Health has delivered a better outcome for South Australians.

This was never about the money: it was about providing quality health care to South Australians, and that meant making some tough decisions to achieve it. We don't shy away from tough decisions as a government if we genuinely believe that there is a public policy outcome that will deliver better health care for South Australians. We remain committed to that cause and will continue to make tough decisions if need be to ensure South Australians get the health care that they deserve.

TRANSFORMING HEALTH

The Hon. T.A. FRANKS (14:37): A supplementary: does the minister concur with his predecessor, Jack Snelling, when he was minister, with the claim that there were 500 avoidable deaths occurring in our hospitals each year, and how will the minister work to ensure that those 500 avoidable deaths are tracked and reduced, if he does believe that claim?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:37): I have no reason to believe that my predecessor would unnecessarily exaggerate claims, particularly when it comes to a statistic that is concerning within his own portfolio. We are making the decisions that we need to, to make sure that we provide the best quality health care for South Australians and to make sure that we avoid unnecessary mistakes in the system where we can. That means making tough policy decisions. It means you don't make policy decisions on the fly or on the run; instead, you rely on advice from clinicians, in conjunction with information you receive from members of the community.

Transforming Health is a policy that was developed in conjunction with clinicians. That doesn't mean that you get it right absolutely the first time, every time, which also means that you need to adjust it and tinker with it as time passes or if new information presents itself. But by and large, the reasons why the government pursued this policy were well-founded. We have seen good results arise as a result of it. We are not opposed to adjusting the policy as new information comes to light, or to making sure that community concern is taken into account, but it is a policy that is founded in good principle. We don't shy away from making tough decisions, even if they are politically difficult, if at the same time we are confident that we can deliver better public health care for South Australians.

TRANSFORMING HEALTH

The Hon. S.G. WADE (14:39): I have a supplementary question: given that his predecessor never indicated that Transforming Health would make the health system more expensive, can the minister tell us what financial savings from Transforming Health are planned in the 2017-18 financial year?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:39): I think that South Australians would be alarmed at the idea that the Liberal Party thinks that money should trump everything when it comes to the health system. We don't take that view. We think that when it comes to saving lives, which is what this job is all about, we make decisions with a view of making sure the priority is providing outstanding health care.

Of course, one has to take into account budget outcomes, and this government has always demonstrated its willingness to put its money where its mouth is when it comes to improving health care for South Australians. Take, for instance, our more recent announcement of a $1.1 billion investment in public hospitals in suburban Adelaide. That is an extraordinary investment that reflects the fact that this government is serious about improving our public hospital system and improving health care for South Australians generally.

Of course, that comes on the back of our already other substantial investments that have now been realised in fact, the most significant of which, of course, is the brand-new Royal Adelaide Hospital. It is a policy which, of course, was opposed by members opposite. We are serious about it. Of course, money is a factor. We have to pay for these things and that has to be budgeted for, but what we have demonstrated as a government is a willingness to do that, a willingness to make sure that health is the priority that people reasonably expect.

This is a Labor government, which means that we place a high priority on public healthcare provision for South Australians. We are proud of our record. We acknowledge that the work never stops. The need to continuously improve public health service provision is something that we take incredibly seriously. We put our money where our mouth is. The Liberal Party look at health care in the context of savings. We look at health care in the context of saving lives.

Members interjecting:

The PRESIDENT: I think it is very disrespectful talking across the room when the minister is giving a very important answer.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to acknowledge the Hon. Mr Gilfillan. It is good to see you here. You have a supplementary, the Hon. Mr Wade.

Question Time

TRANSFORMING HEALTH

The Hon. S.G. WADE (14:41): Given the minister's comments in his original answer that Transforming Health has been such a wonderful success at the Modbury Hospital, can he explain why Modbury is the only site where Transforming Health is being reviewed?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:42): Because we are not arrogant enough to think that we get it right or

there isn't room for improvement. What the opposition don't understand is that what we are on about on this side of the chamber is making sure that public health doesn't just improve in the past but it improves into the future. We acknowledge the fact, and we would welcome an acknowledgement from the opposition, that already Transforming Health has seen substantial improvements in service delivery at the Modbury Hospital.

The thing is we don't look at outstanding results and think, 'Our job is done here. There's nothing more do.' We look at improvements in what has occurred at Modbury as an opportunity to work out what more we can do into the future. That is the objective of the review of services that we are conducting at Modbury, making sure that we see the continuous improvement of health care services, and not just for residents within north-eastern suburbs or northern Adelaide generally but looking at it across the whole of the state system. We want to make sure that health continuously improves. That is why we regularly conduct reviews. That is why we take the advice of clinicians. That is why we hear from members of the community.

TRANSFORMING HEALTH

The Hon. T.A. FRANKS (14:43): A supplementary: are there more, less or the same number of avoidable deaths happening now than since Transforming Health commenced?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:43): Saving lives is the core objective of health policy generally. We have seen the government demonstrate its commitment to achieving this. It is reflected in the tough policy decisions we have made in some instances regarding Transforming Health. It is also reflected in the very substantial investments that we have made into public hospitals generally.

TRANSFORMING HEALTH

The Hon. J.A. DARLEY (14:44): Minister, are you aware of the fact that when the current chief executive of the Department of Health attended the first parliamentary committee in this place, she indicated quite clearly that Transforming Health was all about cutting costs?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:44): What I acknowledge is that, as a member of this government, as the Minister for Health, the policy around Transforming Health—the policy that this government has of modernising our health system to make sure it continues to be world class—is all about improving health services.

If the Hon. Mr Darley's premise to his question is correct, then clearly people aren't aware of the fact that this government has been making year in, year out record investments in capital expenditure on improving our public health system. That's reflected in investments like the NRAH, but, more importantly, is reflected in the investments that we continue to make in the system, including an additional $1.1 billion that has now been budgeted for in investments in other public hospital facilities around the state over the coming months and years.

EARLY COMMERCIALISATION FUND

The Hon. J.M. GAZZOLA (14:45): My question is to the Minister for Science and Information Economy. Can the minister update the chamber on the South Australian Early Commercialisation Fund?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:45): I thank the honourable member for his question and the interest he and a number of other members of this chamber show in innovation programs in South Australia. The government has established the $10 million South Australian Early Commercialisation Fund (SAECF), which forms part of a suite of innovation initiatives announced in the 2016-17 state budget.

This is a four-year program with funding provided until 2019-20. The SAECF was launched on 18 November 2016 to invest in innovative early-stage high-growth companies with national and global market potential that will benefit the South Australian economy. The fund, which is administered by TechInSA, provides eligible companies and organisations with tranched grants of

up to $500,000. Interest in the fund continues to be high, and, as of 11 September this year, TechInSA had received more than 313 expressions of interest. Grants have been approved for 35 companies through the program. It is anticipated, based on estimates from participating companies, that in excess of 400 new jobs might be created over the next two years through these grants.

There are many exciting companies that have recently been approved for funding through the program, one of which is an Adelaide company developing the capability for the commercial manufacture of solar-powered drones. The team at Praxis Aeronautics recently received approval for $150,000 in support. The company has created a process by which solar cells can be incorporated into a composite material, like the body of a drone. I understand that the current offering in the market of petrol-powered drones is expensive to both purchase and maintain, while current electric drones have quite limited flight duration.

The solar-powered drone technology developed by Praxis will have the benefit of extending flight duration, and the company believes that drones could be used for a number of purposes, environmental management mapping, defence and humanitarian being amongst them. The funding provided will support the scaling up of the systems and production facilities of the company to allow for the manufacture of full-scale solar-powered drones in South Australia.

Another company to receive funding recently is Silentium Defence Proprietary Limited. Silentium have been approved to receive $200,000 in funding from the South Australian Early Commercialisation Fund to support bringing to market their new silent radar technology. The technology has the potential to be useful in both defence and civil areas, protecting soldiers and managing commercial air traffic movement.

I understand the company's defensive passive radar technologies use a silent sensor to locate objects, eliminating the chances of large radio signals being detected by enemy troops. The innovative product uses radio frequency energy to map out an environment. The government understands that the defence industry is one of our strengths in South Australia and will be one of the big industries, going forward. We are pleased to be assisting Silentium Defence to bring its game-changing passive radar technology to market, with the potential to help protect our troops serving overseas and being used for training purposes here. This grant will be used for the production of prototypes for testing to take the company to the next stage of growth.

The South Australian Early Commercialisation Fund continues to provide financial assistance to entrepreneurs and innovators looking to develop their ideas here in South Australia and get their products to market. The government is committed to delivering support to emerging South Australian companies through programs like the SA Early Commercialisation Fund.

EARLY COMMERCIALISATION FUND

The Hon. A.L. McLACHLAN (14:49): Can the minister advise the chamber of the size of the grants and what undertakings the companies had to give in order to receive the grants?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:49): I thank the honourable member for his question. The size of the grants were as I said in my answer. The grant to Praxis, as I said, was $150,000, and the grant to Silentium was $200,000, as I read out in the answer, about probably two minutes ago.

EARLY COMMERCIALISATION FUND

The Hon. A.L. McLACHLAN (14:49): Can I ask also a supplementary in relation to what undertaking some companies had to give for those grants?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:50): I thank the honourable member for his question. Each contract in terms of grant recipients is unique. I am happy to go away and see what—given any commercial confidentiality that may surround grants to companies that by

their definition hold very early stage technologies—I am able to bring back for the member, because of course I didn't mention that just two minutes ago when I read the answer out.

EARLY COMMERCIALISATION FUND

The Hon. A.L. McLACHLAN (14:50): Supplementary: can the minister indicate—and I may not have heard him—whether any of those undertakings involve keeping a certain level of employment in the state and residency of the company headquarters?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:50): I am happy to take those questions on notice and bring back a reply. As a general rule, for most of our grant programs, there are requirements about where the company is located and where jobs from the company are provided, but for these specific ones I am happy to see if there is any more information that I can provide to the honourable member.

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

The Hon. J.E. HANSON (14:51): I lay upon the table the 51st report of the committee, 2015-17, the vital committee that it is.

Report received.

Question Time

INDUSTRIAL HEMP

The Hon. T.A. FRANKS (14:51): My question is to the Minister for Manufacturing and Innovation. Given the Industrial Hemp Act was passed in this parliament in April this year and given assent in May this year, why is it yet still to commence? Can the minister assure growers that they will be able to get crops in the ground by the end of the calendar year?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:51): I thank the honourable member for her question and her ongoing interest and support in the promotion of a potential new industry for South Australia, the industrial hemp industry. I acknowledge that it was the honourable member's private member's bill that she brought to this chamber that helped to get us to where we are now.

As the honourable member outlined, the Industrial Hemp Act, which provides for the authorisation and regulation of the cultivation and processing of hemp products, was passed by parliament in April this year. The regime that the act set up required regulations to regulate and license the industry. Accompanying regulations have been drafted and have been consulted on with a view to establishing that licensing system. It is anticipated that the new industrial hemp regulations will be in place in the near future.

Commencement of the industrial hemp regulations is expected to occur before the end of this year. Once producers are granted the licence through the new scheme, they will be able to begin planting from this time. The honourable member might also be interested to know that we are not just waiting for this to happen to try to promote it and industry in this area. There has been recent collaboration in terms of trials, so that we give the best possible chance once the regulations are passed by this place and licences are granted.

I understand there has been collaboration between Primary Industries and Regions SA, the Department of State Development, the Cannabis Council of SA and the Industrial Hemp Association of SA to undertake trials based on new hemp varieties and cultivars. I am advised that these trials will be undertaken with interim permits issued under the Controlled Substances Act. I am advised that trial sites will be located in Loxton and Kybybolite and it is expected that a number of plantings will be undertaken in mid-October this year, with subsequent plantings every month until February.

I am advised that Adelaide University has been engaged to undertake analysis of 20 different hemp seed varieties to provide guidance on the selection of varieties for the trial to assess the range of characteristics, and I understand that that work has already assisted in selecting the five varietals for the planting of those initial trials so that when we have those regulations later this year there is some evidence for growers to base their selection and choice of crops should they choose to plant crops as soon as possible when licences are granted.

INDUSTRIAL HEMP

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:54): Supplementary question: has the minister or his agency looked at the trial work that was done when minister Kerin did some work on it? He may have mentioned that earlier in his response. I know that substantial work was done over 20 years ago, and they found it to be unsatisfactory. Are there new varieties that make this more viable?

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (14:55): I thank the honourable member for his question. He has a razor sharp memory in remembering some of the things that have gone on in the past—

The Hon. I.K. Hunter: Some.

The Hon. K.J. MAHER: Some of the things that have gone on in the past. SARDI did undertake trials in 1995 at a number of sites. I think Maitland, Turretfield and Kybybolite were three trial sites in 1995 when the previous trials were undertaken. At the time, these trials were undertaken to look at the feasibility of industrial hemp and particularly whether it could produce commercial quantities of biomass from the fibre in industrial hemp.

I am advised that 22 years ago, the experience from those trials at that time did not make a strong case for the development of a hemp industry in South Australia, but many people now in the industry and advocates for industrial hemp point out that, in their view, the varieties selected may not have been the best for those places and certainly that new varieties may be much better. That is why, as I have explained, Adelaide University has conducted analysis of 20 different seed varieties to narrow it down to five for the current trials.

HEALTH PORTFOLIOS

The Hon. S.G. WADE (14:56): My questions are to the Minister for Health. As part of the ministerial transitions, has the minister had personal briefings with each of the member for Taylor and the member for Playford since being appointed as their successor? Secondly, what is the role of the Minister Assisting the Minister for Health and the Minister for Mental Health and Substance Abuse, a role to which the member for Kaurna has been appointed?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (14:57): I thank the honourable member for his question. I am very grateful to have been able to talk to both the member for Taylor and the member for Playford regarding my new responsibilities and to get their insights regarding their experiences in carrying these portfolios. We are very lucky on this side of the chamber that we are a unified team that works closely together.

Everyone is committed to achieving good public policy outcomes in the way that only a unified team can, so I feel very grateful to be able to contact both the member for Taylor and the member for Playford and to be able to pick their brains if the need arises. Equally, it is true that they are not seeking to impose themselves on me with advice. I now have these responsibilities and I want to put on the record my gratitude to each of them for making themselves available if and when I need them.

Regarding the member for Kaurna's role as the minister assisting me in health, again that is something I am incredibly grateful for. The member for Kaurna himself has an extraordinary amount of experience regarding the health portfolios generally. Chief amongst that experience, of course, is the member for Kaurna's role as a chief of staff to the federal minister for health. That gives him a great degree of insight regarding federal health policy, and I think there is a great need for that. In fact, something that has come up in briefings I have already had and indeed in meetings with some

stakeholders is that the intersection between health policy at a federal level and a state level is an important variable when it comes to service delivery for South Australians.

I don't think there are too many South Australians who really care who is paying for their health care, in terms of what jurisdiction or what government, or really care about the fed-state split regarding primary health care or hospital health care. All they want is a healthcare system that works to make sure they get better quicker. That's what South Australians care about, and I think it's going to be incumbent upon me as the state Minister for Health to have a productive working relationship with the federal Minister for Health, notwithstanding the fact that of course there will be moments of disagreement.

I look forward to speaking to the federal Minister for Health. I have a time lined up in the next 24 hours to be able to do that and I welcome the opportunity to work with the federal health minister. The member for Kaurna will be able to assist me in that process. As I said earlier, he was the chief of staff to the former federal health minister, Nicola Roxon, who was outstanding in that job and I look forward to working closely with the member for Kaurna. He will be taking on a number of questions in the other place regarding health matters, but he will be able to provide me with insights that I currently don't have available to me and I look forward to receiving those.

HEALTH PORTFOLIOS

The Hon. S.G. WADE (15:00): I have a supplementary question: does the assistant minister have any identified roles and will he have any statutory delegations?

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:00): His identified role is to assist me, which means I have the capacity to be able to pick up the phone and call upon his experience, his insights and his knowledge as and when needs be.

Members interjecting:

The PRESIDENT: Order!

PORT AUGUSTA FLY ASH

The Hon. T.J. STEPHENS (15:00): I seek leave to make a brief explanation before asking the Minister for Health a question about South Australia's health response to fly ash in Port Augusta.

Leave granted.

The Hon. T.J. STEPHENS: Since the decommissioning of the Port Augusta power station, the presence of fly ash has caused serious concerns in the community. Flinders Power identified further fly ash issues last week and Port Augusta Mayor, Sam Johnson, has expressed concerns at the threat posed after the EPA recorded extremely high levels of PM10 last Saturday.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.J. STEPHENS: Mayor Johnson has called on the Minister for Health to guarantee the health and safety of Port Augusta residents.

1. How does the minister intend to assist the residents of Port Augusta who may have been affected by fly ash in what has become an ongoing problem?

2. Will the minister commit to a longitudinal health study of the population exposed to fly ash?

3. Will the state government invest the $3.2 million recommended by the Tonkin Consulting report to cover the odorous edges in soil and revegetate Bird Lake?

Members interjecting:

The PRESIDENT: Order! The honourable leader of the government will answer the question.

The Hon. K.J. MAHER (Minister for Employment, Minister for Aboriginal Affairs and Reconciliation, Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Science and Information Economy) (15:02): I thank the honourable member for his question. I might just explain, as the minister who had a responsibility for issues arising from the closure of the Leigh Creek coal mine and the Port Augusta power station, this is an issue I have had significant involvement with. Given much of the question was about the broader policy response to—I might correct the member: it's not fly ash, which came from the chimney stacks, it's bottom ash, which came from the bottom of the coal burning sites.

I know it might seem like a pedantic point, but it is actually important because there are different materials in those. I am happy to be able to answer the honourable member's question because it was much broader than just health effects.

Members interjecting:

The PRESIDENT: Order! The honourable minister, take a seat. I don't know how on earth anyone can understand what is being said in this chamber with so many people talking over each other. There is one person on his feet and that is the minister. Please continue.

The Hon. K.J. MAHER: In relation to the bottom ash that comprises the ash dam near the old Port Augusta power station, there were incidents during last summer when very strong winds did cause some of that bottom ash to be airborne and it did cause a deal of concern amongst the community. In response to that, the government set up a free clinic within the Port Augusta Hospital, a clinic that was open on weekends as well as weekdays, where any member of the Port Augusta community could come without appointment for free medical advice in relation to that. The government listened to community concern and made sure we responded appropriately.

I am advised that in the last week, a portion—I think it's on the northern end of the ash dam that contains the bottom ash from the Port Augusta power station—due to rains, some of the sealant had been compromised, but that the company immediately put in remedial action to fix that. It is the responsibility of the company to make sure that the ash dam is sealed and, after aerially applying sealant, they own the process that I understand is nearing completion of covering that ash dam with soil and planting seedlings on the area of the ash dam. I understand, again, I think it is in the northern area of the ash dam, that due to moisture content, they aren't going as fast as they had originally planned to, but that that work continues.

In response to further questions about Bird Lake that the honourable member asked, I can inform the honourable member that there has been quite a lot of discussion between the state government and the Port Augusta City Council as to what is the appropriate long-term solution to Bird Lake. The lake is on council land, it is council responsibility, but we have made it quite clear that we recognise that all of us have a role to play, and that the state government is prepared to look at what ways we can help remediate and mitigate both problems of odours and problems of insects that arise, particularly during hotter weather, at Bird Lake.

We are committed to providing some help. We also expect that the federal government will recognise that they have a responsibility as well and will provide some help. There was a consultant's report that the council engaged consultants to provide and, again, recognising that we will help where we can, the state government provided funding to the council to engage the consultants who have recommended a range of actions. I know there has been further discussion about ways that in-kind support can be provided, and whether that is with soil at Bird Lake from either Flinders Power or from council reserves to make sure that we are doing it as efficiently and effectively as possible in terms of the remediation of Bird Lake.

RECREATIONAL FISHING

The Hon. T.T. NGO (15:06): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister tell the chamber how the government is working to boost recreational fishing and tourism opportunities in South Australia?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:06): I thank the honourable member for a most excellent question. Last month, I had the pleasure of officially

declaring a new artificial reef at Rogues Point, off Ardrossan, open to recreational fishing. This shellfish reef is a first for South Australia, or it will be once it is seeded, and a tremendously exciting project in rewilding. South Australian coastal waters were once dominated by native shellfish reefs, but they have been lost in the years since European habitation. In fact, they have been dredged into extinction up and down the gulf. South Australia is, of course, not alone in this situation. There is only one, I am advised, original native shellfish reef left in the whole country, off the coast of Tasmania.

This reef that we have now installed off Ardrossan will provide habitat for many species of fish to feed, shelter, reproduce and grow, and in time will become a recreational fishing hotspot. The artificial reef project came about through a $3.25 million package that we announced at the 2014 state election to boost recreational fishing and tourism opportunities in regional South Australia, and it is very pleasing to see it come to this reality. I have previously highlighted to the chamber that there are about 277,000 South Australians who identify themselves as recreational fishers, and I am sure this reef will help to improve recreational fishing access and opportunities for many of them, and for visitors coming to the state for this experience.

As part of the $3.25 million funding package, the state government has also allocated grant funding to 107 fishing projects across the state through the South Australian Recreational Fishing Grants Program, which provides community grants of up to $100,000 to support recreational fishing in South Australia. Fishing provides opportunities for people to unwind and get outdoors, to connect with the state's natural environment and our fantastic marine parks, as well as generating tourism opportunities in the regions. There are roughly 17,000 tourism businesses operating in South Australia, directly employing approximately 36,000 South Australians, I am advised. The Yorke Peninsula attracts about one million visitors each year with about half of these visiting the region specifically, I am advised, to take part in recreational fishing.

Our tourism sector relies heavily on the appeal of our state's unique natural attractions, which are located right across the state, but this new reef and the flourishing ecosystem it will support will provide an exciting boost to the recreational fishing and tourism industry in the state. The state government's nature-based tourism strategy, Nature Like Nowhere Else, was launched a year ago and has provided the structure for developing this industry. The strategy was developed in partnership between the Department of Environment, Water and Natural Resources and the South Australian Tourism Commission, and the aim is to drive economic growth and job creation.

In building this new reef the state government is proud to have been working with not-for-profit organisation the Nature Conservancy, which is an international leader in shellfish reef restoration, and with the Yorke Peninsula Council, with RecFish SA, the University of Adelaide and also the Ian Potter Foundation and some other community stakeholders on the project.

The reef is built from specially designed concrete structures and rows of locally sourced limestone rocks. Later in the year, the reef will be seeded with juvenile native oysters. At the moment, the reef covers four hectares. The second stage of the reef reconstruction will extend the reef much further than that. This will be led by the Nature Conservancy and has been made possible by additional funding provided through a collective partnership of the state government with the federal government, through the National Stronger Regions Fund, the Nature Conservancy itself and the Yorke Peninsula Council. With combined funding of approximately $3 million, this project will be the largest of its kind in the Southern Hemisphere.

By the middle of next year, the reef will have been expanded to a footprint of 20 hectares, becoming the largest project of its type in the country. Primary Industries and Regions SA have been the lead agency managing construction to date, and now scientists from the Department of Environment, Water and Natural Resources and the University of Adelaide will begin working together to monitor and evaluate the site. As time passes, I look forward to this reef becoming a thriving marine ecosystem, providing food, habitat and nursery space for many of the species of fish that some of us love to catch and eat.

We might have to consider a limitation on some of the more avid fishers in this chamber so that they don't go out too often and fish this space. I look forward to more sites like this one being developed around the state and indeed around the country in the future, as we work towards reinstating the network of reefs that we have lost over the many decades.

When it came time to name this first reef, we asked the Narungga community if they would be willing to share their traditional culture and language and offer suggestions for a name, and then we asked the local schoolchildren to choose the one that resonated most with them. Children on the peninsula chose the name Windara, which is the Narungga name for the eastern Yorke Peninsula region, I am advised.

This name now links the Indigenous culture of the region with the young people of the Yorke Peninsula community, who feel a sense of ownership over the reef and I am sure will benefit from many science projects and marine science based around this growing reef. These same children and future generations of South Australians will see this reef grow and flourish over the coming years and will benefit from the ecosystem services and the opportunities for recreational fishing and tourism that it will provide long into the future.

ROYAL ADELAIDE HOSPITAL

The Hon. K.L. VINCENT (15:12): I seek leave to make a brief explanation before asking questions of the Minister for Health regarding the new Royal Adelaide Hospital, or NRAH.

Leave granted.

The Hon. K.L. VINCENT: Following contact with my office from a number of constituents about the new Royal Adelaide Hospital, my questions are the following, and I should forewarn the minister they are unsurprisingly numerous:

1. Why, despite repeated assurances from the NRAH transition team, does the emergency department car park at the ORAH hospital have eight disability car-parking spaces, yet the NRAH still has zero?

2. Did two robots throw themselves into a lift shaft abyss at the NRAH?

3. Did a plumber arrive at the NRAH ED last fortnight to install an underwater seal for a cardiac patient following an assumedly incorrectly labelled order by Spotless?

4. Is the minister aware, and is it true, that a plastic container in the new thermal food heater at the NRAH caused the food heating system to go into a meltdown?

5. Why are admitted patients going without meals? According to reports I am hearing, at the NRAH, because the EPAS system requires a dietician to log meal requests, this is resulting in family members having to bring food to their loved ones in hospital.

6. Did the intensive care unit recently have to wait up to six hours for one unit of blood?

7. Is there inadequate stock of basic essentials, such as intravenous saline, and some other commonly used medications on wards?

8. Is it the case that vacated rooms are not being cleaned in a timely manner, further delaying the acceptance of new patients?

9. How often are occupied patient rooms being cleaned?

10. Is it true that there is not enough storage for equipment such as sterile scissors and forceps at the NRAH?

11. Is it true that opening and closing blind magnets being shared between patient rooms—because not enough were supplied—means no infection control precautions are in place?

12. Why do booms, which hold ventilators in place, not have an adequate breaking system, meaning that potentially if they are knocked they could pull the intubation out?

13. When will a publicly available and accredited changing place toilet be installed at the NRAH to service the 14,000 South Australians with high-level accessible toilet needs and needs for high-level change facilities, and why was this not automatically built into a $2.3 billion facility?

14. Finally, when will toileting, feeding and exercise areas for assistance dogs be installed at the NRAH?

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (15:15): I thank the honourable member for her questions, of which there is an extensive number.

The Hon. K.L. Vincent: Fourteen.

The Hon. P. MALINAUSKAS: Fourteen. I will start by addressing at least one specific one, which I can comment on, and then I will try to deal with the rest of them generally. One of the questions in the middle was the plumber incident—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. MALINAUSKAS: That has been subject to a degree of rumour, innuendo and speculation. I am happy to confirm to the house that I received advice on this incident last week, where I guess a communication issue meant that something was lost in translation regarding some of the services provided by Spotless. I think the chamber will be pleased to know that that issue has been rectified rather quickly. That answer probably speaks to my view about each of the issues that the Hon. Ms Vincent has raised.

Let me start from the outset and say that regarding issues around access to disability parking, and so forth, I have not received—and there were a number of issues that were specific to disability issues and access—any briefings regarding those issues up until this point. I am happy to do that. I would also say that, obviously acknowledging the Hon. Ms Vincent's passion and advocacy for the disability sector generally, I would be very keen to hear how the NRAH is going with respect to those members within our community who do suffer from a disability, and make available staff from my office or from the department to engage directly with her office, if that has not already happened up to this point, to see whether we cannot have some answers provided to you quickly, in a way that might be more expeditious than the formal process of taking things on notice.

Generally, a large number of the questions that the Hon. Ms Vincent has raised do speak to what has been characterised as teething issues with the NRAH. First, much of that was expected. This is such a huge undertaking, such a substantial exercise, such an extraordinary transition going from a facility that we have been in for over 100 years to a brand spanking new facility, which is fundamentally different in a number of areas. So, we do expect transition and teething issues.

I guess my principal objective, as I said yesterday, is making sure that we have systems in place so that when those teething issues present themselves, or when queries or issues are raised, we are dealing with them in a way that represents a fix, but also represents it being done expeditiously. There are committees and systems in place to do that—I have established that upon making those inquiries.

A really important one that the Hon. Ms Vincent has touched on, of course, is meal delivery. Meals are important; we don't want people going hungry. It has also been drawn to my attention by nurses and the ANMF directly that there is a clinical issue associated with meals being delivered on time. It is not just about satisfaction for the patient in terms of not going hungry or having a meal at a time that is too early. There is a genuine clinical issue, of course, because there are diabetics, issues about consumptions of medications that are supposed to occur systematically or periodically, and often medications need to be consumed with food, as all of us are aware.

Having meals delivered on time is an important function within the hospital. Earlier on there were not just one or two reports but a large number of reports that that was not happening as effectively as it should. I received an update on this yesterday because it is something that I want to be abreast of and something that I want to make sure is improving. Yesterday, I was very pleased to hear that there has been a substantial improvement when it comes to the speediness and timeliness of meals being delivered. That is not to say that there are still not odd incidents that are taking place within the hospital but all the advice to me—and there is a key metric, which I am trying to recall as I stand here, that measures on time—

The Hon. S.G. Wade: Three meals a day.

The Hon. P. MALINAUSKAS: It is not three meals a day, in that flippant remark from the honourable member opposite, but making sure that meals are delivered in a timely manner is really important.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.L. VINCENT: Mr President, I would appreciate the opportunity to hear the answer to my question.

The PRESIDENT: I fully agree. I think members of the chamber ought to have respect for the honourable member wanting to listen to the answer to her question. Minister.

The Hon. P. MALINAUSKAS: There is a key metric that is measured, and the South Australian government does that on a regular basis because, of course, we have a contract with Celsus, that incorporates the Spotless Group, which does meal delivery in the NRAH. There is a key metric that is measured to ensure that they are meeting their contractual obligations which, in turn, affects the payments in terms of the contract. So, this is something that is measured and I was very glad to hear, as I said, when I received a briefing yesterday that this has improved dramatically over recent days. I want to be clear that there still needs to be improvement; accuracy of the meals is a variable as well, not just timeliness. So, it is about making sure that we get all of those things right.

In respect of one of the questions that was raised regarding one of the RAH-bots throwing itself down the lift shaft, I have not received a briefing along those lines. I am happy to make some inquiries and hopefully that is something we can quickly rule out. It is something that I would expect to have had drawn to my attention, if that was the case. I am not aware that that is something that has occurred.

One of the challenges, of course, is making sure that we take all of the information that is being fed back through a range of different ways within the community. I think there are some things that are rumour and innuendo. That is not surprising because it is something that is of great interest to the community. However, it is also true to say that there have been issues that have been raised in a way that, as I said, we expected, but we are dealing with them.

This is a huge facility. The Hon. Ms Vincent is right to point to the fact that it is an investment that is in excess of $2 billion. That is a lot of money and it is an amount that will be paid off and that we will be paying, as a state, for 30 years. However, this government believes that that investment is entirely appropriate. We now have a state-of-the-art facility that is the envy of many other jurisdictions around the country and, indeed, the envy of many people around the world. However, it is not the envy of the patients who use it.

The feedback that we are getting from a large number of patients who have been in this facility now for some time is that it represents a huge improvement on what they were subjected to previously. It is not just the amazing views, it is not just the outstanding fact that they have their own rooms and ensuite facilities and that family members can stay there—all those things are important—but it is also the outstanding staff who work there. They are doing their level best to make sure that these teething issues are dealt with. I am really glad to hear that that is occurring.

In the meeting that I had with the ANMF this morning, they referred to the fact that there have been substantial improvements. That is an independent source—it is not the department—that has the reputation of being honest and transparent about sharing their reflections. I do not think the ANMF can be accused of mincing their words when it comes to providing feedback to the government. They reported to me that there has been some improvement, so that is a good thing and we want to make sure that it continues. I also want to put on the record my thanks to all those people who are working so incredibly hard to ensure that that continues.

Matters of Interest

WINTER FESTIVALS

The Hon. J.M. GAZZOLA (15:24): In July, we saw a bustling and busy Adelaide hosting some fantastic events this winter, shining a light on our wonderful music scene once again. The

Umbrella: Winter City Sounds festival warmed up 104 venues, with 300 events across the city and Adelaide suburbs from 14 to 30 July. This is the second year of the festival, which has been orchestrated to help increase the number of people visiting the city during winter.

Venues and artists exceeded those of the inaugural 2016 festival, and 90 per cent of this year's 1,300 performers were local musicians. Former minister Snelling said, 'Adelaide has a rich tradition of showcasing the arts, and Umbrella: Winter City Sounds is testament to what a city can do for musicians, audiences, visitors and venues when we collectively get behind live music.'

A significant highlight for the winter calendar was the Australian Independent Record Labels Association (AIR) awards, which has added to the growing winter events scene in Adelaide. The 2017 11th AIR awards were held on 27 July for the first time at the Queen's Theatre. It is a privilege for Adelaide to host the event, confirmed until 2019. This is just one of the events supported by the state government's live music fund.

The awards recognise independent artists and labels. The Premier welcomed artists and representatives from around the nation, and local act A.B. Original won five awards. AIR also staged an Australian-first industry conference known as Indie-Con, with panels, workshops and presentations being held on 27 and 28 July at Tandanya. The sold out event was introduced by AIR general manager Maria Amato. I would like to thank Maria for her commitment to AIR and artists and her wonderful words. Approximately 200 people attended the conference, of which around 75 per cent came from interstate. Indie-Con is described as a wonderful networking opportunity with insights and counsel from industry leaders. The event presented over 30 guest speakers and industry figures from interstate and overseas.

To coincide with the opportunity presented at these events, MusicSA launched a mini event called Scouted. Scouted, held on 28 July, took place on selected stages in the East End, showcasing 15 talented, unsigned South Australian artists to industry leaders. The AIR awards and Indie-Con drew in overwhelming media engagement and all press coverage, shining a spotlight on Adelaide. The Umbrella festival is also said to have received significant exposure over a variety of media platforms.

The last week of July was rounded out by the Craft Brewers Conference, at which around 440 interstate, 66 overseas and 100 South Australian brewers, delegates, exhibitors and speakers attended. The Adelaide Beer and Barbecue Festival topped off the weekend. Wayville Showground was loaded with a terrific bounty of music, food and craft beer for the three-day event. The festival played host to 63 brewers and sold out 12,000 tickets. The shed was like a show bag hall for beer tasting and had an exciting atmosphere to boot.

Friday night kicked off with minister Maher setting the tone for the evening with a swag of beer facts and a nod to former prime minister Bob Hawke. The Royal Adelaide Beer and Cider Awards, run by the Royal Agricultural and Horticultural Society of South Australia, enticed 224 entries from 50 breweries, with local winners including Pirate Life, Vale Brewing and Coopers.

It is estimated that 50 people were directly employed by the festival, with a total of about 600 people working at the event across all brewers, including chefs and contractors. It is also estimated that approximately 1,500 interstate visitors were at the festival. We are pleased that by engaging with the music industry we are supporting a number of other industries. I am thrilled that the government recognises the music industry as a very real economic contributor.

In a recent study conducted by EconSearch looking into the economic contributions of the music industry to South Australia, the 2015-16 financial year saw the gross state product of the music industry as a whole in South Australia to have made an estimated contribution of $375 million in this period, including $221 million from flow-on effects, with an overall employment contribution of approximately 6,300 jobs, which includes nearly 1,800 jobs from flow-on effects. This increased winter activity is a positive step for venues, for artists and our state's vibrancy and economy. Adelaide is open for business and open to all. Let's ensure we keep it that way.

On a sad note, I would like to acknowledge the sudden unexpected passing of Mick Dalby. Mick was an excellent South Australian musician. Our thoughts are with Julie, Lewis, Tom and the family and friends of Mick.

MEAT AND LIVESTOCK AUSTRALIA ADVERTISEMENT

The Hon. J.S. LEE (15:29): Today, I am compelled to rise and speak about the controversial advertisement by Meat and Livestock Australia, which is causing grief and anger among many multicultural religious groups, particularly the Hindu community. As a member of this parliament, with a proud multicultural background, I am grateful that many Indian community leaders have reached out to me to raise concerns about the highly offensive nature of the ad, either expressed or implied, in the latest media campaign by Meat and Livestock Australia.

On 4 September 2017, Meat and Livestock Australia released its latest marketing campaign to position lamb as the meat more people can eat, regardless of their religious beliefs. The video ad portrays gods, goddesses, divinities and prophets of different faiths and beliefs coming together to share lamb at a barbecue. The ad caused great offence to many, particularly the Australian Hindu community, because of its depiction of the Hindu god, Lord Ganesha, a vegetarian, sitting at a table with meat being served and raising a glass with the words, 'To lamb: the meat we can all eat.'

In addition, Lord Ganesha was addressed as the elephant in the room, which is a most hurtful thing for the Hindu community to watch because in the video Lord Ganesha is laughed at in a mocking tone by the other guests. Buddha and goddess Guan Yin are featured in the ad as well. Buddhists, as we all know, are also vegetarian, so they are offended. They find the ad to be totally disrespectful and highly inappropriate.

Honourable members will know that the recent ABS census revealed Australia as a fast-changing, ever-expanding, culturally diverse nation. Australia is a proud multicultural and multifaith country and everyone should be treated with empathy and respect. I have been an Aussie for 37 years now, and I get it that many Australians love their lamb. I also get it that Australians are renowned for their quirky sense of humour. However, as a nation that embraces diversity, we do not want our humour to offend or cause distrust within the multicultural society that we live in.

So, why would an organisation like Meat and Livestock Australia attempt to gain commercial advantage by mocking every religion in this country? What are they thinking? I believe Meat and Livestock Australia has totally missed the mark. Their creative energy has gone mad and has gone too far. This bad sense of humour is not uniting people. It is highly controversial and sends the wrong message.

Last week, the India Forum Australia and many Hindu community groups organised Stand for Ganesha, a nationwide peaceful protest across five cities in Australia. South Australian members of the Indian community gathered at Adelaide's Hindmarsh Square with large posters to demonstrate their strong objection to the ad and call on Meat and Livestock to remove the misleading and insensitive ad. The Advertising Standards Bureau, the advertising watchdog, received more than 20 complaints on the day that the ad went on air, and no doubt more complaints have been made since.

The High Commission of India lodged a formal complaint and urged Meat and Livestock Australia to withdraw the ad. There are over 100 news articles and thousands of social media postings that have been published online regarding the ad. In addition to the Hindu Council of Australia, other religious institutions, including the Australian Federation of Islamic Councils, Anglican Church, Greek Orthodox Christian parish, Buddhist associations and other religious groups have denounced the media ad.

If Meat and Livestock Australia want to bring everyone together, no matter their religious faith, they are definitely going about it the wrong way. To restore goodwill, they should apologise to the Australian-Indian Hindu community and other religious groups and also ban the offensive ad and start afresh. I hope the independent advertising watchdog will also take appropriate action and prevent this type of controversial ad from ever appearing on our TV and social media screens again.

Today, in parliament, I joined the South Australian-Indian and Hindu community and other religious groups to strongly condemn the Meat and Livestock advertisement as poorly conceived, hurtful, insensitive and misleading. Let us stop an ad that could be harmful to our multicultural brand, and let us stop an ad that could be damaging to our diplomatic and trade relations with India and other countries. Let us support the Indian Hindu community in addressing this important issue,

particularly when the Indian Diwali festival is just around the corner. We want to celebrate Diwali and all the wonderful things that a harmonious multifaith and multicultural society brings to Australia.

SAFE SCHOOLS PROGRAM

The Hon. R.L. BROKENSHIRE (15:34): I raise this matter of interest to present to the house 1,243 undersigned petitioners, who are calling on us to ensure that the Safe Schools coalition program is banned in South Australia. This was an initiative of a lady that I am very impressed with and have worked with, Leanne Liang. She is a representative of the Australian-Chinese community in South Australia.

This petition brings to the attention of the house the Australian-Chinese community in South Australia's concerns over the ongoing implementation of the Safe Schools coalition program in South Australia. It says that they believe that the Safe Schools coalition program contains resources that promote a particular ideology, including gender fluidity, that is contrary to our cultural and belief system, discriminates against children and parents from other cultures who have a view of sexual relationships involving male and female as normative due to their families' cultural and religious belief system, and does not allow sufficient parental consent.

It also says that this petition highlights the fact that the Safe Schools coalition program relies entirely on the judgement of school principals and teachers as to the appropriateness of the lessons to be used, disregarding the wishes of parents who may not wish for their children to be exposed to particular content. It is not inclusive of Australia's cultural and religious diversity. It isolates those who come from cultures that have different values to the values being taught. It diminishes the seriousness of other forms of bullying, such as race or physical appearance, by focusing on only one form of bullying and excluding other kinds.

The Australian-Chinese community in South Australia also say that they believe that it is the right of parents to teach their own children their cultural and religious belief system with regard to sex education without the support of the school. They also believe that the schools do not have the right to teach material that is promoting an ideology that is contrary to their cultural and religious beliefs without consent from parents. Finally, they believe that it is not up to the judgement of principals and teachers to choose to endorse this set of teaching without regard to the wishes of parents.

The 1,243 undersigned petitioners of this petition to the Legislative Council ask to stop the implementation of the Safe Schools coalition program in South Australian schools, requesting that any future anti-bullying programs to be run by the education department be inclusive of all forms of bullying and be respectful of cultural and religious diversity.

I congratulate Leanne Liang again and all those people who have signed the petition. It is unfortunate that the petition was not in a format in which I was able to formally present it to the Clerk and therefore have it go on the *Hansard* as a formal, recognised Legislative Council petition. Having said that, it does give me the opportunity of raising this on their behalf in this chamber. It also puts on the public record the fact that the South Australian-Chinese community has extreme concerns about the Safe Schools program in South Australia.

Australian Conservatives concur with the South Australian section of the Australian Chinese community in the entirety. We would ask, as a matter of urgency, that the government pull this program. We all know that it is ideology-driven from the left. It is unacceptable that this is forced upon students. This is the responsibility of parents. Schools are there to mainly focus on education based on the curriculum that is needed for students to be able to end up with successful jobs and economic opportunities in our state. It is actually the right of the parents to make a decision on what they wish to teach their children when it comes to safe schools programs, bullying and harassment, gender fluidity, and the list goes on.

It has gone too far. The left have got well out of control, and it is time the government actually got more balanced and started to focus on the silent majority of people who are disgusted with the Safe Schools program. We have seen it pulled in states like Tasmania and New South Wales, and I commend those governments and the leadership of their premiers and cabinet for pulling it. Here in South Australia, we seem to be obsessed with it. I have complaints most weeks from parents, and I

do not apologise for continuing to represent those parents in the fight to remove this leftist ideology, the unnecessary Safe Schools program, from the education department curriculum in South Australia.

STEM EDUCATION

The Hon. G.E. GAGO (15:40): The South Australian Labor government has been working to bring STEM focus into the lives of young South Australians. It is estimated that 75 per cent of jobs within the next 10 years will need STEM skills. Giving our young people in this state STEM skills and training will be invaluable in ensuring South Australia's future and the future of our young people.

The progress this government has made can be shown in our commitment to better public education in STEM subjects through the STEM Works program, ensuring a $250 million investment across 139 schools. The Labor government has also committed to ensuring that every primary school in the state will have a minimum of one teacher with a STEM specialisation by 2019, as well as providing $1 million in scholarships to 110 high-school students in under-represented groups to make STEM more accessible to everybody.

Although we need to work to ensure that a future in STEM is possible and realised by all young people, we need to be aware of the serious under-representation of women in STEM fields. Last year, the Office of the Chief Scientist for Australia released a report analysing the 2011 census data around STEM professionals. The results for women were very disappointing. Less than one-third of STEM-qualified university graduates were female, and when looking at the workforce as a whole, including VET-trained workers, only 16 per cent of STEM-qualified professionals were female.

In addition to the vast difference in representation, the report also shows the large gender pay gap in STEM which the Chief Scientist, Dr Finkel, stated cannot be explained as a result of carer responsibilities or the higher proportion of women working part-time. Whilst I hope that the numbers from the 2016 census will show significant progress from those of 2011, there will still be more to do to increase the number of women in STEM and close the gender pay gap permanently.

Increasing the representation of women in STEM and ensuring that all young people in South Australia gain the skills they need to thrive in the future are key issues that need to be addressed. I applaud the work done in this area by the Labor government of South Australia. In particular, the work done by the Office for Women to promote women in STEM by providing resources to support and encourage community and stakeholder engagement is invaluable. The work done to encourage both young people and women into STEM can be seen across all aspects of society, including within the STEM community and in both the public and private sectors.

With this in mind, I welcome the announcement from Science and Technology Australia regarding their STEM Superstars. These STEM Superstars are 30 female STEM professionals who have been selected as role models, advocates and mentors for the next generation of women in STEM. Through the Superstar program, they will receive training in advanced public speaking, media management, communication with decision-makers and becoming online influencers to assist them to work towards equal representation of women in STEM. I believe this program will be influential in giving more young women and schoolgirls the ability to truly see themselves potentially as future STEM leaders.

In a wonderful outcome for our state, five of the 30 STEM Superstars are leading South Australian women. These leading women include Professor Justine Smith from Flinders University and four amazing women from the University of Adelaide—Professor Rachel Burton, Dr Pallave Dasari, Dr Sanam Mustafa and Dr Hannah Brown. I applaud these women both for the work they have already done to promote STEM to young women and break down gender barriers and for the work I am sure they will continue to go on to do.

I encourage all of those young women and young people who are investing in STEM as part of their current education and who are our potential STEM stars of the future. In particular, I would like to congratulate the joint recipients of this year's Terry Roberts Memorial Scholarship who are two young Aboriginal women studying STEM at university. India Shackleford is studying a Bachelor of Enhanced Science (Honours) at Flinders University and Tallulah Bilney is studying a Bachelor of Nursing at the University of Adelaide. Both of these young women have a bright future ahead of them

and I am sure Terry Roberts would be extremely proud and excited about the progress we have made towards a better future for all South Australians. I would certainly like to encourage all members of parliament and all governments to continue to support women and all young people to invest in STEM for their futures.

PUBLIC SERVICE APPOINTMENTS

The Hon. R.I. LUCAS (15:45): I rise to condemn Premier Weatherill and the Weatherill government for the mismanagement and abuse of appointment processes within the Public Service. I must say, in my experience this is the worst government and the worst Premier, in terms of the level and quantity of abuse of appointment processes, that I have ever seen and I think many have ever seen as well. If I can briefly quote from one of many letters I have received in relation to recent practices, which states:

> Thank you for highlighting the poor HR practices within DPC. As a longstanding former public servant who was in DPC and other departments, I am appalled at the blatant nepotism and lack of merit-based processes. The inept management that we now see, not only limited to DPC, leads to poor public policy and the public administration. In the Public Service I held the notions of impartiality close. This is now not the case. Unless you kowtow to the whims, including appointments, of the advisers and fellow travellers, you are out. So much for diversity of thinking to improve outcomes. It is a pity the Commissioner for the Public Sector is silent on matters that form the heart of her responsibilities.

I have received not only that correspondence but from many others over the last 12 months expressing their abhorrence at the practices of the Premier and senior ministers of the government. I have highlighted previously many examples of ministerial staffers and fellow travellers of the Labor Party who have been parachuted into senior positions in the Public Service. Names like Rik Morris and Paul Flanagan and many others have been listed before.

Only recently we have seen the son of a former Labor MP, Sam Crafter, appointed without a merit-based selection process to a very senior position in the Department of the Premier and Cabinet straight out of the Premier's ministerial office. Can I say at the outset, the Liberal Party accepts that in very limited circumstances direct appointments without merit-based selection are an appropriate option for public sector administration. Labor and Liberal governments over the last decades have used them in limited fashion. What we are seeing now is a flagrant abuse by the Premier and the government of what in the past has been a limited practice.

We saw a most grotesque example in relation to the position of Mr Flanagan recently. He was appointed without merit-based process to a senior position in the DPC. He was then terminated, for reasons unknown, paid out with a six-figure sum, and now we have seen in recent weeks he has been reappointed to a chief of staff position for minister Leon Bignell, on approximately, I would assume, about $150,000 a year. He has eight months to go until the next election. Having already received one six-figure termination payout he, if the government is unsuccessful or if he decides to move on himself, will get another four-month termination payout for an eight month period of service as chief of staff to the Minister for Agriculture.

We have seen the recent examples in relation to the appointments in the Department of the Premier and Cabinet. At a recent Budget and Finance Committee, the CEO of DPC acknowledged that nine or 10 recent executive appointments he had appointed had been done without merit-based selection processes. He had hand-picked those particular people to those particular positions. Time does not allow me to go through the detail of all of those.

What we have seen is a culture of abuse that is occurring and what that has done is it has encouraged, right down the system, sloppy HR practices in relation to appointment of executives. Even with those where there are selection panels used, clearly there is no proper due diligence conducted through proper checking of CVs or referee checks. We have seen in relation to the recent revelations and controversies of appointments in DPC that clearly even police checks were not conducted in relation to the background of people who had been appointed to very senior positions, on very significant salaries, in charge of very sensitive information in the ICT area, and clearly the most basic of checks were not conducted.

All of that is symptomatic of a government that is led by a Premier and ministers who have given up any semblance of trying to follow the long tried and true practices of impartiality, merit-based

selection within the public sector. For that, the Premier himself should be condemned but those two of his ministers who are fellow travellers in relation to such appointment abuses within the public sector, also stand condemned for their failure to act as well.

SOUTHERN HAIRY-NOSED WOMBAT

The Hon. T.A. FRANKS (15:50): I rise today to speak about the southern hairy-nosed wombats purported and reported to have been buried alive in the Murraylands. I do so not for the first time in this place. I have raised the issue of the culling and the killing of wombats in this place many times. Back in 2011, it was revealed through my freedom of information requests to the then minister, Paul Caica, that between 2006 and 2011 there had been some 139 permits issued over that time for the culling of southern hairy-nosed wombats, not just in the Murraylands but also on the West Coast, and that some 900 or so wombats had been culled in this time.

The concern at that stage was that the numbers were escalating. I took some assurance, however, from the words of the then minister Paul Caica, who advised that not a single one of those wombats killed were subjected to having their warrens or burrows bulldozed and burying them alive, because, of course, that is illegal.

To live with native wildlife in this country, we have a system of rules and indeed there is a permit system. For a farmer or a primary producer to destroy native wildlife, and in this case the southern hairy-nosed wombat, they first have to apply for a permit. The maximum penalty for destroying a hairy-nosed wombat without that permit is $2,500 or six months imprisonment. We take this quite seriously. There is court discretion to impose additional penalties if more than one animal is involved.

That permit requires that culling to be done through a shot to the wombat's head, or in the case of pouch young, decapitation, or striking with a blunt instrument on the head. Even with this permit, it is illegal, as I said, to bury wombats alive in this state. Yet over the winter break we heard, and it was certainly worldwide news, reports of a Murraylands property where the warrens had seemingly been bulldozed in, covered in, and reports that wombats had been buried alive and had been killed that way or were in the process of dying.

Bridgette Stevens of the Wombat Awareness Organisation raised the concern and she told *The Advertiser* at the time that 12 days after she reported it to the department, she watched the department out there digging into those burrows with shovels and removing wombats. The Department of Environment, Water and Natural Resources has issued some concerning statements on this matter. It is quite curious that the initial statement by DEWNR stated that the investigators, and I quote, 'do not believe that any wombats are trapped underground' and confirmed that they had removed seven dead wombats from the property.

The day after that statement was released, however, there was a new statement from DEWNR. That statement claimed, from some unidentified wombat experts, that, and I quote, 'Any buried wombats would be able to dig themselves out,' and that they had removed nine wombats from the property. Which is it? Were there wombats there, buried alive, trying to dig themselves out, but the department was not concerned because they thought they could dig their own way out, or did the department take every step necessary in the first place to ensure that no wombats had been buried alive on that property, contrary to the rules of the permit, contrary to the law?

The last statement from DEWNR has since stated that reopening the warrens would destroy the habitat, and there has been nothing more from DEWNR. This week, there has been nothing from the minister, and yet this was a matter that produced enormous international interest and certainly many, many thousands of signatures on a petition of concern with regard to this.

What I would say to this department is: culling is lawful, cruelty is illegal, cruelty should be taken seriously and we need to get to the truth. The truth should not be being buried, and we should be receiving assurances from the minister in this place that no wombats were buried, as the truth appears to be.

Here, the Greens reiterate our previous calls: we need an independent office of animal welfare, not just in this state but in this nation. If we cannot trust the department to give us truthful

answers and to take seriously animal cruelty, then we need an independent body to not just investigate but enforce the laws we do have.

INTERNATIONAL ASTRONAUTICAL CONGRESS

The Hon. J.E. HANSON (15:55): I rise today to speak on this year's 68th International Astronautical Congress, which is actually being held in Adelaide, just down the road, this week. I was honoured to attend the official opening of the congress and to represent the minister by hosting the eighth international meeting for members of parliaments which occurred in the lead-up to the event. It was fantastic to meet many members of international parliaments and to discuss with them the future jobs, the science and the new ideas that space provides. I in particular wish to thank Jean-Yves Le Gall, president of the International Astronautical Federation; Rosa Maria Ramírez de Arellano y Haro, the general coordinator for international affairs and space security of the Mexican Space Agency; and Kai-Uwe Schrogle, from the European Space Agency.

The fact is that for many years the space industry has been opening up opportunities for many nations in innovation, tech jobs, start-ups and investment. At the conference we heard from many companies operating in the space industry currently, or looking to invest in space, such as Blue Origin, Nova Group, Myriota, Fleet and Fresco Capital.

It was a pleasure to meet so many like-minded parliamentary members in the international community with a common focus on progressing the space industry. Future jobs and investment in our state will be greatly assisted by space-based industries. Investments in programs and businesses associated with space will improve the quality of lives of those future generations while also progressing exciting new discoveries.

The South Australian government is a strong supporter of the development of Australia's space industry. We recognise the economic potential that this $420 billion industry can have for our state. That is why we have so enthusiastically welcomed, also, today's news that commander Pamela Melroy, a veteran of nearly 1,000 hours in space, has been inspired to come and live in Adelaide to help Australia's space industry take off, as it were.

We have had more than 60 local companies with capabilities in space that attended or addressed the conference. Many of these companies were happy to discuss with me the recent launch of the South Australian Space Industry Centre, which has positioned South Australia as the lead state on space industry development in this country now that the federal government has also announced it shall follow South Australia's lead and establish a national body as well.

Our state is leading the way in the growth and development of Australia's space industry, because this government knows that many of our future jobs will be determined by the science, the intellectual property and how quickly we can uptake new ideas in industries like space. South Australia has seen a massive economic and social benefit from this year's 68th International Astronautical Congress, with thousands of international visitors spending the week in our state to share ideas and spend more than a few dollars while they do so.

I understand that next year's conference is headed to Bremen, in Germany, where the discussions will no doubt continue from what has been shaped by this year's intellectual momentum, built here in Adelaide. I wish all those associated with this year's huge success in Adelaide all the best, I congratulate the IAF for its congress and I look forward to an ongoing constructive relationship in space as we continue our endeavours to explore the world's final frontier.

Parliamentary Committees

SOCIAL DEVELOPMENT COMMITTEE: REGIONAL HEALTH SERVICES

The Hon. G.E. GAGO (15:59): I move:

That the report of the committee, on an Inquiry into Regional Health Services, be noted.

I take this opportunity to acknowledge and thank the many people who have contributed to this inquiry. First, on behalf of the committee, I thank Mr Dan van Holst Pellekaan, member for Stuart in the other place, for following up the 2011 reference and bringing it to the parliament's attention in

2014. I also thank Ms Leesa Vlahos for moving that the inquiry be undertaken by the Social Development Committee.

To the many individuals and organisations who provided evidence during the inquiry, thank you for your contribution: your frank and honest accounts have assisted the committee to reach the best possible recommendations towards improving the country health system.

I also take the opportunity to thank the committee members for their efforts throughout the inquiry. In the other place I thank Ms Nat Cook, Mr Adrian Pederick, member for Hammond, and Ms Dana Wortley, member for Torrens. In this place I thank the Hon. Jing Lee and the Hon. Kelly Vincent, the committee secretary Ms Robyn Schutte and our research officer Ms Mary Bloomfield. Finally, on behalf of the committee, thank you to the parliamentary staff for assisting the committee.

It was very important to the committee that those who have had direct experience with the country health system, and who have experienced the changes brought about by the Health Care Act 2008, were provided with an opportunity to have direct input into the inquiry, and ultimately the recommendations.

The committee travelled to the South-East, the Riverland and the Flinders and Upper North regions to meet with communities and hear evidence from many stakeholders. The committee also received 71 written submissions. Members agreed that it has been a long and protracted inquiry. The reasons for this, however, in part have been the broad ranging terms of reference, as well as the complexity of the matters arising from the reference, as they came to light.

The committee has taken a very considered approach in its inquiry, but clearly there is no silver bullet to solve all the issues involved in the delivery of country health services. The first part of the reference addresses the Health Performance Council 2011 review, which found that health advisory councils were generally ineffective and the health system was not supportive enough to assist them in their role. We know that because of that review Country Health SA undertook to raise the profile of health advisory councils and encourage country communities to engage with their local health networks. While there is still more work to do, some of those goals have been met. For example, the Country Health SA strategic plan and consumer engagement strategies have been completed and implemented.

The second part of the reference refers to the delivery of health services in regional SA and the role and responsibility of health advisory councils. Twenty-two HACs responded to this inquiry, which is just over half the total number of 39 (or 56 per cent). Evidence from the health advisory councils indicates that a number are coping and doing very well with their responsibilities and the role that they have in their communities. Despite this, however, the majority have experienced continued frustration with the governance arrangements and are either unaware of the full scope of functions provided to them by the act or have been unable to utilise these functions.

The committee noted that some HACs are functioning well as healthcare advocates and raising funds, and some have excellent relationships with their individual regional directors. Yet, others told the committee they struggled with their role and did not feel that there were clear lines of access to Country Health executive staff. These problems appear to have developed out of the deficiencies in communication and lack of collaborative approaches between Country Health SA and HACs over a long period of time.

In relation to terms of reference 2(b) through to 2(m), the committee found that there are a range of issues that run contrary to the intentions of the Health Care Act 2008. These include hospital budget decision-making. The committee heard that most HACs do not want to manage their annual hospital budgets. However, they do want to have input into them. The committee recommends that Country Health SA develop guidelines to support this to occur.

Consultation with health advisory councils in hiring of senior hospital staff: a number of HACs have advised that they were not consulted, which the act provides for, in the process of hiring senior hospital staff, and they expressed a desire to do so. The committee has recommended that Country Health SA develop clear guidelines for consultation to occur.

Service planning: the committee notes that HACs are given cursory mention in the Country Health strategic plan 2015-20. This needs to be rectified to acknowledge HACs and their capacities for input into healthcare planning services. The committee has recommended that Country Health SA have greater recognition of HACs in core policy documents and continues to collaborate with them in their local 10-year health plans.

In relation to the expenditure of donated money, procurement practices and building maintenance, the committee has made recommendations to increase transparency and accountability and give some control back to the community over how these funds are spent. These measures, if taken up, should include an increase in the maximum threshold amount HACs can spend before approval from the Minister for Health is required. Of course, there will still be the necessary checks and balances in place.

In relation to the dedicated work of the South Australian Ambulance Service, the committee found there were inefficiencies and pressures brought about from increases in low-acuity patient transfers, the length of time to train volunteers, and the need to increase volunteer recognition. The committee has made a number of recommendations to address these and other issues discussed in the report. For example, it is recommended that Country Health continue working with SAAS in developing a memorandum of understanding for low-acuity patient transfers and other processes to assist volunteers.

In relation to SA Health procurement practices, evidence suggests that a review be made of the one-size-fits-all approach for country hospitals, particularly those that are very small or that are a great distance from a regional centre. Evidence suggests that procurement processes, whilst they aim to improve practices, can be restrictive to HACs and health services and the communities to which they are attached.

The issue of the mandated use of DPTI as the across-government building management service provider is, indeed, a problem for some HACs. The committee found that for some types of building work it is expedient, practical and financially beneficial for DPTI services to be engaged but this is not so in all cases and, at times, it has had quite a detrimental effect on some local communities and has created some ill feeling with local businesses, particularly tradies. The committee has recommended that the across-government facilities management arrangements be reviewed and that HACs be given greater discretion to use a service provider of their choice.

In relation to medical workforce planning, this obviously affects the whole of Australia's regional areas. We know that South Australia has higher than average GPs and yet these numbers are not distributed evenly across the metropolitan and regional areas. This is not a new phenomenon and, as such, the committee recommends that Country Health revisit its 2010 report of the Rural Doctors Workforce Agency, 'Road to rural general practice', and consider implementing the suggested model pathway to increase rural GP numbers.

The committee also recommends that Country Health SA undertake to do further work with the Australian Nursing and Midwifery Federation in furthering the development and implementation of the Country Health SA nursing and midwifery workforce attraction, recruitment and retention policy for the whole of South Australia. The committee has made a number of other recommendations aimed at achieving equitable distribution of medical staff in country areas.

In relation to the Enterprise Patient Administration System (EPAS), there were many problems, challenges and technical concerns when it was first introduced. The evidence shows that many of the initial issues have been resolved. Further improvements can still be made, however, in areas such as data capture. It is also worth noting that the majority of concerns raised in relation to EPAS came from less experienced users such as those GPs who consulted at a hospital on an irregular or infrequent basis. The committee has made a number of recommendations towards addressing this.

One of the highlights of this inquiry has been to see how the integrated mental health inpatient units have benefited regional communities. There are now integrated mental health units in Berri, Whyalla and Mount Gambier, with occupancy levels at approximately 85 per cent, which shows there is clearly a need. The committee travelled to Whyalla and received a tour of the unit. The committee commends the implementation of the integrated mental health units and the work of the

dedicated staff in those units. The committee has made a recommendation for the Minister for Health to review the need to implement more units in country areas.

The committee considered a number of other matters during the inquiry such as the efficacy of the Patient Assistance Transport Scheme, the administration of aged-care services, and the linkages between primary, acute and tertiary care services. The report contains several recommendations for Country Health to review and continue to make improvements to those services.

To conclude the noting of this report, I want to highlight again the immense contribution regional and rural communities make to our state's country healthcare system. In the end, for this system to be fair and equitable, the bureaucracy needs to continue to improve the way it includes these communities in important discussions about the healthcare system and how it is planned and governed.

The report provides recommendations to garner potential for more extensive collaboration between Country Health SA and HACs and their local communities. It recommends a partnering approach and provides suggestions for HACs to continue expanding the functions and capabilities of their role in accordance with the act. I commend the committee's report and its recommendations to you.

Debate adjourned on motion of Hon. J.E. Hanson.

Bills

STATUTES AMENDMENT (BULLYING) BILL

Introduction and First Reading

The Hon. D.G.E. HOOD (16:11): Obtained leave and introduced a bill for an act to amend the Criminal Law Consolidation Act 1935 and the Intervention Orders (Prevention of Abuse) Act 2009.

Second Reading

The Hon. D.G.E. HOOD (16:11): I move:

That this bill be now read a second time.

I rise today to introduce the Statutes Amendment (Bullying) Bill or, as it is otherwise affectionately known in the community and how I will be referring to it, Libby's Law. The tragic case of Libby Bell has rung through the media of late and resonated within our community, with great reason. When a successful 13-year-old suicides as a result of bullying, it signals that our system is seriously failing its most vulnerable.

I would like to outline the stories of Libby Bell, Cassidy Trevan and Brodie Panlock to highlight severe types of bullying, which this bill is intended to capture, before discussing the specifics of the bill. I will then discuss accounts I have received in the last week from concerned parents whose child has endured bullying in our South Australian schools. These stories will demonstrate why it is that the Australian Conservatives are giving voice to these victims by presenting this bill to the parliament today.

I will start with Libby's story, which will be well known to members of this place, given the extensive media coverage that this tragic tale has received. Libby Bell was a year 8 student at Seaford Secondary College who, after a prolonged campaign of bullying, tragically took her own life just recently.

The family have explained that Libby suffered years of cyberbullying over the mediums of Facebook, Snapchat and Instagram. Libby endured physical bullying within the schoolyard but also at other locations within the community, including a brazen bullying attack at a local fast food restaurant, which has received extensive TV coverage, where she had a drink thrown in her face very publicly.

What may have started as pointless teasing and ridicule escalated very quickly and, in Libby's case, ended in very tragic circumstances. I have read an online commentary where a mother

of a girl who attended the same school alleged Libby's main bully also instigated a prolonged and vicious attack on her daughter. Thankfully that case did not end in suicide. However, without intervention, who knows what would have happened.

We should not have to be introducing a bill such as this. When people are bullied to the point that they believe suicide is their only option, it is a tragic reflection on our society. This behaviour should never have been allowed to go as far in this school and in this situation. However, there are so many stories of bullying that I fear, if we do not make an attempt to stamp out this endemic situation, it will not be long before there will be more tales similar to Libby's that emerge.

So, I now pause to reflect a little bit on Cassidy's story. It is another appalling case that involves a 13-year-old girl who was bullied relentlessly at school to the extent that she ended up taking time off school and sought help to overcome the damage done by her bullies and to learn the appropriate coping skills to enable her to return to school.

Upon her return to school, her bullies apologised for their behaviour and offered her their friendship. They invited her to a local festival the next night, to which she went along, excited and hoping that things would smooth themselves out. Instead of going to the festival, though, they arranged for her gang rape, unbelievably. The young girl, fearing for her safety and further abuse from her bullies, reported this issue to police but was too frightened to make an official statement and pursue the prosecution of the individuals involved. Despite this horrendous act perpetrated against her, Cassidy was still subjected to intense bullying for another two full years until the age of 15, when she took her own life. To date, no-one has been questioned in relation to this bullying incident, as we understand it.

I now turn to Brodie's story. Brodie is, of course, a case that members of this place may be familiar with, given the extensive media coverage that it also had some time ago. Brodie Panlock was a young 19-year-old Victorian girl, ending her life after ongoing humiliating and intimidating activity by her work colleagues. Astoundingly, despite their actions being implicated in something as serious as suicide, those responsible were never charged with a serious criminal offence under the requisite crimes act in Victoria. The Brodie's Law Foundation website states:

> Brodie's death was a tragic reminder of the serious consequences that bullying can have on victims, their families and the community and illustrated that there were obvious limitations in the law and conduct involving serious bullying should be subject to criminal sanctions.

This was the conclusion the Victorian parliament came to and agreed with and therefore passed subsequent legislation in June 2011, punishing an act of serious bullying with a maximum penalty of up to 10 years' imprisonment. Libby's Law, which I introduce to this parliament today, is based to a large degree on Brodie's Law, being modelled and passed in Victoria.

This bill before us is largely modelled on that law, as I said. For an act to constitute bullying, it must be proved that there was an intention to cause harm or recklessly cause harm. I stress that point: it must be proved that there was intention to cause harm or recklessly cause harm, that the bullying was over a period of at least seven days or more, and that the act of bullying caused harm or serious harm to the victim.

In instances of severe bullying, where it is proved that serious harm was caused, the maximum penalty is 10 years' imprisonment under this bill. Obviously, the three cases that I have discussed so far would fall within the ambit of causing serious harm to the victim. In all other cases where bullying falls within a scale of what might be considered lesser offending, it attracts a maximum penalty of five years' imprisonment. This bill also allows for alternative verdicts in instances where a conviction is appropriate, but the offensive bullying has not been proved beyond reasonable doubt. Imprisonment would be considered as a last resort, of course, and only in cases of extreme bullying.

The more likely range of penalties would be handed down at the judge's discretion, including fines and community service or perhaps a combination of both, depending on the seriousness of the offence. The Australian Conservatives have considered the substance of this bill in detail. It is not our intention to clog the courts with trivial matters or in any way to limit freedom of speech. I certainly emphasise that point: it is not our goal to in any way limit freedom of speech or to create provisions whereby minor incidents constitute bullying and carry a criminal penalty. That is not the purpose of this bill and it is not the effect of this bill.

We have gone to great lengths to ensure that only the very serious and prolonged attacks that actually cause harm and were intended to cause harm are captured under this legislation, making a clear distinction between bullying and simple name calling, for example. We further believe that a protection against frivolous accusation is that all acts carry a mental intention; that is, an intent to cause harm or recklessly cause harm. Without this, bullying cannot be proved and it is not our intention that it be done under this bill. We believe we have struck the right balance between providing an effective bill for the victims of bullying and ensuring that trivial issues will not be pursued at the cost of the taxpayer under this bill.

I believe that it will not be, so I just want to emphasise for a moment the importance of striking the right balance. Under this bill it needs to be sustained bullying, where the intent is clear from the individual—the bully, if you like. So, that is very much what we have drafted here, and we are certainly open to the input of other members of this place if they have other suggestions on how that might be achieved.

With respect to South Australian accounts, I would like to share some accounts of families who have contacted me in relation to the bullying that their child has endured in South Australian schools. These stories are intended to be a snapshot of conduct that gives some idea of the prevalence of bullying in our school system and how over time, despite the education to date and the changes in school policies that have taken place, bullying still occurs at an alarming rate and is causing substantial detriment to our young people.

These stories are indicative of what I believe is bullying that is endemic in our society. I was deeply disturbed when a mother contacted my office after two of her children were bullied at the primary school they attended in South Australia. She reports that her children suffered various forms of bullying that went unpoliced by staff, but she was most concerned that one child endured daily strangulation at the hands of her bully, whilst another child suffered a fractured rib. In an email to me, she said:

> The school basically did nothing…we pulled them out of that school, however I really feel parents should not have to do this. It was easier for the school to get rid of the victim rather than to deal with the issue properly. I wish I had gone to the police looking back at it, as it caused a whole lot of mental issues for my kids.

Unfortunately, parents too frequently have to pull their children out of schools to try to stop bullying.

I received another email from a mother who reported the same issue. She was aware of her daughter being bullied inside and outside of school. The number of times she suffered bullying is unclear, as she only started speaking about the issues after a prolonged period of torment. However, it is estimated that the bullying took place for six to 12 months at least. This young girl, who was 11 at the time, was told repeatedly by her bullies to kill herself. These bullies graffitied her school books. and when the teachers reprimanded the student for this and she informed them that her bullies did this, she was simply refused to be believed.

She was relentlessly physically and mentally bullied, and those teachers charged with her care were unprepared or unaware of how to effectively manage the situation. This young girl showed repeated trauma caused by bullying and even went as far as to draw a cut line along her wrist with stitches holding the wound together. Even then, the main perpetrator was not disciplined in any way. The school was alerted to the issues of bullying, but the perpetrator's parents were never contacted, not even at the request of the victim. Nothing was ever done, to any effect. I am informed that this was not an isolated case within that particular school. In her email to me, the child's mother has said:

> We as parents were not supported by her school at all and the processes or lack thereof that they have in place. We felt helpless. Had we as parents not removed her from that environment we don't know what could've happened or how far things could've gone. We still hear negative things about the other girl. If her behaviour had been confronted head on at age 10-11 then other girls would not have gone and be going through today what my daughter did yesterday.

Another constituent contacted me about their personal experience during high school. This person was very well known to school staff and related to several people in high level authority within the school. However, despite these relationships, which one might normally consider to be protective of that individual, she was not spared from bullying.

Initially, the bullying started with someone close to her who was quite popular in the school and bullying anyone who tried to befriend her, essentially ensuring that she had no friends. She recounts how she felt isolated after she was subjected to taunts of being bashed, or after public humiliation for being too fat or having no friends. Her bully assigned people to follow her on breaks and report her movements. While she found some relief hiding out in toilets, she feared that someone would report back yet again to her bully and that she would suffer the consequences.

At times, she sought solace in unlocked cars in the staff car park. Wintertime would bring great relief as the cars were cool and she could spend her entire break in the car. However, in summertime the car would be so scorchingly hot that she would revert back to spending time in the library or in the toilet blocks, which of course would elicit the wrath of her bully. It was not long until her bully's friends asked her for sexual favours in empty classrooms and the boys' toilets or empty cubicles. Fearing a negative report being given back to her bully, she complied with requests despite hating every minute of the events. In an email she said:

> School was a place I hated and felt uncomfortable and isolated. When I wasn't being emotionally or physically bullied I was tired and anxious and depressed about when the next event would occur.
>
> I felt like I had no-one to turn to yet I felt like it was obvious and everyone knew what went on but no-one really cared. I remember thinking no-one would notice if I ran away and disappeared. I hated that people exerted power over me and I just let them but I felt unable to fight it and knew the consequences if I did.

Whilst my focus thus far has been predominantly on bullying within the schoolyard, it is in no way limited to school students, of course. Workplace bullying is an issue that needs to be addressed, as we saw in the case of Brodie Panlock, which I outlined earlier in this contribution. After a constituent contacted me to share how they grew up stuttering, I was interested in their case, and they explained to me the specifics of the bullying they had endured.

As you can imagine, the schoolyard teasing was relentless, but this brave young man endured as best he could. To his credit, he learned coping mechanisms that have benefited him later in life. However, to my absolute dismay, I learned that, until recently, he was subjected to bullying at least once every single day in his career. This is an honest man, a positive contributing member of our society who was working to support his family and who was regularly abused for something as petty and uncontrollable as a speech impediment.

We have grown up in a culture where bullying is not attracting the attention and consequences it should. In my opinion, it is endemic in our schools and our society, as those who were once bullies at school often are not met with appropriate measures requiring them to acknowledge and admit their behaviour and change their actions. Consequently, they continue their rampage in the workforce and in social settings as adults. This behaviour simply has to stop.

We find ourselves in a situation whereby increasingly we are teaching our children about their rights, which serves as an important lesson for them. However, we are not effectively teaching them that with a right comes a responsibility and that actions have consequences. There are important principles that children need to learn, and regardless of where the blame falls, we have people today who seem to be impervious to this concept.

The Conservatives believe that this bill recognises the serious harm caused by bullying and creates an approach whereby serious actions do have consequences. To reiterate, it is most important that it is understood that this bill is not intended to impinge on free speech in any way, shape or form, and we are confident that it does not. Nor should it be used to pursue trivial matters, and again, we are confident that it will not.

Rather, it is intended to capture cumulative acts of targeted bullying where the perpetrator specifically intends to cause harm. We have heard repeatedly from parents that there are not sufficient mechanisms to police bullying in schools and even in the workplace. It is our intention that this bill will send a clear and concise message to bullies: 'Your actions have never been acceptable, but from this point forward, there will be consequences should you continue to behave in such a manner.'

I will finish my contribution with a few short notes. The bill in its current draft form has received substantial community support. There is an online petition which the Conservatives have no involvement in whatsoever but which has been endorsed by Libby Bell's family. In just over a week

or so, as I understand it, that petition has received some 22,380 signatures in support of the bill. Clearly, there is an outcry in the community for action on this. I also remind members that, as they are no doubt aware, the South Australian Commissioner of Police has himself called upon the government to introduce legislation to deal with issues of bullying, so that they could be appropriately prosecuted where it is reasonable to do so.

In closing, it might also be relevant to share some statistics with the chamber. From an education department's own survey, which was conducted earlier this year, it was discovered that some 14 per cent of students in our schools regard themselves as having been bullied on a weekly basis. If you do the maths, that equates to about 5,000 students a week, which I think is absolutely extraordinary and frankly disgraceful—something that must be dealt with.

Following that survey, the parents' body of the state schools' SAASSO conducted a survey asking their members whether they believe there should be laws to deal with bullying. That was less than a month ago; I am not sure of the exact date, but it was only in the last few weeks. That survey found that there was 80.12 per cent support for bills. The specific question they asked was, 'Should the Weatherill government toughen laws on bullying?' and 80.12 per cent voted yes while 19.88 per cent voted no, so there is a strong level of support with over 1,200 votes being received and with 93 per cent of those votes being received from parents.

I think there is substantial support for this bill in the community. Certainly, the family of Libby Bell have indicated their support for the bill, and I really hope that this is able to pass this place. I indicate to the chamber that I will be calling for a vote in November this year. I have yet to determine the exact date but it will be in November to allow enough time for the bill to go to the lower house. My plan would be to have it in place and in law in January next year. I commend the bill.

Debate adjourned on motion of Hon. G.E. Gago.

PUBLIC SECTOR (FUNCTIONS AND RESOURCES AUDIT) AMENDMENT BILL

Introduction and First Reading

The Hon. J.A. DARLEY (16:30): Obtained leave and introduced a bill for an act to amend the Public Sector Act 2009. Read a first time.

Second Reading

The Hon. J.A. DARLEY (16:31): I move:

That this bill be now read a second time.

I move this bill standing in my name. The bill will replace the Statutes Amendment (Public Sector Audit) Bill, which I introduced in this place in September 2015. The original bill had two main parts. The first was in relation to the Auditor-General and removed restrictions on what the Auditor-General is able to investigate. The second introduced a requirement for the chief executive of each government department to undertake an operational audit. Having consulted with the Auditor-General, he advised that he did not think the amendments to the Public Finance and Audit Act were necessary. As such, I remove these provisions from the bill.

In consultation with others in this chamber, it was clear that there was a preference for any operational audit to be the responsibility of the relevant minister, rather than the chief executive. I have no objection to this and am happy to make this change if it is more likely to gain the support of others in this place. As such, this bill's sole purpose is to introduce a requirement for ministers to undertake an operational audit in the departments they are responsible for. As stated in my original second reading, an operational audit will require a review into the functions of the department and the resources needed to undertake these functions.

By undertaking such an audit, budgetary savings or departmental deficiencies will be identified. Acting on these findings will streamline the Public Service and by consequence will reduce red tape. This is not about cutting the Public Service—I repeat: this is not about cutting the Public Service—it is merely asking the minister to examine each activity within the department or agency, identify whether the activity is still required, determine whether the activity is performed in the most efficient manner and identify whether the activity is performed in the most effective location. In doing this, unnecessary red tape would also be identified.

I expect there may be departments that could justify they are under-resourced and need better staffing to service the public more efficiently. It will then be up to the minister as to how they respond to the audit. In introducing this bill, I indicate that I will be withdrawing my previous bill and I commend this current bill to the chamber.

Debate adjourned on motion of Hon. D.G.E. Hood.

VICTIMS OF CRIME (VICTIMS RIGHTS) AMENDMENT BILL

Introduction and First Reading

The Hon. J.A. DARLEY (16:34): Obtained leave and introduced a bill for an act to amend the Victims of Crime Act. Read a first time.

Second Reading

The Hon. J.A. DARLEY (16:35): I move:

That this bill be now read a second time.

The bill I present before the council today is intended to give victims of crime more rights under the law. Victims are often the forgotten participants in the criminal justice system. The Director of Public Prosecutions pursues matters on behalf of the Crown and the community against an alleged offender who has breached the standards of society; however, the person who was directly affected by the alleged actions of the offender is often left out of the process. Victims often have very little understanding of the legal proceedings and technicalities, yet in many cases they are the ones who have suffered the most from the crime. Victims often do not get a say in the process until the very end when they are able to provide a victim impact statement.

Victims often have to fight for information rather than being kept informed throughout the process. If the prosecution decides to downgrade or amend charges, they may not be consulted or consent, and this, in particular, can lead victims of crime feeling like the system is working in spite of them and disconnecting them from proceedings, proceedings which ultimately are about the injustices committed against them. The bill will enshrine in law that victims of crime are legitimate participants in the criminal justice process and will increase their rights. It changes the tone of the act to indicate that victims must be treated in a certain way and outlines that they must be consulted in circumstances.

To assist with this, the bill also clarifies the manner in which the Commissioner for Victims' Rights is to be treated, what information should be provided to them and gives the commissioner the ability to act if they become aware that certain parts of the act have not been followed. I want to make it clear that I am not saying that the prosecution is doing a bad job or is deliberately excluding victims of crime, but this is an opportunity for the parliament to send a strong message on how we expect victims of crime to be treated. I understand there are many within the DPP's team who go above and beyond even what this bill outlines; however, this will set the minimum standard for what the parliament's expectations are. I commend the bill to the house.

Debate adjourned on motion of Hon. D.G.E. Hood.

VALUATION OF LAND (SEPARATE VALUATIONS) AMENDMENT BILL

Introduction and First Reading

The Hon. J.A. DARLEY (16:38): Obtained leave and introduced a bill for an act to amend the Valuation of Land Act 1971. Read a first time.

Second Reading

The Hon. J.A. DARLEY (16:39): I move:

That this bill be now read a second time.

This bill proposes to make two changes to the Valuation of Land Act. The first is with respect to section 16, with the purpose to clarify circumstances under which section 16 was introduced and is meant to be used. Section 16 of the Valuation of Land Act was last amended in 1976 following a

judgement by His Honour Mr Justice Wells in *Harry v The Valuer-General*. The *Hansard* at that time read:

> In the judgment His Honour placed a rather restrictive interpretation upon section 16 of the principal Act which empowers the Valuer-General, in his discretion, to make separate valuations of any portion of any land, or to value land conjointly with other land. It is necessary for the Valuer-General to exercise his power to make a separate valuation of portion of a larger holding (a) where the land is under separate occupation and (b) in cases, such as those arising in the South-Eastern Drainage Act, where the Valuer-General may have to make a valuation of a proportion of land notwithstanding that it does not form a separate holding.

Having been around in 1971 and been valuer-general from 1982 to 1992, I understood that section 16 of the act was predominantly inserted to account for situations which occurred along the River Murray whereby farmers leased part of the land to others on leases ranging from 40 to 1,000 years to establish shack sites. Without a separate valuation, the land owner continued to have to pay rates and land tax on portions of land which was under a lease agreement and separately occupied. By creating a separate valuation, rating agencies, such as councils and RevenueSA, then had the information needed to produce separate rate notices for lessees.

It has come to my attention that the Valuer-General is now creating separate valuations in a number of other circumstances which are beyond the original intention of the section. My amendment seeks to clarify that separate assessments should only be made in circumstances where it is required by law or has been separately occupied since 1967 or under a shack site lease and is situated on land where formal subdivision is prohibited.

The second part of my bill is to amend section 19 of the act, which relates to amendments to the valuation roll. Section 19 outlines that the Valuer-General must amend the valuation roll if there is an error or if there is a change of ownership; however, if the Valuer-General is aware that a valuation is inconsistent with other valuations, they are able to use discretionary powers to decide if the valuation roll should be amended or not.

I cannot understand under what circumstances the Valuer-General would choose to allow inconsistent valuations, relative to other comparable properties, to remain so on the role. It is bad practice and can lead to rating inequities for people living in very similar properties. As such, my amendment will stipulate that the Valuer-General must change the valuation roll if they are aware that a valuation is inconsistent with valuations of other relative properties on the roll. I commend the bill to the house.

Debate adjourned on motion of Hon. D.G.E. Hood.

FIRE AND EMERGENCY SERVICES (VOLUNTEER CHARTERS) AMENDMENT BILL

Introduction and First Reading

The Hon. R.L. BROKENSHIRE (16:44): Obtained leave and introduced a bill for an act to amend the Fire and Emergency Services Act 2005. Read a first time.

Second Reading

The Hon. R.L. BROKENSHIRE (16:45): I move:

That this bill be now read a second time.

This amendment to the Fire and Emergency Services Act specifically deals with volunteer charters. I introduce this bill today because a promise was made to the CFS during the time of the proposed amalgamations to the emergency services back in 2015, and at this point in time the government has not honoured that promise. To be fair to the new minister, I place on the public record that I met with the new minister and I talked to him about the fact that I was introducing this bill. He will receive a copy of the bill and my second reading speech on it from my office today or tomorrow at the latest, and he has promised to look at this.

I have said to the minister that this is something on which we need to be multipartisan. Government, opposition and crossbenchers all support the incredible work done by both the CFS and SES, and all the volunteer emergency services, for that matter. I include the paid services as well in the MFS, but they do not need a charter such as is needed for the volunteers.

As I said, the government promised a volunteer CFS charter, a charter that was established in 2008 and signed by the government every four years. They promised that it would be enshrined into legislation. In 2015, I am advised that the former minister, the Hon. Tony Piccolo, did publicly make the commitment to this charter. During that proposed amalgamation, the government failed to genuinely consult with the volunteer emergency services, and in doing so it is my opinion that the government failed to act in accordance with what is known as their Advancing the Community Together Partnership agreement, and that is to have an open, transparent, consistent and collaborative working relationship with volunteers, and in this case clearly the emergency services sector.

Volunteers Day, 19 May 2003, for information, after an extensive consultation process with the volunteer community and government agencies, produced the Advancing the Community Together Partnership. It represents a public commitment by the South Australian government and the volunteer community to open transparent, consistent and collaborative ways of working together.

What this consultation failure on the government's behalf did show was that it is essential that we legislate a statement of commitment and principles that apply between the government, the commission and the volunteer emergency services. Legislating this charter means that the volunteer services will input on what happens to them, rather than always being told what is to happen to them. It is only fair that people who volunteer their time to serve the community have a genuine consultation about all matters that might reasonably be expected to affect them, which extends to a genuine consideration of their views when adopting new practices or policies, and ensuring there is no discrimination against any form of emergency service to the detriment of another.

This legislates that the government, the commission—through commissioner Jackman—and the volunteer emergency services recognise, value, respect and promote the contribution of volunteer officers and other members, and ensures that volunteers get the recognition and support they deserve. The volunteer emergency services, namely, the CFS and the SES, provide an invaluable service to the community and it is essential that we recognise their service by affording them a legitimate say in what happens to them at an organisational level. Certainly, there have been times when this has not happened, and government promises of consultation have been more lip service than genuine efforts to address issues and find a suitable middle ground.

My bill is, I advise, the same bill that, in another house, the member for Morphett, Mr Duncan McFetridge, introduced in both 2012 and 2015. I can confirm that both the CFS and SES volunteer associations are hugely supportive of this bill being passed.

If you have a look at the CFS annual report 2015-16, there are 14,000 professionally trained volunteers who attended, in that year, over 402,000 hours of incidents. They attended 9,000 incidents, including bushfires, structure and vehicle fires, road crash rescue, and hazardous materials spills. The firefighter numbers were down in 2015 at 10,801 from 2014 at 10,848. I would suggest that the parliament and the government supporting and passing this charter as a priority would help to recruit new volunteers. From the SES annual report, also of 2015-16, there were 7,000 calls for assistance, 487 attended by volunteer marine rescue associations, with approximately 1,572 volunteers.

I am confident that the new minister, who does have some knowledge of CFS and SES from his work as the local member for Kaurna, where they have excellent CFS brigades and a very good SES that serves the area from Noarlunga, would realise that it is a sensible move, prior to facing this next fire season, that we have cooperation with the government and with the opposition and crossbenchers to pass this before we get up at the end of this session. It can be done.

I welcome any tweaking to the bill from the minister, the government or any other members, for that matter, but I appeal to the minister, the government and all colleagues who all support the volunteers, to get behind this bill. Let's do this with some expediency. Let's honour a commitment that was made and expected to be delivered back in 2015. Let's honour it before the end of this term of parliament and let's get this bill through both houses by the end of November. I commend the bill to the council.

Debate adjourned on motion of Hon. J.A. Darley.

Parliamentary Committees

SELECT COMMITTEE ON TRANSFORMING HEALTH

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

That it be an instruction to the Select Committee on Transforming Health that, in considering the health impact of Transforming Health, the committee considers quality and safety issues arising from the relocation of the Royal Adelaide Hospital.

The Hon. R.L. BROKENSHIRE: It came to my attention last week—and, again, it was interesting to hear the Hon. Kelly Vincent ask the Minister for Health very detailed questions on issues that have arisen already with the new RAH regarding, effectively, what you could summarise as patient care. I understand that on 6 October the committee will have a witness, a relevant public officer within Health SA, the Department for Health, appearing before the committee. That is why I am asking for the cooperation of this council to move this through with expediency.

I have spoken to an associate professor of medicine whom I have enormous respect for, who has done his homework and advises me—and I put on the public record that it is not the Australian Conservatives' intent at all to have the particular patient named or identified, that would be incorrect. However, it is important that we identify if there is a weakness in the new RAH in any way.

We have seen a lot of glossy expenditure—I think something to the tune of $750,0000—in advertising, painting this as the bee's knees of the health system in the history of South Australia. However, it is no good having that glossy image if there are issues that have been missed or not addressed.

I am not going to go into the details of this particular case, except to say that a patient, I am advised, was admitted. The issue was an issue around gynaecology and was quite a serious issue that needed to be addressed as a priority. I am advised that neither the equipment nor the expertise in this area was available at the new RAH, notwithstanding that, I also understand, it was available at the old RAH. That patient ultimately was transferred to the Flinders Medical Centre where they did receive the treatment.

The problem, I am told, was the fact that that patient spent about six hours of fairly difficult time waiting at the new RAH to see just what was going to happen to treat them. That would be unacceptable. I believe it would be unacceptable to the minister, based on what he said to this chamber today when he said it was not about funding, it was about the quality of health that counted for the South Australian government. If there is a situation, then it needs to be addressed, because I cannot understand how you could have your number one tertiary hospital not able to deal with issues of priority around gynaecology.

What has happened, just to advise the chamber, is that on two occasions the department has advised that the information the associate professor had was incorrect, that there were no issues around this particular patient or gynaecology and the appropriate care, and that the patient did not have to be transferred to Flinders Medical Centre. Having spoken to the associate professor, he advises me that he has been in contact with two doctors that are specialists in this area at the Flinders Medical Centre. They not only confirm that they had to deal with this particular case for this patient but they actually had to implement the procedures to get the patient transferred.

In these early days of the new RAH, what we need is absolute confidence for the South Australian community. We do not need a snow job, we do not need a cover-up; we need some honesty and transparency. If there are flaws in some areas of what the new RAH provides, then we need to let the public know that. We need to have the debate and we need to fix it. That is all this is about: getting to the truth.

I trust the associate professor. He is highly respected and an incredibly gifted and talented man who speaks up for patients, because, as you would expect from any medical practitioner, they put people before spin. It is important that our parliament actually gets to the bottom of this. Therefore, I am moving this motion as a matter of urgency. I trust the parliament will support this motion and that we will be able to get the committee to get a detailed response from the department when they next have in the right person in October. I commend the motion to the house.

The Hon. K.L. VINCENT (16:58): In a move that I am sure will be of no surprise to anyone in this chamber, I speak on behalf of the Dignity Party to support this motion. Given the concerns that the Dignity Party has raised about the Transforming Health process over the past few years, indeed the 14 questions that I asked today alone would be evidence enough to suggest that we do have concerns about this process and that we think any necessary measure to investigate it should be supported. Of course, we would hope that the welfare of patients was already a matter being considered by the committee, but just to be safe, we are happy to support this particular motion.

The Hon. T.A. FRANKS (16:58): The Greens rise to support this addition to the terms of reference for the Transforming Health select committee. Indeed, as a member of the Transforming Health select committee, I found it an incredibly worthwhile tool for a major overhaul of our health system in this state. To have so many flaws exposed by this select committee, the Greens are happy to continue to shine a light where a light is needed. Nowhere is it more needed than in the health portfolio in this state and indeed with the very lives of those citizens.

We also urge that the borderline personality disorder issue really needs to be taken seriously by the Weatherill government. The parting missive of the outgoing mental health minister to give $1.2 million over two years to a series of disappointing events, where the BPD community and, indeed, groups like Sanctuary have been calling for a substantial unit as exists in Victoria—a unit that will save lives—has been ignored, and it has been ignored continuously now for over five years. BPD can be addressed; it can be treated.

People in this state are needlessly dying or needlessly ending up in our emergency department units and will be ending up at the new RAH and losing their lives and their quality of life. It needs to be addressed. The Greens urge support for this motion. We indicate our support for this motion and we will be taking it further. We will be ensuring that this government is held to account for what it says it is trying to do with Transforming Health. We want to see lives saved and we challenge the Weatherill government to meet that challenge.

The Hon. S.G. WADE (17:01): I rise to support the motion on behalf of the Liberal team. I do so as chair of the committee but, of course, not with the authority of the committee. I note that the member's motion is an instruction, because, as the motion itself clearly implies, the committee already has a responsibility to consider the impact of Transforming Health on the quality of health care, and his motion focuses on quality and safety.

I welcome the motion as an opportunity for members to bring matters to the attention of the committee in a focused way, so that, as we have a witness before us at our next meeting, members of the committee can be aware of concerns of other members of the chamber. In that respect, I particularly thank the Hon. Mr Brokenshire and the Hon. Kelly Vincent for taking the opportunity to contribute to the debate on Mr Brokenshire's motion, and, of course, I thank the Hon. Kelly Vincent for her very detailed set of questions to the minister today, which indicate concerns not just within the disability sector. Many of those concerns were representative of Ms Vincent's constituents, who do not have a lived experience of a disability.

I think this mechanism is novel. That is certainly true, but I think it also does a service to the witness because, effectively, she will have matters brought to her attention on notice. I give an undertaking to the council that I will make a copy of *Hansard* available to the witness so that she might consider the remarks that have been made today in her preparation for the committee next week.

The Hon. Robert Brokenshire, both publicly and again today, has outlined a very disturbing case, which in the classic jargon of the health sector would be called 'an adverse outcome'. I do not say that to in any way belittle it, but that is how the health sector does tend to refer to these things. I think it is important for us as a committee to ask the CEO of the hospital what safety and quality reports have eventuated from the relocation, both internal and external. Of course, if there is a particularly severe adverse outcome, that may well lead to reporting obligations to entities beyond the health system.

Both in the public domain and in this parliament issues have been raised about the quality of food and the frequency of food. I have had constituents raise concerns with me about the transition from one patient to another patient in a room; in other words, cases where on the way in a patient is

receiving food that was ordered for a previous patient, and on the way out their meal is offered to the next patient.

Already, I am getting reports of significant issues in relation to the adequacy of the facility. The AMA in particular has been for years now expressing concern about the lack of space for clinical research and in relation to outpatient facilities. I received constituent representations, in particular in relation to the lack of outpatient facilities, which is affecting whole streams of clinical services. For example, in the area of rheumatology, I am told that in the old RAH there were 20 to 30 seats in the outpatient waiting area. In the new RAH, there are reportedly 10, which are shared with another whole department

Of course, in the public space we have had a number of concerns raised about car parking. Many nurses and other health professionals have missed out on an allocated car park. I was disappointed to see that SA Health had to go to two rounds of car parking allocations, and the second was so close to the commencement of the new facility. One of the concerns that particularly relates to the safety of staff is in relation to the way that the car parks are handled for what I would call early starters and late finishers.

The former minister for health, the member for Playford, did give an undertaking while he was still minister for health that no overnight staff member would miss out on a car park. With all due respect, that is not a hard commitment to meet, because particularly outpatients do not turn up in the middle of the night, but staff have raised with me the fact that if a clinic or an operating team starts early, they need to be there well before the clinic starts, well before the first patient is wheeled into the operating theatre. The focus on overnight staff perhaps does not do justice to staff who need to do early starts and late finishes. There have also been concerns raised about the drop-off and pick-up zone.

There is a whole range of concerns. Members have outlined a number here today. I think it is important that we on the one hand accept that any new facility will have teething problems and these do need to be ironed out, but also I think a number of these concerns flag what I would call structural issues. You will not be able to redress the lack of planning for clinical research space and for outpatient facilities overnight. That is a flaw in the government's planning and consultation.

As was highlighted in question time today, this government seems to have an allergic reaction to effective consultation with clinicians. Those chickens are coming home to roost as the clinicians are now trying to make a very complex hospital work. It will be additional stress on the staff. There will be additional costs in terms of modifications and service delivery, and I fear that they will significantly damage the quality and safety of our health care. We as a parliament need to make sure that we highlight the issues early so that they can be resolved early. I support this motion.

The Hon. T.T. NGO (17:08): I rise to quickly speak on this matter as the state government's representative on the committee. The government has nothing to hide and supports these amendments from the Hon. Mr Brokenshire in terms of amending the terms of reference. Providing a safe clinical environment for those staff who work in our public hospitals, not just the new RAH, and the patients who are treated there is of the utmost importance to the government.

I point out to other honourable members that the current terms of reference of the Transforming Health committee already allow members to ask these sorts of questions. I can see the Hon. Stephen Wade nodding his head in agreement. To me, this is really unnecessary, but that is why we have no problem in supporting it. If the Hon. Mr Brokenshire would like to come along to the next meeting where we will be hearing from Jenny Richter, CE of the Central Adelaide Local Health Network, who is in charge of the new RAH, he is more than welcome to attend.

In the past two years, in terms of Transforming Health, it has been open to members to ask all sorts of questions, and the committee has never used the terms of reference to stop members from asking questions outside the terms of reference. To keep it short, we do not have any problem with this, and we are happy to support it because we are an open and transparent government.

The Hon. J.A. DARLEY (17:11): For the record, as a member of the Transforming Health committee, I will also be supporting this motion.

The Hon. R.L. BROKENSHIRE (17:11): I will be brief. I thank all honourable members. This is an important issue. It is a very important committee, and I look forward to being present to observe the committee at work on 6 October.

Motion carried.

NATURAL RESOURCES COMMITTEE: ANNUAL REPORT 2016-17

The Hon. J.M. GAZZOLA (17:12): I move:

That the report of the committee, entitled Annual Report 2016-17, be noted.

The year 2016-17 has been another busy one for the Natural Resources Committee, and the membership of the NRC was similar to the previous year. However, the Hon. Mr Kandelaars MLC resigned effective 27 February 2017, and I was pleased and honoured to join this committee on 28 February 2017, replacing the Hon. Mr Kandelaars. The Hon. Paul Caica MP took up the vacancy left by Ms Annabel Digance MP in June 2016.

The committee's staff was unchanged since the previous reporting period with research officer, Ms Barbara Coddington, and executive officer, Mr Patrick Dupont, providing continuity of support to the committee. Ms Coddington has since resigned from the committee, which is a loss for the committee, but I am pleased to be able to report that Ms Coddington has taken up a position in the parliamentary library, so her expertise is not completely lost to the parliament.

Over the reporting period, the committee undertook 14 formal meetings, totalling 35 hours and 15 minutes and took evidence from 38 witnesses. Seven reports were tabled: the Pinery Fire Regional Fact-Finding Trip report, the Annual Report for 2015-16, the Inquiry into Unconventional Gas (Fracking) in the South East of South Australia: Final Report and three reports on NRM levy proposals for 2017-18.

While I am talking about committee reports, I need to take the opportunity to note that the tabling of many reports has been a consistent feature of this committee. I recently ran through a list of the reports that this committee has tabled in the parliament and it turns out that, over the last 10 years, this committee has tabled 108 reports—an average of almost 11 reports per year.

I have to say that I am impressed by the committee's strong record of report production, which is a credit to the committee's Presiding Member, the Hon. Steph Key MP, and all committee members past and present and, of course, to the committee staff, past and present, also. Many of the committee's tabled reports have involved a considerable amount of work and I am confident the reports have made a significant contribution to debate and policy development on a range of issues.

The committee endeavours to visit all eight NRM regions over the course of the four-year parliamentary term in order to meet with NRM managers and community members and to observe the work done by the regional NRM boards and staff of the Department of Environment, Water and Natural Resources. During the reporting period, the committee visited the Northern and Yorke NRM region, the South Australian Murray-Darling Basin NRM region, and a combined visit to the Fleurieu and Kangaroo Island saw members visiting the Adelaide and Mount Lofty Ranges SAMDB and the KI NRM regions over two days.

It has always been the philosophy of the committee to include local members and any other interested members in the site visits. This practice has been of enormous benefit for the committee and I am reliably informed that committee site visits to the regions often benefit local members and their communities by helping to get a range of issues investigated and considered more closely than might otherwise be the case.

As part of its regular visits to the regions, the committee always appreciates the very generous hospitality offered by local communities. It is the committee's experience that local government, as the grassroots tier of government, can always be relied upon to welcome the committee and to provide us with access to local expertise and excellent venues in which to take evidence and conduct meetings.

The regional NRM boards and DEWNR support staff whom we have occasion to visit and meet with in the regions are also tremendously helpful and always go the extra mile to ensure the

committee's visits are not only productive but highly stimulating. Of course, local volunteers such as those individuals who work with the NRM boards, local government and community groups are also immensely deserving of praise and are a fantastic resource for the local communities and for this committee and we thank them.

For the 2016-17 period, the committee finalised its inquiry into unconventional gas fracking, hearing from its last two witnesses and tabling its final report in November 2016. The committee also continued to gather evidence for a sustainable marine scalefish fishery management in South Australia report, its prawns report, and the committee received briefings on the SA water storages, the Brown Hill and Keswick Creek stormwater project, the Smith Bay wharf proposal and a marine parks update.

I commend the members of the committee over the reporting period, Presiding Member the Hon. Steph Key MP, the Hon. Mr Brokenshire MLC, the Hon. Mr Dawkins MLC, Mr John Gee MP, former MLC the Hon. Gerry Kandelaars, Mr Peter Treloar MP, and Mr Paul Caica MP, for their contributions. All members have worked cooperatively throughout the reporting period. Finally, I thank the parliamentary staff, Patrick Dupont, Barbara Coddington and now Meredith Brown and the Hansard staff who assist us. I commend the report to the Legislative Council.

The Hon. J.S.L. DAWKINS (17:18): I rise very briefly to endorse the remarks of the Hon. Mr Gazzola and I am very pleased that both he and the Hon. Paul Caica have been able to join the committee in that period. They have certainly been more regular attenders than some from the Labor Party, although I do not include the Hon. Gerry Kandelaars in those remarks because we are all aware of his commitment to the committee despite his wife's ill health.

I think the Hon. Mr Gazzola has outlined the wide range of work the committee has undertaken in the reporting year. I think it is worthwhile, though, mentioning a couple of the things that we did either end of the year.

One of the first things was to conclude what I thought was a very important fact-finding report on the Pinery fire, and I was keen for the committee to do that in as short a period as possible after the fire, so that was worthwhile. At the other end of the year, one of the last things we did was visit the Gluepot Reserve, something that I had been hoping to do for some time. There is an enormous number of volunteers in the Riverland, particularly the legendary Mr Bill Santos, whose construction group does enormous work at that excellent facility which is run totally by volunteers through the organisation Birdlife Australia.

Like the Hon. Mr Gazzola, I wish to thank Patrick Dupont the secretary; Dr Meredith Brown, who has now taken over as research officer; and, as previously mentioned, Barbara Coddington, who did fabulous work for the committee, particularly on the fracking inquiry and who is now situated here in the parliamentary library. With those remarks, I endorse this report to the council.

Motion carried.

NATURAL RESOURCES COMMITTEE: FLEURIEU AND KANGAROO ISLAND REGIONAL FACT FINDING VISIT

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

That the 123rd report of the committee on the Fleurieu and Kangaroo Island Regional Fact Finding Visit, 7 and 8 June 2017, be noted.

(Continued from 9 August 2017.)

Motion carried.

Motions

LE CORNU SITE

Adjourned debate on motion of Hon. M.C. Parnell:

That this council—

1. Notes with concern the fact that the land formerly occupied by Le Cornu in O'Connell Street, North Adelaide, has been vacant for over 25 years, despite numerous development authorisations being granted; and

2. Calls on the state government to intervene to ensure that the land can be used for public purposes until a final development approval is secured and building work commences.

(Continued from 5 July 2017.)

The Hon. J.M.A. LENSINK (17:22): I rise to place some remarks from the Liberal Party on the record in relation to this motion, which was moved by the Hon. Mr Parnell on 5 July. I have read his contribution; I think it made sense—well, let me start that again.

The Hon. M.C. Parnell: Excellent sense!

The Hon. J.M.A. LENSINK: I was agreeing with a lot of his comments up until the point at which the Hon. Mr Ridgway interjects, which is no reflection on the interjection, it is just that up until then the Hon. Mr Parnell had been talking about the ridiculous and embarrassing history of the Le Cornu site at O'Connell Street, North Adelaide, which we hope is not emblematic of South Australia's situation, but I think we all collectively feel a sense of embarrassment that you can go to the very vibrant O'Connell Street and there is a vacant site that has been in that state for some 25 years.

I would also like to commend, for her persistence on this matter, Councillor Anne Moran. When I was first elected as a member to this place in a casual vacancy to fulfil the term of the Hon. Diana Laidlaw, I did seek her counsel on this particular matter. She had explained to me that council had actually approved a number of developments at this site and then subsequently the owners of the site, for whatever reason, had decided not to proceed with it, and I think that has been part of the frustration. There has also been major development status for that site provided by the government to enable the developers to get started, and still that has not enabled the developer or the property owner of the time to get something happening at that site.

It is, I think, somewhat beyond comprehension. North Adelaide is a fantastic part of our city. It is a very vibrant area and certainly would fall into the category of location, location, location prime real estate. So, certainly the first point in Mr Parnell's motion the Liberal Party agrees to. The second part we do not. For that reason, we will be supporting the government's amendment to the motion, without which we would not be supporting this motion.

Just to skip over a bit of the background again, the site has been vacant since 1989 and was purchased by the Makris Group in 2001 for some estimated $7 million. The Adelaide City Council has also put in a bid for the land and has made several failed attempts to lease the site from the Makris Group in order to turn it into a community space, which I think is a pretty sensible suggestion. The Makris Group last failed to meet the Development Assessment Commission's extended deadline for construction to substantially commence by June 2017, so here we are again.

The Makris Group has withdrawn an application to extend its development approval for a previous proposal as it explores 'a more viable development solution for the site'. I understand that there is no further extension on the June 2017 deadline. Other Adelaide City Council public space proposals have involved pulling the fences down, planting grass, seating and some parking for local businesses. However, they have not advocated for the state government to enforce this option on the owner.

I understand that Mr Parnell has been delving through the statute records and has discovered some act that he believes could force public acquisition; however, we in the Liberal Party think that this is a fairly unusual and dangerous precedent, notwithstanding that I think the community would dearly love for that site to be able to be activated for community benefit, and therefore that would set the sort of precedent that is potentially pretty dangerous and is probably contrary to a lot of the principles that many people hold dear about what people can and cannot do with properties that they own.

For those reasons, as I stated at the outset, we will be supporting the government's amendment to the motion, and if that is not successful then we would not be supporting the motion, but if it is successful then we will.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (17:28): I rise to indicate that the government will be supporting the first part of the motion moved by the Hon. Mark Parnell but not the second, and to that effect I will be moving an amendment shortly, although I am very grateful indeed for the Hon. Mr Parnell's motion. I think he, in moving it, and the Hon. Michelle Lensink in expressing her views, probably express views that all of us hold: a sense of frustration at the lack of development at the site for a number of years, at ongoing promises by developers that have not come to fruition.

All of us, I think, would like to see that very prime site developed for the benefit of the community. It needs to be noted, of course, that the land on O'Connell Street, North Adelaide, which was formerly occupied by a Le Cornu business, is owned privately, and that is the impact and the effect of my amendment—to make that plain.

Development approvals have been granted, I am advised, for several different proposals for the Le Cornu site over a number of years. The most recent development approval for the site expired on 11 June 2017. Over recent years, South Australia has had a record private sector investment in the City of Adelaide and inner suburbs. Since 2012, I am advised that $1.8 billion in projects have been completed or are under construction in the City of Adelaide alone. The government is disappointed therefore that there has been this significant delay in action at the Le Cornu site. We understand that surrounding businesses and residents alike would like to see some certainty about development of the site, but to date all of us have been frustrated in that desire.

So, if and when a further application for development approval is received, of course it will be progressed in the usual manner by the City of Adelaide and the state government under the development assessment process. We believe that is the appropriate role for government in relation to this site. We do not agree with the Hon. Mr Parnell about an aggressive public acquisition program of that land, so to that effect I move the amendment standing in my name, which is:

Leave out paragraph (2) and insert the following—

(2) Notes that the land formerly occupied by Le Cornu in O'Connell Street, North Adelaide, is privately owned and is not under the control of the state government.

The Hon. K.L. VINCENT (17:31): I speak briefly this evening just to signify the Dignity Party's support for the Hon. Mr Parnell's motion, and in so doing note that this block of land, the Le Cornu site on O'Connell Street, has sat vacant for most of my life.

The Hon. M.C. Parnell: Twenty-eight years.

The Hon. K.L. VINCENT: Twenty-eight years is exactly my life.

The Hon. M.C. Parnell: We could name the park after you.

The Hon. K.L. VINCENT: Well, your idea, not mine, but I am always happy to come along and cut a ribbon, Mr Parnell. Having recently taken on part-time foster care of a young child, who is 21 years my junior, I am acutely aware of just how long that is, and they are very keen to remind me of that at all times. I think that anything that can be done to rejuvenate that space and improve the amenity of our city and our state as a result is certainly welcome.

With regard to Mr Parnell's proposition for public acquisition, this is certainly not something that I would advocate lightly to be done in every case. However, given the length of time that the land has sat vacant and the number of failed development proposals, I think the government needs to step up and ensure that what could be a very useful piece of land is useful for the entire state.

I would add that, in a time when we have so many community organisations crying out for spaces, crying out for land to use to conduct their services—everything from theatre groups to youth groups to mental health services, and indeed when we are still pushing for a specific borderline personality disorder unit to be provided and built, if necessary, in South Australia—I think it is an affront to see what could be a really useful piece of land sitting vacant for the last 28 years.

Of course, I am not necessarily advocating that that land would be automatically appropriate for those uses, I am simply saying that, philosophically, at a time when so many community groups

are hungry for space in our state to keep providing their important services, it is quite an affront. So, with those words, on behalf of the Dignity Party, I support the motion.

The Hon. M.C. PARNELL (17:33): I rise to conclude the debate, and in the process I thank the Hon. Kelly Vincent for her support for the motion and also thank the Hon. Michelle Lensink and the honourable minister, Ian Hunter, for their contributions.

By way of summary, I remind members that anyone under the age of 28 years has lived on this earth a shorter time than this property has been vacant: 28 years. Both the minister and the Hon. Michelle Lensink, I think, used the words 'frustration' and 'disappointment', and no argument from me there. Everyone is frustrated and disappointed, but the question really is: for how long should we remain frustrated and disappointed?

At what point should the state step in and say, 'Look, you are not developing this land. It's prime real estate. Sure, it's privately owned, but maybe we will just lease it from you. We will take it off you and make you not liable for it if anyone trips over and has an accident. We will relieve you from council rates. We will relieve you from the obligation to pay land tax on it. We will pay you rent.' All of these things the city council has tried. The Hon. Michelle Lensink referred to the fact that the city council had asked the Makris Group if they could rent this land from them until they were ready to develop. The Makris Group has denied every overture that has been made.

So, the purpose of this motion is basically inviting the government, in a rare case—I will admit it is rare—to show some teeth. Do not just say, 'Oh, 28 years is a quite a long time. We are frustrated and disappointed that nothing has happened.' Show some teeth and say to the Makris corporation, 'Guys, talk turkey with the council. Allow them to use it as a park until you are ready to develop it, and if you don't do it voluntarily, we have got some legal tools we can use to make you.'

This is not some inner socialist coming out and saying, 'We are going to acquire the freehold title. We are going to nationalise North Adelaide.' There may be some members opposite who harbour those views; I do not. I am just saying that in the short term, acquire it for public purposes until Makris is ready to develop, or whoever they sell it to, and then take the park away, let the cranes come in and let's do what we all know is going to happen eventually. We need some sort of development there; no-one is saying we do not need it.

I am disappointed that neither of the old parties see fit to allow their frustration and disappointment to be alleviated with action; they are happy for it to remain. My question is: how long? Do we come back here at the half-century? Do I bring a cake, if I am still here? The Hon. Rob Lucas will still be here. At the 50th anniversary of the Le Cornu site being vacant, we will bring a cake into parliament and see if there is any appetite for action. I do not need to prolong the council. I will not be supporting the government's amendment which effectively guts the motion.

The guts of this motion is to basically call on the government to intervene. The government clearly does not want to intervene. The Liberal Party is saying that they do not think intervention is warranted. I am not going to support the amendment, but the public of South Australia can see where the numbers lie on this. I am not proposing to divide on it; I just find it incredibly—what are the words again?—frustrating and disappointing that the Liberal or Labor parties cannot see fit to end an impasse that has taken 28 years and left one of the most important sites in Adelaide vacant, unused, fenced off and ugly for that whole period of time.

Amendment carried; motion as amended carried.

CORCORAN, MR M.

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

That this council notes the contribution to the South Australian community of Maurice Corcoran AM and—

1. Acknowledges the ongoing commitment of Mr Corcoran to ensuring that public transport is accessible to all; and

2. Congratulates Maurice Corcoran on being given the Lesley Hall Leadership Award at the 10th National Disability Awards

(Continued from 1 March 2017.)

The Hon. J.M.A. LENSINK (17:40): I rise to support the motion of the Hon. Kelly Vincent, acknowledging the contribution of Mr Maurice Corcoran AM, particularly in relation to his efforts in ensuring accessibility to public transport. I would like to acknowledge his presence in the gallery.

At the outset, I would like to endorse the comments of the Hon. Ms Vincent and the Hon. Mr Gazzola in their speeches on this motion. Mr Maurice Corcoran is known to a number of us and has been known to a number of us over many years. When I worked for the Hon. Robert Lawson, a former member of this chamber who was the minister for disability services, Mr Corcoran was a frequent visitor to our offices, so it was quite some time ago that I met Maurice. He has been on this task for a significant period of time. I think Ms Vincent's and Mr Gazzola's speeches outline that very well.

One of the other areas in which Mr Corcoran has been very active, which South Australia has made some progress on, has been the implementation of disability action plans, which are very important. I think we still have some way to go on that front, but he certainly kickstarted a lot of the debate in South Australia. I know that the Hon. Ms Vincent and Mr Corcoran are great supporters of universal access principles, which will be of great benefit to all South Australians if we can get those principles embedded into the design of a whole range of areas in which everyone will then be able to access services in South Australia.

Mr Corcoran's story is reasonably well known in terms of his injury in the South-East some time ago, which left him a quadriplegic. He certainly did not take the issue and just decide that that was going to be the end of it. He saw it as an opportunity and has become a very strong advocate in that time. He has been commended, receiving an AM and also receiving the award which is in the title of the motion, that being the Lesley Hall Leadership Award, which was provided on the occasion of the 10th National Disability Awards.

Some of his achievements in the transport area have been to upgrade the City South tram stop, which many of us would have used, and train stations with new platforms and accessible buses. I think it is fair to say that a number of people benefit from those upgrades, not just people who use wheelchairs but people with other mobility issues such as people who use devices such as sticks or walking frames. It is also important for people who are pushing prams that those changes have been made. Clearly, prams have wheels, and by using two feet you can get around many more spaces than you can if you are using wheels or a mobility device. Those things have been really important.

It is also really important to acknowledge Mr Corcoran's contribution in the role of the Principal Community Visitor, both in the area of mental health and in disabilities. These come under different statutes of legislation. I read both of the most recently available annual reports from 2015-16, and I note Mr Corcoran's comments that the legislative framework that enables visitations for disability services are not as robust as the legislative provisions in the Mental Health Act.

I would like to thank him for not just the role that he plays in those very important areas of advocacy for people who are often unable to express themselves, or may not even understand the rights they are entitled to, but for highlighting it in very thorough reports. As an independent statutory officer, he is to be commended for providing very thorough reports. I note his comments in the 2015-16 disability report, that the regulations:

> …have been in place…for three years but are not as effective or as robust as the legislative provisions that are contained in the…Mental Health Act…because they do not provide the same coercive powers to visit facilities without notice but this has not impacted on the CVS in fulfilling its role and I am pleased to report that we have not been prevented from visiting any facility.

That is important to note because I think, particularly with the NDIS, there are going to be a whole range of new services that may well be provided, and I think we need to ensure that the Principal Community Visitor has access to all of those into the future. That is an area that we probably need to review as a parliament.

In relation to his role as the Principal Community Visitor for mental health services, equally, that is a very thorough report, and I would like to also acknowledge his role in that. He said in the annual report for mental health:

I especially want to acknowledge the many patients and families who have raised issues with us and trusted us to follow up and advocate on their behalf. This takes considerable courage, especially when individuals may feel vulnerable due to their specific circumstances.

He has also gone on to report his frustration in relation to reporting particular matters to local health networks and that there has been considerable delay in investigative reports being returned from the public mental health services. I say this, and I am not trying to politicise the motion in any way, but I think that the significant role Mr Corcoran has played in the exposure of the problems with Oakden services does need to be acknowledged.

I think it is fair to say that he was a regular complainant or regular reporter of problems there, and he certainly fulfilled his duty. I think we are all very disturbed about what has taken place in those services and are grateful for the fact that he has been persistent in raising these issues with the government. Clearly, he is carrying out his role very comprehensively in this space.

Perhaps I could have amended the motion to also acknowledge the work that he has done as the Principal Community Visitor. It is a very important role and he does it very effectively. With those few words, I commend the motion to the council.

The Hon. K.L. VINCENT (17:49): Can I begin by thanking those who have spoken in support of this motion: the Hon. Michelle Lensink for the opposition and, of course, the Hon. Mr Gazzola—I think I am right in saying that—for the government side. I also thank them for their words in acknowledgement of the very important work of Mr Maurice Corcoran, work that has, of course, taken place over many decades.

Members of this chamber are probably already aware of the enormous debt of gratitude that we owe to Maurice for having played a large role in making public transport vastly more accessible than it previously was in this state. While there is still some way to go—and I know Maurice is as keenly aware of that as I am—the fact that we have any at all is largely thanks to Maurice and his advocacy.

After pursuing that course of action, Maurice was moved into a position of national coordinator for the Disability Discrimination Act standards project. In this role, he coordinated a range of consultations and the disability sector's input into a range of Disability Discrimination Act standards, such as the education standard 2005 and access to buildings and premises 2002. I would note that, following on from my recent chairing of a committee into education and students with disabilities, I think it may be time to revisit the education standard and maybe we could put Maurice on to that when he has some spare time—although I do not expect that to be any moment soon.

His next career move took him to the South Australian Public Service as a senior policy officer within disability. In this role, he was responsible for coordinating the South Australian government's disability strategy, which was, I think rightly, titled 'Promoting independence: disability action plans for South Australia'. As the Hon. Ms Lensink pointed out quite well in her contribution, when we invest in making things accessible, be it public transport, be it the City South tram stop or be it education, we are actually making it accessible for all, whether they have prams, walkers or even just a shopping trolley or lots of shopping bags. That focus on promoting independence and that shift in thinking from what is wrong or what can people not do to what can they do with the right supports around them, including infrastructure, is really important. Maurice is also to be thanked for the voice that he has lent to that shift as well.

Most of us would be familiar with Maurice in recent times for his work as the Principal Community Visitor. While the motion I have put forward does not specifically reference that work, I think it is very important to acknowledge it, especially because when I first put this motion before the chamber (some 10 months ago, I think I am right in saying), we, or certainly I as a crossbench member of this chamber, were not aware of what was about to unfold in the coming months in relation to the SA Health Oakden mental health facility for older persons.

How much members of this government, including former ministers, knew about the horrific human rights abuses that were taking place at Oakden, we will never fully know, but without a number of voices, including that of Maurice Corcoran as our Principal Community Visitor and his team of excellent community visitor volunteers, we may never have uncovered the true and full extent of what

occurred there and therefore never put forward the solutions that are now unfolding. For that alone, if nothing else, I think we owe to you, Maurice, an eternal and vast debt of gratitude. Thank you.

It is thanks to his persistent, dogged and comprehensive work as community visitor that older South Australians, particularly those with severe mental health challenges and dementia, have now been relocated to a more suitable care and support facility. There is still much to be done in that project, and indeed in the way that we care for older persons more generally, but this is certainly a massive step forward and one that may have not taken place without the hard work of Maurice.

Of course, his role as community visitor expands far beyond that, and every day he is working and uncovering cases of abuse, neglect and mistreatment, even cases where food standards may not be high enough in resident facilities. That is certainly an issue that we have worked together on quite constructively, and I look forward to continuing to do so.

These everyday issues may not always make the papers or the media in the way that issues like Oakden unfortunately—or fortunately, depending on how you look at it—has, but they are issues that are equally as important because people with disabilities who are reliant on government support need to be able to rely on government to ensure that those supports are of the highest possible standard.

For all this work he has done in those many and varied sectors, we owe Maurice a great debt of gratitude. He is very deserving of all the awards he has received over his career, including the Lesley Hall award, which this motion makes particular reference to. I am sure there will be many more awards to come. With those few words and, again, with thanks to Maurice for his contribution and the best of luck for his bright future, I commend the motion and thank all those who have contributed to it.

Motion carried.

Sitting suspended from 17:55 to 19:47.

Bills

WORK HEALTH AND SAFETY (REPRESENTATIVE ASSISTANCE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 12 April 2017.)

The Hon. J.E. HANSON (19:47): I rise to support the bill to allow health and safety representatives to seek assistance from any person to resolve health and safety issues in their workplace. Section 68(4) of the Work Health and Safety Act 2012 is unique to South Australia. No other jurisdiction has a requirement that the person who can provide assistance to a health and safety representative must be a person who works in the workplace, who is involved in the management of the business or undertaking, or who is a consultant approved by a ministerial advisory body.

The additional requirement was an amendment that was made so as to secure the passage of the Work Health and Safety Bill in 2012. The proposed amendment will reduce the regulatory burden for persons who wish to offer free assistance to health and safety representatives by removing the requirement to apply to the Industrial Relations Consultative Council to become an approved consultant. The original bill also adopted amendments that were made to the model Work Health and Safety Act in 2016 (which is the model act) that introduces the requirement for persons providing assistance to health and safety representatives to give notice of entry of at least 24 hours.

To date, this amendment to the model act has not been adopted in any other jurisdiction. The Hon. Tammy Franks MLC has since filed an amendment that now removes the substitute clauses. The Hon. Tammy Franks MLC stated in her second reading speech that the bill amends section 68 of the Work Health and Safety Act to bring it in harmonisation with work health and safety legislation in all other Australian jurisdictions. This will now, of course, be the effect because no other jurisdiction has introduced section 68(3)(a) and (b) of the model Work Health and Safety Act.

In particular to this bill, I note as well that a particular case has occurred called the case of Powell, and I understand that it is very likely that Ms Franks may address that further in what she has to say. The case of Powell occurred in June this year and is quite important in any argument that might be made against some sort of concept of unfettered access for industrial associations. I think that should be fairly well considered in any debate which is happening in regard to this because at the time when people might have been getting a bit hot under the collar about something like this, that had not yet been decided. In that regard, the government supports the amendment to remove section 68(4) of the Work Health and Safety Act to allow any person to provide assistance to a health and safety representative.

The Hon. R.I. LUCAS (19:50): I rise on behalf of Liberal members to oppose the legislation consistent with the position that the Liberal Party put when we debated the bill back in 2012. There were long debates about the legislation and there were certainly long debates about these particular provisions. I have to say that, only becoming aware of the government's about-face in relation to this particular issue today, and that was confirmed by the contribution on behalf of the minister and the government by the Hon. Mr Hanson then in his contribution, I return to the debate that we had in this chamber back in October 2012 in relation to these particular provisions. The amendments were moved by me on behalf of the Liberal Party in the committee stage of the debate and the government's position was clear and unequivocal. Let me quote:

> The government supports both the amendment and the consequential amendment. Whilst we did not seek this amendment, it does not infringe upon the key pillars of the harmonised bill; therefore, in the interest of progressing this important legislation, the government will support the amendment.

There was no division. There was no dissentient voice recorded anywhere in the chamber. When one goes through the committee stage of that debate, there were many, many divisions which were decided by a margin of one vote in relation to the proposed amendments. They were well argued, well thought arguments about many particular provisions of the work health and safety legislation, which did extend over a number of months for those of us who participated in that particular debate, but on this particular amendment there was no division, there was no dissentient voice expressed in the particular debate, and the government's position was quite explicit.

'The government supports both the amendment and the consequential amendment' was the first point. The second point was 'it does not infringe upon the key pillars of the harmonised bill', and that was important from the government's position then because the government was arguing to support the model legislation, the government was arguing the importance of harmonised legislation, and for those reasons the government made this point when it said, 'We are supporting this amendment and the reason we are supporting it is that it does not infringe upon the key pillars of a harmonised bill.'

I have to say that I am stunned to hear that the government is now saying that it has changed its position completely, particularly as, in the legislation, there is a provision for a complete review of the legislation, I think next year in 2018, so not only this particular provision but all the legislation, obviously, as it relates to work health and safety laws in South Australia.

All I can say is that, clearly, Premier Weatherill and the government have obviously decided to flip the bird at employers and businesses and those who employ people in South Australia. Premier Weatherill has essentially said, 'Well, stuff you' to the businesses and employers of South Australia and has decided to side with the CFMEU in particular in terms of their approach to industrial lawlessness on construction sites nationally, soon to visit construction sites here in South Australia.

We have seen a little bit of this over the last few months in terms of Premier Weatherill's approach to economic policy, business policy and direction. There has been his now notorious reference to businesses and employers of 'You lot being members of the employer class in South Australia', his challenge to business leaders at a particular major lunch at the Convention Centre in the last six months where he freely admitted that he did not believe in free enterprise, and his attempt to characterise all banks and employees in South Australia as fronts for terrorists and money launderers.

Now we see this particular approach to this bill, contrary to the position that he and the government adopted when the legislation was introduced, saying, 'Well, stuff you' to the businesses

and employers. 'I am not worried now. If we are not here as a government in March of next year, we'll let the CFMEU run the place' in relation to construction sites in the construction industry in South Australia, as they are currently doing in Melbourne and Sydney in particular with their lawlessness on construction sites through that area.

I will put on the record an update of recent decisions in relation to the actions of the CFMEU on construction sites both in South Australia and nationally as a warning, I guess, to those in this chamber who are supporting or who might be contemplating supporting this particular change.

In terms of the issue of businesses, there has been, not unexpectedly, in the last few hours considerable concern expressed by a number of key industry groups, particularly those associated with the construction industry—the MBA, the HIA, Business SA and a number of those particular groups representing employer groups in South Australia—expressing concerns in relation to the intended change of heart of the government in relation to this particular issue and in particular their concerns at the impact of driving up the costs of doing business and the costs of projects, in particular major projects, in South Australia as a result of increasing lawlessness, which will be possible under the legislation, by the CFMEU on South Australian construction sites.

When we debated the legislation in 2012, at that stage I referred members—and, as I said, ultimately even the government supported the amendment—to the evidence and findings of the Cole royal commission in relation to the actions and operations of the CFMEU. The Cole royal commission report stated:

> Occupational health and safety is often misused by unions as an industrial tool. This trivialises safety, and deflects attention away from real problems…scope for misuse of safety must be reduced and if possible eliminated.

In other evidence to the Cole royal commission it was noted:

> It is not uncommon for a builder or subcontractor, who is in dispute with the union over an unrelated industrial issue, to receive visits from union officials investigating and finding alleged safety breaches. The union official asserts that immediate risk exists. Work ceases while employees sit in the sheds or, worse, leave the site.

That was the evidence, and they were the conclusions of the Cole royal commission into the building and construction industry. Warnings were given at the time in 2012, and credit to the government: they indicated their complete support for this compromise position that was put. As I said, no dissentient voice was expressed at all by any member of the Legislative Council to that particular amendment at that stage.

Since then, there is much further evidence in relation to the actions and operations of the CFMEU. I want to refer to some of the recent cases in relation to the CFMEU. A penalty decision handed down on 22 April 2016, just last year, related to alleged breaches against the CFMEU of coercion on a building site in South Australia. A building penalty decision was handed down and penalties totalling $494,150 were imposed on the respondents. That was appealed to the Full Court of the Federal Court and that was dismissed by the Full Court of the Federal Court.

The allegations of coercion that the CFMEU officials were found guilty of were that on 30 October 2013 five CFMEU officials entered the Flinders University construction site and provided entry notices. Whilst on site they threatened the site supervisor that, if he did not fly the CFMEU flag on the crane, they would stop the job. After the flag was flown on the crane, a number of CFMEU officials who are named posed for photographs in front of it.

That same day, six CFMEU officials entered the TAFE project site at Tonsley Park without providing notice. During a discussion with the site's project manager one of the CFMEU officials allegedly said words to the effect, 'We're not going to be filling out right of entry notices—that's come from the secretary', referring to the secretary of the CFMEU at the time. On 20 November 2015, the court found that the officials had breached the Fair Work Act. A penalty decision was handed down on 22 April 2016, penalising the CFMEU $456,000 and individual officials between $1,200 and $9,700 each.

In another decision handed down on 19 January this year, the Federal Court handed down penalties totalling $57,000 on a number of CFMEU respondents, and they included Mr Aaron Cartledge, a person well known to members in this chamber. The summary of that case indicates

that on 22 November Mr Cartledge and Mr McDermott attended a meeting at the new Royal Adelaide Hospital project, organised by SafeWork SA.

During the meeting Mr Cartledge and Mr McDermott threatened to organise industrial action at the project if the head contractor sought to enforce a Fair Work Commission order from September 2013 that required employees on the project to not take industrial action. During the meeting it is alleged that Mr McDermott threatened, 'If you try anything, there will be Armageddon.' It is alleged that Mr Cartledge threatened, 'All hell will break loose and we will take this national,' if the head contractor took steps to enforce the order.

On 31 May 2016, the court found all respondents had contravened section 343(1) of the Fair Work Act by threatening to organise action against the head contractor, with the intent to coerce the head contractor to not exercise a workplace right. Another decision—there are many others that could be referred to—was filed on 4 September 2014 and it was in relation to right of entry. On 17 May 2017 (only recently), the Full Court dismissed the appeal from the CFMEU. In brief, this related to breaching right of entry provisions on an Adelaide construction site. I will not go through all the detail but, again, they were found guilty and penalised. Financial penalties were imposed in relation to the CFMEU officials.

Finally, I refer to a summary media statement of 13 November 2014 where Fair Work Building and Construction summarised their calls for Mr Aaron Cartledge's right of entry permit to be suspended and that he be banned from receiving a permit for 12 months. For various other officers, they called for their permits to be revoked and that they be banned from receiving a permit for either a 12-month period, a two-year period and one for a three-month period. That press release states:

> The men all admitted to intentionally hindering and obstructing Hansen Yuncken site managers at the project. Mr Luke Stephenson, a former CFMEU official, no longer works for the CFMEU SA branch but still holds a valid Right of Entry permit.
>
> In determining appropriate penalties to issue, Justice Mansfield said about Mr Cartledge, he 'is the most senior CFMEU officer in South Australia. He was aware that what he was doing did not comply with the law.'
>
> His Honour also said: 'Both Pitt and O'Connor were prepared to use force to gain entry' and in relation to Mr Pitt: 'that behaviour demonstrates that he did not care that he was breaking the entry rules, but that he was so indifferent to complying with them as to force entry and make the threats to [the site manager].'

As I said, there are many, many other examples of the thuggery and lawlessness of the CFMEU nationally—it is even worse if you want to refer to some of the decisions in Sydney and Melbourne—and in South Australia. That is why the Cole royal commission warned, in relation to right of entry laws regarding work health and safety, that the unions and the CFMEU in particular used work health and safety provisions to get access to worksites, in some cases for reasons other than work health and safety issues, that is, to pursue their enterprise bargaining or their industrial negotiation issues or whatever else they wanted to support—the flying of the CFMEU flag on a crane, for example. In essence, those are the sorts of directives that they would issue on building and construction sites in South Australia and in other states as well.

From the government's viewpoint, the concerns of business and industry stakeholders in South Australia is what has changed in relation to the position they and this parliament adopted in 2012. Whilst acknowledging that there was to be a review next year of the total legislation, including these particular provisions, what has changed in relation to the current arrangements for work health and safety? What is prompting the need for legislative change?

I want to refer to some of the submissions that I have received—not all of them, but a number of them. The first has been sent to a number of members, including the Hon. Ms Franks and others, from Rick Cairney Consulting. Members will be aware that Mr Cairney was a former office holder or employee of Business SA and now runs his own consulting business in this particular area. I quote from his letter to me of 15 September:

> In the second reading speech, the Hon. Tammy Franks' explanation for the introduction of this bill is to ensure that our nation has one set of consistent occupational health and safety laws so that employers and workers do not have to work with eight different sets of workplace safety laws. However, the fact is that we do not have one set of consistent occupational health and safety laws and this amendment bill will not change the situation. The state of Victoria chose not to introduce the model WHS Act and Western Australia, New South Wales and South Australia WHS acts all contain some inconsistent provisions.

One or two of the other submissions I received in responding to the Hon. Ms Franks's argument about harmonisation and consistency of laws noted that her 2015 attempt to introduce industrial manslaughter laws flew in the face of a claim for wanting to see harmonisation of work health safety laws. The argument was that we should not harmonise the laws, yet their argument to me was, if that is the case, the introduction of industrial manslaughter laws in South Australia was inconsistent with that particular claimed policy goal from the Hon. Ms Franks in terms of her second reading explanation.

I return to Mr Cairney's letter to members. The Hon. Tammy Franks also said in her second reading speech that the current section 68 of the act 'narrows the scope of the act so that a union representative is not able to assist a health and safety representative in light of a workplace incident.' She further states, 'This does not allow for fair and effective workplace representation and consultation in the resolution of safety matters.'

However, in my view, these statements are not correct. In addition to section 119, 'Notice of entry', section 118, 'Rights that may the exercised while at workplace' and section 121, 'Entry to consult and advise workers', there is section 117, 'Entry to inquire into suspected contraventions' of the act, which was the result of negotiations. Section 117 enables a union official to enter a workplace without providing notice to the employer, where the union suspects there has been a contravention of the act, which can include a workplace incident.

I note two points in relation to that. It is clear that under section 117, as Mr Cairney and a number of other industry groups point out, if a union official sees that there is a clear contravention of the act which is threatening the safety and welfare of workers, they do have the powers under section 117.

The other point I would note, which has been made by a number of industry groups, and I made the point in 2012, is that, if workers wish, they are quite entitled to elect, and nothing prevents them from electing, a union representative to be their health and safety representative. That is, if the workers at the worksite support the union, they can actually elect as their health and safety representative—and in many cases they do—a union member from the worksite to be their health and safety representative.

Under the work health laws, the health and safety representative has enormous powers. The health and safety representative, if he or she sees that there is some workplace arrangement, equipment or process which threatens the safety of workers, can stop immediately either that particular piece of equipment, process or operation. That is an existing power for the health and safety representative on a particular worksite.

The act makes it clear they have considerable powers if there is a threat to the safety of a worker in the workplace. This parliament supports that power. The Liberal Party supports that power, and that power can be exercised by a member of the union, if the workers elect the member of the union to be their health and safety representative on the worksite.

Equally, under the current arrangements of the legislation, the health and safety representative can get the assistance of a consultant. There are requirements on the consultant—that is, they have to have the appropriate qualifications and be in a position to know something about health and safety, for example, and they have to have the appropriate qualifications. There is nothing to prevent a union official from having those qualifications and being employed as a consultant by the health and safety representative and being brought in, if they are so qualified and have the appropriate permits.

In all the circumstances that I have outlined, unions, union members and, in some cases, union officers with appropriate qualifications can be utilised or do have powers in certain circumstances to assist the work health and safety provisions of worksites.

So, it is not correct to say that the current arrangements are locking out unions. The current arrangements, which are intended to lock out certain union officials and others who continue to get found guilty and get fined hundreds and thousands of dollars or millions of dollars and have their right of entry permits excluded, have not been consistent with promoting workplace safety. If the law of the land finds these people guilty and they do not have the appropriate right of entry permits, then

it is certainly our view that it is not sensible practice to give them a backdoor way of getting onto worksites in South Australia to do whatever it is that they wish to do.

I return to the letter from Mr Cairney. The reason that section 68, which the Hon. Tammy Franks seeks to introduce, was not agreed to be inserted into the act was that the phrase 'request the assistance of any person' was simply too broad and could include anyone without any WH expertise and someone from the media. The presence on site of the media, particularly in the situation of a serious injury or a fatality, could severely exacerbate the trauma of the family of a worker who is severely or fatally injured. Having been the coordinator of a mine site where there were several fatalities, I make the above statement from practical, not theoretical, experience. Finally, Mr Cairney makes the point:

> In the past several years, CFMEU officials, including the branch secretary, have been found guilty by the Federal Court of blatantly breaching the right of entry provisions of the Fair Work Act 2007, including bullying and threatening employers.

He then seeks opposition to the bill. In relation to the issue of the proposed amendment, which states 'any person', the Hon. Mr Cairney and a number of the other stakeholders have highlighted a number of examples where people have sought to bring members of the media in to publicise or highlight a particular workplace incident. Our current legislation says that the intention of this is to actually bring someone in who knows something about work health and safety and can assist the health and safety representative and the workers to resolve the workplace safety issue with the workers and the employer.

As a number of the stakeholders, including Mr Cairney, have indicated, the actual use of the proposed provision—to actually bring a TV camera onto site in the immediate aftermath of a workplace incident, under the guise of any person—is something that is not conducive to helping to resolve the workplace safety issues that exist on the site at that particular time. As Mr Cairney points out, it can and may be traumatic for friends and family of the injured worker at that particular worksite.

The Master Builders Association, in a number of letters to me, have expressed their strong opposition to the proposed amendment. Of course, they are probably the major association that has to deal with the CFMEU on major construction sites in South Australia, even more so than the HIA, for example, and indeed any of the other industry groups. Their letter to me, from Mr Ian Markos, the chief executive officer, states, in part:

> The CFMEU's record of lawlessness is well documented and justified the insertion of these provisions; that is, section 68(4) of the act that was inserted in 2012. Nothing has changed to warrant their removal. In fact, as reported by the Sunday Mail in November—

that would be November 2016—

> the South Australian branch of the CFMEU is now known across the country as being the most heavily fined for right of entry abuses. An estimated $2 million of CFMEU member fees has been wasted on legal fees, penalties and additional court costs. We note that many of these penalties related to the abuse of safety laws to gain entry to building sites through the use of offensive abuse and intimidation of workers and regulators—people who, like us all, simply wish to do their job and go home safely each night.
>
> This abuse and the CFMEU's unwillingness to change tactics has been noted in frustration by a significant number of Federal Court judges, yet the union continues to employ the same abuse of people and laws for its purposes. This has left the union with only four officials legally able to enter building sites, with increased pressure to use proposed amendments such as this one to increase site representation. Given the pattern of abuse of right of entry, we hold little hope for a change of union behaviour.

Further on:

> We believe every person in our industry must take safety seriously. Investing in SafeWork SA's ability to get out to sites to work with industry will do more for safety on building and construction sites than allowing unions to use a safety law to enable right of entry abuses.

Then, further on:

> Union thuggery on building sites increases the cost of schools, hospitals and roads by up to 30 per cent. South Australians deserve far better.

Then, he says they urge the parliament to reject the proposed legislation. As I said, there are many others, but I thought I would just refer to three of the industry groups. Business SA's submission to me in part reads as follows:

> The Act currently provides that a health and safety representative ('HSR') may request the assistance of 'any person' when exercising a power or performing a function. The Act further provides that 'any person' as referred to in section 68(2)(g) is limited to: a person who works at the workplace; a person involved in managing the relevant business or undertaking; or an approved consultant. Subsection (4) clearly demonstrates that the person whose assistance may be requested by the HSR is one necessarily connected with the business and/or is knowledgeable of safety requirements and practices.
>
> The Bill seeks to alter this. The Bill seeks to delete subsection (4) and substitute new wording.

There is now a further amendment, which is to delete subsection (4). It continues:

> The effect of the new wording will be that any person will be able to 'assist' the HSR—regardless of their understanding or involvement with the relevant business. Business SA does not see how a person completely unconnected with the relevant business will be of more assistance to the HSR when performing their functions than a person currently allowed under the Act.

Further on, Business SA states:

> Further, the Act should not be changed and weakened where there is no problem to address. The second reading speech for this Bill does not suggest there is any specific problem with the operation of the current provisions of the Act. Rather, the speech makes nebulous claims that: under the current provisions, it is 'difficult for safety representatives to exercise [their] powers and functions'; the section is 'at odds with the very objectives of the WHS act'; and that it is 'unnecessary, counterproductive and out of step with the rest of Australia's workplace safety laws.' Business SA submits the Bill is unwarranted as these nebulous 'problems' do not exist.
>
> Business SA states: It is not difficult for safety representatives to exercise their powers and functions under the Act. As demonstrated above, the Act as it stands is of more assistance to the HSR than that proposed by the Bill as they can request assistance from persons connected with the workplace or an approved consultant. There is no problem to be addressed here.

Further on, under the heading 'Risk of mischief':

> Business SA further opposes the Bill as there is a significant risk the amended provision could be used to avoid current right of entry requirements. Business SA is highly concerned the amendment could be used for mischievous purposes because there is little restriction on what the representative can and cannot do while 'assisting' the HSR.

Further on:

> The Act itself is very specific about the circumstances in which a WHS entry permit holder may enter a workplace. Under the Act a permit holder may only enter a workplace 'for the purpose of inquiring into a suspected contravention of this Act that relates to, or affects, a relevant worker.' Further, the WHS entry permit holder must 'reasonably suspect before entering the workplace that the contravention has occurred or is continuing and involves a risk to the health or safety of a relevant worker.' As demonstrated, a WHS entry permit holder may only enter a workplace in specific circumstances and for a specific purpose.
>
> The amendment as proposed does not discuss the right of the person 'assisting' the HSR to enter the workplace. Rights to enter a workplace must balance the interests of both the employees and the employer. The amendment as proposed applies no restrictions to the person 'assisting' the HSR to enter the workplace. This lack of limitation gives Business SA great concern the amendment could give rise to serious mischief by allowing the representative to avoid the activity restrictions imposed under conventional rights of entry.
>
> Business SA further submits the Hon. T.A. Franks is inaccurate when stating a HSR's capacity to receive advice and assistance from a union is frustrated.

The letter goes on to explain their views in relation to that, which is similar to some of the other stakeholder views that I have put on the public record.

In conclusion, as I said at the outset, this issue was settled in 2012 with an acceptance that in 2018 there would be a review not only of this provision but of the total act. This provision was settled with the support of the government and with the statement of the government that it did not offend against the essential principles or pillars of harmonisation. That was the position they put to the parliament in 2012.

As I said at the outset—and I conclude on this note—I am very concerned, on behalf of the Liberal Party, that what we have here now is Premier Weatherill in the last months before an election essentially entering into and continuing a class war with business and employers in South Australia.

I gave the other examples of his attacks on employers and businesses. Essentially, this state is in a difficult economic situation. We rely on a combined effort of employees and employers in South Australia to try to work our way out of the mess that the state has got itself into after 16 years of a Labor government.

Clearly, Premier Weatherill is returning to the left-wing roots of his past. He has decided, as he leads into the election, as I said, to flip the bird to businesses and employers in South Australia and to say, essentially, 'Stuff you. I'm not going to worry about the impact of CFMEU officials,' and the thuggery and unlawfulness that I have read onto the public record, which Federal Court judges and other judges and commissioners have, right across the board, indicated.

It should be a fair warning to any of us in this chamber who might be contemplating supporting the Labor government turnaround on this particular issue, that it is going to be a recipe for unleashing the forces of the CFMEU onto construction sites and worksites in South Australia. Should there be a change of government in March of next year, that will make the task of trying to generate economic growth in South Australia, to keep the cost of doing business in South Australia down and to keep the cost of major projects in South Australia down to reasonable levels, almost impossible if we are going to allow the sort of thuggery and unlawfulness that Federal Court judges and building construction commissioners have highlighted in so many judgements over the last three or four years about the CFMEU, its officers and officials in South Australia and nationally.

On behalf of Liberal members, we will be opposing the second reading of this legislation. We will oppose the amendments in the committee stage and we will also vote against the third reading of the bill, should it get that far.

The Hon. K.L. VINCENT (20:28): I take the floor briefly to indicate the Dignity Party's support for this bill. I would like to acknowledge the various submissions and lobbying that I have received on this bill from the likes of the Law Society, the Master Builders Association and one individual lobbyist. However, despite the concerns that have been raised, I can indicate that the Dignity Party will be supporting this bill today.

We do not believe this is any sort of Trojan horse. Of course, it is important to remember the CFMEU will continue to be subject to federal laws and fines as they were before. Given that we are simply reinstating a feature that was taken out of the bill in 2012, and there is no appetite to reinstate it, we will be supporting the bill.

The Hon. J.A. DARLEY (20:29): I rise to make a brief contribution to the bill. In her second reading speech, the Hon. Tammy Franks very heavily emphasised that one of the main drivers for this bill was to allow unions onto worksites. However, as a result of the recent Full Federal Court decision against Mick Powell, the unions have received a very clear message that they are not allowed to enter worksites, using section 68 of the act. I understand that as a result of this, the intention of the bill has now changed from when it was originally introduced in April and the focus is now just on allowing experts on site to assist health and safety representatives with safety issues.

I am very supportive of improving worker safety; however, concerns have been expressed to me that this is merely a backdoor way for the unions to gain access to worksites when they are not meant to be there. I understand these concerns. However, I believe that the prospect of improvements to worker safety outweighs the potential threat that these changes will be exploited by the unions.

The circumstance of a person going to work and failing to return home because they have been killed at a worksite is absolutely unacceptable. Unfortunately, it does happen, so I will do what I can in my role as a legislator to try to improve this. In saying this, I would still appreciate, for the record, confirmation from the Hon. Tammy Franks that the intention of this bill is to allow experts on site to assist the health and safety representatives rather than providing a mechanism to allow unions on site.

The Hon. T.A. FRANKS (20:31): I rise to thank all the speakers who have made a contribution to the bill's second reading debate: the Hon. Justin Hanson, the Hon. Rob Lucas, the Hon. John Darley and the Hon. Kelly Vincent. I will remark on some of the comments and also flag

that since I introduced the bill, I have tabled a further amendment and I did so in consultation with the office of the minister.

The Hon. Rob Lucas remarked in his speech that he was stunned to discover today that the government was supporting this bill. I am not sure why he is stunned because last Thursday, 21 September, I wrote to all members of this place and their staff, and indeed all House of Assembly members, an email with regard to my bringing this bill to a vote tonight. In that email, I noted not only was it my intention to take the Work Health and Safety (Representative Assistance) Amendment Bill 2017 to a vote tonight, but I attached the bill, a *Hansard* as a reminder and the amendment that is now filed and will be moved by myself.

In that email, I noted not only was it simply largely a matter of harmonisation and reflected the state of play in other states, but the amendment that I had filed had been done in consultation with the minister's office, and so certainly I am surprised and stunned to hear that the Hon. Rob Lucas is stunned that the government might be supporting this bill. I will not be speaking for the government; the government is big enough and ugly enough to speak for itself.

The Hon. Rob Lucas did seek to speak for not just the government but, indeed, the Greens in terms of our intentions with regard to work health and safety laws. He commented that at the time there was no contention with regard to this part of the legislation and his successful amendment to the model law during a debate.

He did not reflect on the fact that this particular act, when it was being debated through this place, took well over a year to get passage. I think we were all worn down. I think we were all sick of it—sick to death of it—and certainly compromise was the name of the game after a year and several ministers had been exhausted in a process of finally getting to an agreement on work health and safety laws and some subscription, and in large parts subscription to a harmonised law, across the country.

I certainly do not see that a compromise several years ago, after such a contentious and drawn out debate, is in any way flipping the bird or saying, 'Well, stuff you,' and certainly I do not see it as the CFMEU running the place. I am quite intrigued that the entirety of the Hon. Rob Lucas's speech was quite caught up with the CFMEU. I would like to point out to all members of this council, and indeed all members in this state, that this bill does not just apply to the CFMEU. This bill does not just apply to the construction industry. Indeed, that is about 5 per cent of our workforce.

This bill applies to each and every workplace and industry across our state. It was certainly not just the CFMEU that came out in support of this bill. I am wearing an Independent Education Union ribbon because I have just been speaking at their dinner this evening. They were there today in support of the bill and wished me well as I had to leave a little early to come back for this session. There is the Australian Education Union and the nurses. Teachers and nurses are far from the conjured-up class war imagery that the Hon. Rob Lucas so well employed, but they are also the reality of who will benefit from this bill.

What has changed as well is not only the willingness to give it another go, having been scared off by the debate that went for well over a year, but there are some pieces of information that I think members will appreciate me referring to now in my response and second reading summary. The first piece of information is actually incredibly relevant and the Hon. Justin Hanson made some mention of it, and that of course is the Powell case.

The Full Federal Court of Australia has handed down an important decision relating to union right of entry for occupational health and safety purposes in the Australian Building and Construction Commissioner v Powell [2017] FCAFC 89 (ABCC v Powell) on 2 June this year. The court there unanimously ruled that a CFMEU official who was called onto a construction site to assist a health and safety representative was not protected by Victorian OHS legislation and was required to have a right of entry permit under federal law.

The facts of this case were that, as has been raised on four occasions in 2014, an elected health and safety representative on a Melbourne construction site asked Mr Powell, an official of the CFMEU, to attend the building site to assist him in dealing with various occupational health and safety issues. On each occasion that Mr Powell attended the site and was questioned about his presence, he stated that he was there to assist the HSR and cited his ability to do so under the

Occupational Health and Safety Act 2004 of Victoria. That act provided that a HSR may seek the assistance of any person whenever necessary in relation to health and safety matters.

The OHS Act there also states that an employer must allow a person assisting an HSR to access the workplace unless the employer considers that the person is not a suitable person to assist due to insufficient knowledge of occupational health and safety. Each time this occurred, Mr Powell refused to leave the site when requested by the employer to do so. On one occasion, he also stated that he was not attending the premises under the commonwealth Fair Work Act 2009 and therefore did not have a federal right of entry permit. On two occasions, police were called to the site.

Mr Powell was not a permit holder under part 3-4 of the Fair Work Act. The Australian Building and Construction Commissioner (ABCC) commenced proceedings against Mr Powell for a civil penalty for contraventions of section 494(1) of the Fair Work Act. This section prohibits a union official from exercising a state or territory OHS right unless the official is the holder of a right of entry permit issued under part 3-4. The decision by Justice Bromberg of the Federal Court held that the relevant sections of the OHS Act did not confer a right to enter premises for the purposes of section 494 of the Fair Work Act and therefore there was no requirement for Mr Powell to have a federal permit in order to enter the site under the OHS Act.

The ABC Commissioner appealed this decision and the Full Federal Court's decision, by unanimous decision, upheld that appeal and found that Mr Powell was required to have a permit under part 3-4 of the Fair Work Act in order to enter the site to provide assistance to the HSR under the OHS Act. The court considered the legislative history and construction of the relevant provisions of the Fair Work Act and the OHS Act in order to determine whether there is a 'right to enter premises' conferred by the OHS Act in accordance with the meaning of that phrase in part 3-4 of the Fair Work Act.

Overturning the primary judge's decision, the court found that the OHS Act conferred a right to enter premises, and that right is exercised by the assistant to the HSR. In this case, that was Mr Powell. This was because, firstly, the OHS Act confers a statutory obligation on the employer to allow people from whom the HSR has requested assistance access to the premises. The OHS Act also states that the HSR can enforce the exercise of his or her power by applying for an order in the Magistrates Court. This statutory entitlement would be a defence to any claim of civil or criminal trespass. Secondly, the OHS Act confers a right on the HSR to have the assistant enter the premises. Consequently, it is a right to enter exercise by the assistant at the request of the HSR.

The court then considered whether a right to enter contemplated in section 494 of the Fair Work Act covers the section of the OHS Act that addresses a right of entry of the assistant or merely rights outlined in part 8 of the OHS Act, which deals with entry by authorised representatives of registered employee organisations. Taking into account the section that explains the objects of the provisions, historical iterations of the provisions and the words of the provisions themselves, the court found that the prohibition in section 494(1) of the Fair Work Act extended to and covered a union official exercising his or her right to enter and have access to the premises and/or the HSR's right to have him or her enter and access the premises pursuant to relevant sections of the OHS Act.

The court stressed that provisions about right of entry should be construed practically and conformably so that they can be implemented in a clear way on a day-to-day basis at worksites and determined that the plain purpose of part 3-4 of the Fair Work Act is to regulate by permit the lawful entry of officials of organisations onto worksites pursuant to rights of entry given by commonwealth, state and territory legislation.

The court pointed out the potential for practical confusion if a permit was required where an official had reasonable suspicion of a contravention of a state, territory or commonwealth law about OHS; for example, an HSR with an OHS issue. Further, the court said that applying the words of section 494 of the Fair Work Act to the operation of the relevant sections of the OHS Act did not undermine the statutory objects of part 3-4 but instead reinforced them.

The court concluded that the plain words of section 494 of the Fair Work Act and the construction of the relevant sections of the OHS Act meant that Mr Powell as a union official required a permit to enter the premises either because he was exercising his right to enter or the HSR's right to have him enter to provide assistance.

At this point, I think it is timely to seek to table a piece of correspondence. That correspondence is dated 1 August 2017. I will read it and then I will seek leave to table it. It is on letterhead from the Australian Building and Construction Commission. It is addressed to Mr Aaron Cartledge, the SA State Secretary of the CFMEU, Construction and General Division, SA Branch. In part, it states:

Dear Mr Cartledge

Exercising State or Territory OHS rights

It has been reported to me that you may have recently been visiting sites in South Australia purporting to exercise rights of entry under the Work Health and Safety Act 2012 (SA) (WHS Act).

Specifically, it has been raised with me that you may have sought to exercise the following rights to enter work premises:

(a) as an approved consultant to assist a Health and Safety Representative (HSR) under ss 68(2)(g) and 70(1)(g) of the WHS Act; and

(b) as a representative of a party to a work health and safety issue for the purpose of attending discussions with a view to resolving the issue under s 81(3) of the WHS Act.

The ABCC's view is that both of the above rights to enter work premises are State or Territory OHS rights for the purpose of s 494 of the Fair Work Act 2009 (Cth) (FW Act). Consequently, any official from your organisation seeking to exercise these rights is required to hold a Federal entry permit. This position is supported by the recent decision in Australian Building and Construction Commissioner v Powell [2017] FCAFC 89.

As you would be aware, you do not hold a Federal entry permit. Accordingly, you are not entitled to exercise a State or Territory OHS right (as defined by the FW Act). Seeking to exercise such a right may constitute a contravention of s. 494 of the FW Act, which carries a maximum civil penalty of $12,600 for an individual and $63,000 for an organisation.

Should the ABCC become aware of further instances in which you exercise these State or Territory OHS rights without having obtained a Federal entry permit, the ABCC may commence proceedings in relation to a contravention of s 494 of the FW Act. This letter may be submitted as evidence in any such proceedings that the issue was brought to your attention.

Mr Cartledge is invited to contact the author at his contact address should he wish to discuss this letter. The letter is signed Cliff Pettit, Deputy Commissioner, ABCC. I seek leave to table this letter.

Leave granted.

The Hon. T.A. FRANKS: So, the bogey that somehow this bill will allow one Aaron Cartledge of the CFMEU onto worksites unfettered I think should, with that letter and with that Powell legal decision, be put to rest. Certainly, the intent of this bill was also queried by the Hon. Rob Lucas as unnecessary. Indeed, some of the correspondence he referred to noted that it was unnecessary because we did not have exact harmonised laws.

One thing that South Australia has that is different to the other states is an increased training regime for occupational health and safety reps. That was an amendment that both myself and John Darley championed, and I am proud that we have better occupational health and safety training than the other states and territories. Another item that was raised was my several attempts now to introduce legislation that would have a charge of industrial manslaughter available to be used in this state where a person in a workplace had, through recklessness, negligence and so on, lost their life.

I am proud that we bring such pieces of legislation to this place. Indeed, when we harmonised the law, other jurisdictions did have industrial manslaughter provisions. The idea of harmonising occupational health and safety as a race to the bottom is not something that the Greens will support. It may be the wish of some in this council that we have the least protections, but that is not what the Greens will champion and believe, and we will not give up on that.

However, I am heartened because, if we are going to accept that if another jurisdiction has industrial manslaughter laws, I point out to the Hon. Rob Lucas that the Queensland government has just acted to ensure that in that state they will soon have industrial manslaughter laws. So, I welcome a change of heart, perhaps, if not a change of mind from the Liberal government. What else has changed? Most importantly that Powell case and the negotiation with the government. I extend my thanks to Jim Watson in the office of minister Rau for their compromise again on work health and safety, but in this case not a race to the bottom but, indeed, a workable solution.

Another thing that has changed is that we have 13 sitting days in this parliament before we may well have a new government. Perhaps this Weatherill Labor government is ensuring that, while they were exhausted and worn down by that over a year long debate some years back on work health and safety, they are securing the best work health and safety protections for South Australians should an outcome be not favourable to the current government come March next year, those protections have been secured rather than forsaken in the art of compromise, which of course we all know is common in this place.

Another thing that has changed is that the Greens have put the issue back on the agenda. We do so proudly. We do not do so at the behest of any particular group. We do it for all South Australians, and I would hope that members of this council here will be voting tonight not on the idea of some class war—I saw very Cold War or indeed coal war allusions made earlier in a speech—but on a process, putting aside the spear carrying, the polemics and the party politics and putting the safety of those people who work in our state as our priority.

With those few words, I look forward to further debate. I am sure there will be many questions, not only at clause 1, but through the evening. I commend the bill and note the amendment to come, and thank again all members for their contribution.

The council divided on the second reading.

Ayes.....9
Noes 8
Majority 1

AYES

Darley, J.A.	Franks, T.A. (teller)	Gago, G.E.
Gazzola, J.M.	Hanson, J.E.	Hunter, I.K.
Maher, K.J.	Parnell, M.C.	Vincent, K.L.

NOES

Brokenshire, R.L.	Dawkins, J.S.L.	Hood, D.G.E.
Lensink, J.M.A.	Lucas, R.I. (teller)	McLachlan, A.L.
Ridgway, D.W.	Wade, S.G.	

PAIRS

Malinauskas, P.	Lee, J.S.	Ngo, T.T.
Stephens, T.J.		

Second reading thus carried.

Committee Stage

In committee.

Clause 1.

The Hon. R.I. LUCAS: The Hon. Mr Darley made a statement in a question in the second reading, and it is an important one that needs to be explored with the Hon. Ms Franks during the committee stage and clause 1, and that is that someone has advised the Hon. Mr Darley wrongly that, under this bill, the advice provided to a health and safety representative will have to be from an expert, which was the question that he put, and the Hon. Ms Franks did not answer that particular question. That answer needs to be provided during the committee stage of the debate.

It is quite clear that, whoever has told the Hon. Mr Darley that, is just factually incorrect. What this bill does not currently do, but will do with the amendment to be moved by the Hon. Tammy Franks to delete 68(4), is mean that 68(2)(g), which is the main part of the powers and functions of the safety

representatives that we are talking about, will say that, whenever necessary, in essence, a health and safety representative can request the assistance of any person—any person. It does not say 'any person who is an expert in health and safety matters', it does not say 'any person who has any knowledge at all of health and safety matters'—it just says 'any person'.

The proviso on 'any person' is what was in 68(4) of the legislation, which is what is proposed to be deleted. Section 68(4) says that subsection (2)(g) does not extend beyond a person who works at the workplace, a person who is involved in the management of the relevant business or undertaking, or a consultant who has been approved by the consultative council or a health and safety committee that has responsibilities in relation to the work group that the health and safety representative represents, or the person conducting the business or undertaking at the workplace, or the person's representative.

Then it defines what is a consultant: 'a person who is, by reason of his or her experience or qualifications, suitably qualified to advise on issues relating to work health, safety or welfare'. That is an expert, supposedly—that is the best definition of an expert. What has been done is that the expert has been taken out of this; contrary to what the Hon. Mr Darley has been told. What he has been told that will be supported is that we will make sure that the person who helps is an expert. It is quite the reverse.

The current act, which we all supported, provides that a consultant or an expert, or someone who is involved in the operation of the business, like the boss or someone else who is operating in the business, is the one who the health and safety representative can request the assistance of if they need assistance. So, the current act provides for the expert; what is being proposed is to get rid of the expert. Quite clearly, that is the intention of this: to get rid of the expert, the consultant, or whatever it might happen to be, and so all that will be left will be that the health and safety expert, wherever necessary, can request the assistance of any person. It does not have to be an expert. It can be an expert, but it does not have to be an expert.

As I indicated, these provisions interstate have been used to invite journalists on to a work site, not an expert in work health and safety, because the particular person at the work site has wanted to get either media coverage or television coverage of the immediate aftermath of a workplace incident and has invited a journalist on to the site.

It is clear that what is being proposed here will allow the invitation on to a work site of a media representative, a non-expert—or it could be an expert, but it does not require that it has to be an expert, contrary to the indication that has been given to the Hon. Mr Darley. I am very interested—because obviously you could not interject, within the standing orders, during the second reading response—for the Hon. Ms Franks to respond to the question the Hon. Mr Darley put, and that is that he was seeking confirmation from the Hon. Ms Franks that this particular amendment, and the proposals if supported, would mean that only experts were going to be able to assist the health and safety representative.

The Hon. T.A. FRANKS: I certainly looked forward to the committee stage of this debate, and I knew I would have lots of opportunities to respond to all the questions that were to be put. So, let us address this one. I am glad we have knocked on the head the idea that this is somehow a Trojan horse for the CFMEU, and I am hoping that we have got over the idea that this is only to do with building and construction sites and that we broaden our minds now and realise that this applies to the entirety of the state's workplaces.

The bill, as amended, does broaden the scale of work health and safety representation by removing the restrictions currently found in section 68(4); however, this will not lead to open slather arrangements, as has been bandied about, that would somehow allow unrestricted access to the workplace; for example, this idea of allowing media on the site. I would like to address that point first.

The Hon. Rob Lucas has pointed to examples of where media have been brought onto a site after an accident. I think once the accident has happened you know there is a problem with safety on the worksite. That is not actually what we are talking about here, but I invite the Hon. Rob Lucas to give examples of where these provisions have allowed media access to worksites. I am certainly interested to hear them, and I look forward to that response.

I continue. The effect of the existing provision, section 68, is that while the current subsection (4) would be removed, the balance of section 68 remains, as well as other provisions in the act, of course, defining the power and functions of HSRs who may request assistance under section 68(2)(g). Such requests must still fit within the prescribed functions of the HSR, which is focused on a capacity to resolve a work health and safety issue. A person providing assistance would, therefore, need to have practical experience and skills with regard to resolving such issues, and therefore the bill does not change the circumstances under which the assistance can be sought but just broadens the definition of who can be called in for that assistance.

The main reason for this change is so that assistants have the right experience or expertise to actually help, while dispensing with the need to wait for that committee approval. For example, it is no good calling in a crane expert to deal with a scissor lift issue or vice versa, or, to get off the building sites, it is no good to call in an expert in commercial kitchens in the context of a problem or suspected problem with a science lab. The scope of an HSR calling for assistance remains constrained by section 68(1) as follows:

> The powers and functions of a health and safety representative for a work group are—
>
> (a) to represent the workers in the work group in matters relating to work health and safety; and
>
> (b) to monitor the measures taken by the person conducting the relevant business or undertaking, or that person's representative, in compliance with this act in relation to workers in the work group; and
>
> (c) to investigate complaints from members of the work group relating to work health and safety; and
>
> (d) to inquire into anything that appears to be a risk to the health or safety of workers in the work group, arising from the conduct of the business or undertaking.

The example of calling in the media for assistance simply would not fit within this function of representing workers 'in matters relating to work health and safety'. I also note the effect of section 65; in fact, an HRS attempting to call in the media using the provisions of this bill would be subject to disqualification, falling foul of section 65(1)(a), exercising a power or performing a function as a health and safety representative for an improper purpose. Section 65—Disqualification of health and safety representatives, provides:

> (1) An application may be made to SAET to disqualify a health and safety representative on the ground that the representative has—
>
> (a) exercised a power or performed a function as a health and safety representative for an improper purpose; or
>
> (b) used or disclosed any information he or she acquired as a health and safety representative for a purpose other than in connection with the role of health and safety representative.

I hope that answers the member's questions.

The Hon. R.I. LUCAS: The Hon. Tammy Franks has just freely conceded that the person does not have to be an expert, and that is the question the Hon. Mr Darley put. It is quite clear, it does not matter what other provisions the Hon. Tammy Franks wants to refer to in her attempted response to the Hon. Mr Darley's very perceptive question, 68(2)(g) quite clearly says, 'request the assistance of any person'. The only restriction on that 'any person' was what is being proposed to be deleted by the Hon. Tammy Franks' bill.

The current provisions of the act provide that when you look at 'any person'—and that is why the amendment was introduced: it was introduced to try to say that these people should be able to provide some expertise (and the word used was 'consultant' not 'expert'). However, the consultant, I remind members, is someone who, by reason of his or her experience or qualifications, is suitably qualified to advise on issues relating to work health safety. Why would you want to get rid of that provision—someone who is an expert, albeit the legislation calls it a consultant, at work health and safety? What the current legislation states is that if a health and safety rep, who could be a union member—I repeat the point: if the workers actually want a union member to be their health and safety rep they can elect a union member.

So, let's not go down this path where I think the Hon. Tammy Franks and others, the CFMEU, are seeking to portray this as the unions being locked out of work health and safety issues. Far from

it, as I indicated in the second reading, they have and continue to have considerable access to worksites and powers and if the workers want a union member to be the health and safety rep they can do so. If they want to elect a consultant or an expert who is an appropriately qualified union officer or member they can do so as well.

However, the current act has in it the expert and states, if a health and safety rep says, 'Look this is all pretty difficult, I need some help. I want to get an expert in'—albeit called a consultant—that is what the current act does. The proposal is to get rid of the expert and the consultant as a requirement and say, 'You can go and get any person. You can get any Tom, Dick or Harry. It does not have to be just the media example. It could be the media, it could be any Tom, Dick or Harry.' It is 'any person'. There are no restrictions, as the current act has, in terms of the sort of person who might be involved to assist the health and safety rep in trying to resolve a health and safety issue.

No amount of sophistry from the Hon. Tammy Franks is going to get around the point that there is nothing in the proposal from the Hon. Tammy Franks that talks about experts anymore. In fact, it does the reverse; it gets rid of the experts from the legislation as a requirement. It opens it up and, as I said and I acknowledge, the health and safety rep could, of their own volition, choose to get an expert or a consultant if they wish, but there is no requirement to get someone suitably qualified in work health and safety if they do not wish to. That will be a choice for them.

Certainly, I think to any reasonable person listening to both the question from the Hon. Mr Darley and the answer from the Hon. Ms Franks will have to say that the only issue in relation to experts here is that this proposed bill is going to get rid of the experts as a requirement and will say the health and safety rep can get assistance from any person; it does not have to be an expert or a consultant with expertise in the area of work health and safety.

The Hon. T.A. FRANKS: I remind the Hon. Rob Lucas yet again of the protections of section 65, which guards against improper purposes and provides provisions to address any improper person, and again invite him to give these examples of media being invited onto sites in these situations.

The Hon. R.I. LUCAS: The Hon. Ms Franks knows full well that section 65 requires ex post—it says that an application may be made to the South Australian Employment Tribunal to disqualify someone—and then you are going to have to make a case that they have improperly exercised a function as a health and safety representative. So, someone, after the event, is going to have to go to the trouble of taking, in essence, legal advice and legal action in the Employment Tribunal to disqualify someone on the basis of an argument that they have done something which was for an improper purpose.

It is a very high legal bar to resolve for an improper purpose. I would invite the Hon. Tammy Franks to take legal advice on trying to meet that legal threshold of an improper purpose in relation to the work of a health and safety representative, not a genuine mistake, a well-intentioned mistake or whatever it might be. It is an improper purpose that they would have to be found guilty of. Good luck with trying to prove that in front of the Employment Tribunal. I think the Hon. Tammy Franks knows that, and that is just a furphy or a diversion.

It does not address the fundamental issue that it is her amendment that is getting rid of the experts. It is quite the contrary of whoever has told the Hon. Mr Darley that what he is supporting is a requirement for there to be experts. It is for the Hon. Mr Darley to indicate who has given him that information, but the Hon. Mr Darley made it quite clear that he was supporting this on the basis of an understanding he had been given that this was going to require experts. It is quite the contrary.

I can understand if there has been some sophistry in relation to the manoeuvring of what the intentions of the bill might be, but to tell somebody that this bill is going to require experts, when it actually takes the experts out of the legislation as a requirement, is completely the reverse of what is being done. It is an extraordinary set of circumstances in terms of the claim that has been given to the Hon. Mr Darley about the actual impact of the legislation if it eventually passes the parliament in the House of Assembly.

The Hon. T.A. FRANKS: I invite the Hon. Rob Lucas, for the third time, to give these examples, these mythical examples, of the media somehow coming onto worksites and how they would not, of course, come under a definition of improper purpose. I note that he has thought that

somehow a mistake or a well-meaning error would not come under the definition of improper purpose, and I think that is probably for the best if somebody has not meant harm. Given that sophistry is the word of the night, I also invite the Hon. Rob Lucas and, indeed, all members of the council to fully read section 68(2)(g):

> In exercising a power or performing a function, the health and safety representative may…whenever necessary, request the assistance of any person.

Therefore, it is not any person unfettered: it has to be done within the HSR exercising that power or performing that function as defined in subsection (1), so there are your further protections. It also helps not to cherrypick simple parts that the Hon. Rob Lucas likes to make fun of. Many of us who were here in this chamber for the work health and safety first harmonised legislation remember the well over a year we debated that legislation for, and I know who the real sophist is.

The Hon. R.I. LUCAS: That is just a nonsense argument. The only addition the honourable member has added to section 68(2)(g) was the introduction of the first words in subsection (2), which were quite clear:

> In exercising a power or performing a function, the health and safety representative may…whenever necessary, request the assistance of any person.

Of course that is the case. What else would you expect a health and safety representative to do? The health and safety representative is there for health and safety reasons and to exercise a power or whatever it happens to be. That does not limit the argument in relation to 'any person'. The issue we are addressing here is: does the bill, as the Hon. Mr Darley has been told by somebody, require experts? That is the reason why he says he is supporting it. It does not: it is taking the experts out. The provision in the legislation has the experts, albeit they are called consultants. It does not matter how the Hon. Tammy Franks wants to dress it up—

The Hon. I.K. Hunter: Talk about sophistry.

The Hon. R.I. LUCAS: Or sophistry, for example. It does not matter how the Hon. Tammy Franks, if she prefers the phrase, dresses it up; the issue is that it is quite clear that it does not require the use of experts. It says 'any person'. The experts are in the legislation at the moment and it is proposed by this particular bill that they be taken out, if the bill passes the house.

Clause passed.

Clauses 2 to 3 passed.

Clause 4.

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

Amendment No 1 [Franks–1]—

> Page 2, line 15 to page 3, line 3 [clause (4)(1)]—Delete subclause (1) and substitute:
>
> (1) Section 68(4)—delete subsection (4)

I note that I have done so in consultation with the minister's office and again thank his adviser Jim Watson for coming to this compromise. I commend the amendment to the chamber.

The Hon. R.I. LUCAS: I assume the Hon. Ms Franks's preferred position was the bill she introduced. The arguments that are in the second reading obviously address her bill rather than the amendment that is now being moved. How does she see her proposed amendment fitting with her argument in the second reading in relation to the model bill?

The Hon. T.A. FRANKS: I did actually address that topic in my second reading contribution. I noted that this was indeed a further compromise and that the Greens would go for a greater strengthening of our protections for worker safety. Indeed, the Hon. John Darley fought for extra training days for work health and safety representatives. I acknowledge this is the art not of sophistry but of compromise in politics and that the government has seen fit to support this form of words.

The Hon. R.I. LUCAS: Does the Hon. Ms Franks indicate that the government was not prepared to support the amendment originally proposed in the honourable member's bill?

The Hon. T.A. FRANKS: Yes.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. T.A. FRANKS (21:17): I move:

That this bill be now read a third time.

The council divided on the third reading:

Ayes 9
Noes..... 8
Majority..... 1

AYES

Darley, J.A.	Franks, T.A. (teller)	Gazzola, J.M.
Hanson, J.E.	Hunter, I.K.	Malinauskas, P.
Ngo, T.T.	Parnell, M.C.	Vincent, K.L.

NOES

Brokenshire, R.L.	Dawkins, J.S.L.	Hood, D.G.E.
Lensink, J.M.A.	Lucas, R.I. (teller)	McLachlan, A.L.
Ridgway, D.W.	Wade, S.G.	

PAIRS

Gago, G.E.	Stephens, T.J.	Maher, K.J.
Lee, J.S.		

Third reading thus carried; bill passed.

Motions

PROCLAMATION OF SOUTH AUSTRALIA ANNIVERSARY

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

That this council—

1. Acknowledges the historical significance of the 180th Anniversary of the Proclamation of South Australia; and

2. Highlights the major political, social and cultural milestones which have been achieved in South Australia over the last 180 years.

(Continued from 31 May 2017.)

The Hon. J.E. HANSON (21:22): Proclamation Day is a time when we come together to celebrate our achievements as a state. On Proclamation Day in December last year, the Premier addressed the 180th Proclamation Day commemoration at the Old Gum Tree Reserve in Glenelg North. He spoke of South Australia's accomplishments in three main areas: social cohesion, standard of living and quality of life.

In terms of social cohesion, he noted that South Australia is a proudly progressive state. In 1894, we became the first place in the world to permit women to both stand for parliament and, of course, to vote. Migrants and refugees are welcomed, we have found value in each other and we

have learned to live peacefully together, and our Governor, His Excellency the Hon. Hieu Van Le, is a wonderful example of this.

The Premier also spoke of South Australia's standard of living. From a small settlement far away from other population centres, we have managed to create a modern and diverse economy that is now worth $100 billion. Despite the ups and downs of the global economy over the past two decades, South Australia has managed 24 consecutive years of steady economic growth. This sustainable and steady growth is projected to continue into the future.

Finally, the Premier spoke about our quality of life. We live in a state where we have access to great schools, world-class hospitals and open spaces to enjoy with our family and friends. We have wineries close by that produce 70 per cent of Australia's premium wine, and we have pristine, sandy beaches no more than 30 minutes from the city. We even have stores that sell tyres. We are kept safe by one of the best police forces in the world, giving people confidence to enjoy many exciting festivals and events at night. We get to enjoy this and many other benefits because over the decades governments, including the current government led by Premier Weatherill, have invested in our beautiful state.

The Hon. D.W. RIDGWAY (Leader of the Opposition) (21:24): On behalf of my colleagues, I thank all members for their contributions to this very important motion that acknowledges the historical significance of the 180th anniversary of the proclamation of South Australia. I encourage all members to support the motion.

Motion carried.

AUSTRALIAN CHINESE MEDICAL ASSOCIATION SOUTH AUSTRALIA

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

That this council—

1. Acknowledges the 25th anniversary of the Australian Chinese Medical Association SA (ACMA-SA);

2. Pays tribute to past and present presidents and committee members of ACMA-SA for their leadership and long-term commitment to support charitable causes, community programs and healthcare services for the South Australian community; and

3. Highlights the achievements and contributions of ACMA-SA and the Australian-Chinese medical professionals made to Australia and South Australia.

(Continued from 5 July 2017.)

The Hon. T.T. NGO (21:25): I rise on behalf of the government to support the Hon. Jing Lee's motion. The Australian Chinese Medical Association of South Australia (ACMA) was founded in 1992, which is 25 years ago. From its inception, the ACMA has strived to promote professional and social exchanges within the South Australian medical community, to enhance and build upon knowledge and to represent its members in wider society through various community activities.

The ACMA currently has around 150 members, with one-third of its members being GPs, another third being specialists and the remaining third being residents, medical officers and medical students. The Australian Chinese Medical Association Foundation, formed in 1996, is the charity arm of the ACMA and since 2008 has been honoured with the patronage of His Excellency the Governor of South Australia, Mr Hieu Van Le.

The objectives of the foundation are to support medical research and education in South Australia, to promote community health and health education, to encourage research by medical students of Adelaide and Flinders universities, to provide awards for excellence for students of Adelaide and Flinders universities, and to fund projects that benefit the elderly and disadvantaged, all of which are worthy objectives.

Another part of the ACMA is the Young ACMA. The Young ACMA was formed to cater specially for younger members as well as medical students. The Young ACMA aims to foster strong bonds among young doctors across all fields of medicine as well encourage professional and social relationships between young and senior ACMA members, including a mentorship program. They also organise educational and social events catering to the needs of the young ACMA members.

Throughout its 25 years, the association has proved itself to be a dedicated and united association, thanks in no small part to its hardworking organising committee and, of course, the steady support of all its members and sponsors. I congratulate its current president, Dr Jane Zhang, and vice-president, Dr Kien Ha, whom I know very well and I know his dad very well, along with all other board members, past and present, for their commitment and dedication in making the association what it is today.

The future of the Australian Chinese Medical Association of South Australia is indeed bright, with membership increasing among the up and coming new generations of doctors and medical students, who will no doubt continue its proud legacy and noble traditions.

Finally, I would like to congratulate Dr William Tam, a former president of the ACMA, on his appointment as President of the Australian Medical Association of South Australia earlier this year. With that, I fully support this motion.

The Hon. S.G. WADE (21:30): I rise to speak on the motion moved by the Hon. Jing Lee in relation to the Australian Chinese Medical Association of South Australia. As shadow minister for health and wellbeing, I am delighted to join this council's recognition of the 25th anniversary of the association. I thank the Hon. Jing Lee for giving us this opportunity to pause and to celebrate the hands that built the association and continue to build the friendship within the Chinese community and the wider community.

At 25, the association is a young association that comes from one of the oldest communities in the state, which in turn comes from one of the oldest cultures in the world. Mr Tim Sang from the Guangdong province in China arrived in the province of South Australia before 1840. The community was the subject of ongoing discrimination in the 1800s. In fact, in the first year of this parliament in 1857, a poll tax was imposed on every Chinese person landing in South Australia. The parliament was responding to an influx of immigrants relating to a gold rush.

The Chinese community rarely spoke out, but it is interesting that when it did so on one occasion in 1888 the community referenced health issues. The petition proudly asserted that the Chinese community made no demands on hospital accommodation and there were no Chinese drunks. In that context, it was interesting that in that same year, Mr Way Lee, a Chinese businessman raised £191 to help build the Adelaide hospital.

Chinese community members have continued to make a significant contribution to the South Australian community through the modern era. In October 1990, only a few years before the Australian Chinese Medical Association was formed, Dr Bernice Pfitzner, a medical practitioner originally from Singapore, was the first Chinese person elected to this Legislative Council. Of course, I am proud to say that Dr Pfitzner was a member of the Liberal Party team. In May 2000, Mr Alfred Huang, a migrant from Hong Kong, became the first Chinese Lord Mayor of Adelaide.

This Australian-Chinese community has also grown significantly over the years. I understand there were about 300 Chinese South Australians in the 1880s. The community had grown to around 10,000 by the mid-1980s and now numbers in the order of 40,000. Chinese students represent 40 per cent of the 30,000 international students that we host. Chinese visitors make up 10 per cent of South Australia's international visits. The Australian Chinese Medical Association of South Australia provides a very valuable role in that context. As a network of health professionals with Chinese language skills, the association plays an invaluable role in making South Australia a healthy, safe and welcoming place for residents and visitors alike.

Our health system is stronger when clinicians communicate clearly; however, it is further enriched when their communication skills are broader and richer in terms of language and culture. When our clinicians are able to speak with their patients in Mandarin or in Chinese, or in any of the other languages spoken by thousands of people who depend on our health system, the health system is better and safer.

The Australian Chinese Medical Association has a wideranging membership, including both Chinese and non-Chinese members. It includes GPs, specialists, senior medical officers and students. The association offers not only a range of medical expertise, but also cultural diversity and acceptance. Promoting diversity and assisting the Chinese community in our state are part of the great services the ACMA provides. Beyond the relationship between doctor and patient, the

association has fostered stronger ties between the Chinese-Australian community and other communities in the state.

It has struck me that both the association and its related foundation support a wide range of charities and charities not only limited to the Chinese community. The ACMA Foundation has supported numerous charities, including the Royal Flying Doctor Service, the Royal Society for the Blind and the Medical Benevolent Association of South Australia. It has also provided support to members of the Chinese community struggling with their health, as well as medical and financial assistance to orphanages in China.

The association has won the respect of both the Chinese and the broader medical communities. It has established strong ties between the two. The respect in which the Chinese Medical Association is held in the wider medical community is highlighted by the service of one of its leaders, Dr William Tam. In 2011, Dr Tam established the Australia-Chinese collaborative initiative as a platform for research, training and education in gastroenterology. As President of the Australian Chinese Medical Association and the Australasian Council of Chinese Medical Associations, in 2013 he chaired a lecture series on migrant and women's health, organised in conjunction with Chinese students and the Chinese embassy.

In 2017, Dr Tam was recently installed as the President of the South Australian branch of the Australian Medical Association. Dr Tam's leadership in both the Chinese Medical Association and the broader medical community is a sign of respect both to him personally and to the Chinese community. I wish him well.

Along with other parliamentarians, including the Hon. Julie Bishop, I was delighted to attend the ACMA's Chinese lunar new year function earlier this year, hosted by the president, Dr Jane Zhang.

In conclusion, I am delighted to acknowledge the contribution of the Australian Chinese Medical Association of South Australia, the strong leadership of Dr Zhang, the hard work of its committee, leaders and members and wish all of them well, both now and in the future.

The Hon. J.S.L. DAWKINS (21:37): On behalf of the Hon. Jing Lee I wish to thank the Hon. Tung Ngo and the Hon. Stephen Wade for their contributions on this matter. This organisation is obviously one that the Hon. Ms Lee has a great deal to do with and had great pride in moving this motion, which I commend to the council.

Motion carried.

BRIGGS, PROF. FREDA

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

That this council—

1. notes the passing on 6 April 2016 of child protection advocate, Emeritus Professor Dr Freda Briggs, AO;

2. recognises the extraordinary body of work Dr Briggs undertook to become an expert in the field of child protection;

3. recognises the role Dr Briggs played into her 86th year of life working towards the welfare and safety of children; and

4. calls on the South Australian government to establish a research scholarship in Freda Briggs' name at the Australian Centre for Child Protection to honour her name and her dedication to this work.

(Continued from 18 May 2016).

The Hon. J.E. HANSON (21:39): On behalf of the government of South Australia and the Minister for Education and Child Development, the Hon. Susan Close, I wholeheartedly express my support for the motion by the Hon. Kelly Vincent to recognise the extraordinary work of Dr Freda Briggs during her lifetime and to create a scholarship in her name.

The creation of the scholarship at the University of South Australia is an important action because it will not only honour the name of the emeritus professor, but it will also ensure her lifelong contribution to the welfare of children will continue to inspire others to build on her important work.

When Emeritus Professor Dr Freda Briggs passed away last year, she left behind a truly incredible legacy of ensuring children and young people around the world are safe and free to learn and grow.

Emeritus Professor Dr Freda Briggs began her work in child protection with the London Metropolitan Police at New Scotland Yard in the 1950s. As one of the first female police officers in London, Freda was often assisting with the issue of vulnerable children in her day-to-day work. It was more than 50 years ago that Freda began making society a safer place for children. Freda went on to undertake teacher training at Warwick University and as she learned about child development she began to use her knowledge to inform others about the importance of child protection. It was during this time that Freda commenced her life as a researcher and an educator.

Freda emigrated to Australia in 1975 to become the Director of Early Childhood Studies at the State College of Victoria, and in 1980 she moved to Adelaide to become the Dean of the Institute of Early Childhood and Family Studies. This is where Freda established her pioneering child protection course, which she then helped to establish in other places, including the United States, Hamburg and Brazil. Freda was instrumental in changing the way Australians thought about child protection. Freda gave a voice to vulnerable children and helped us to understand that child abuse was not only perpetrated by strangers, but could also be perpetrated by the very people that the children relied upon for their wellbeing.

Freda helped create the foundation for our belief in establishing and maintaining child safe environments in all organisations providing services to our children. In addition, Freda consistently advocated for a professional child protection system to address the harm being caused to children in their family homes. Freda was an advocate, an academic, an educator and an author of 20 books. One can only imagine how many child protection workers and teachers have been influenced by Freda's knowledge and passion for child welfare.

There must be a similarly large number of policymakers and members of government who would have been influenced by Freda during her lifetime. I know that the current Minister for Education and Child Development had regular meetings with Freda to discuss childhood development and child protection matters, and that she has also been of benefit to former ministers and advisers in that portfolio area.

The list of Freda's contributions and achievements are extensive. Over the years, Freda has provided assistance to royal commissions and to parliamentary inquiries and has written numerous submission to state and federal inquiries related to child protection. Freda has also received numerous accolades, including the Australian Humanitarian Award, Senior Australian of the Year, Officer of the Order of Australia, the ANZAC fellowship award, the national Centenary Medal, the Jean Denton Memorial Scholarship and the Creswick fellowship award. In 2009, Freda received an honorary doctor of letters degree from the University of Sheffield for outstanding research, publications and contributions to education relating to child abuse and child protection.

It is only fitting then that the proposed scholarship will be established at the University of South Australia, where, in 2005, Freda was appointed as Foundation Chair of Child Development and an emeritus professor. There will be many who have had the privilege of learning from the insight and expertise of Dr Freda Briggs as the pre-eminent voice on child protection in Australia. There will be many of us who will ask, 'What would Freda do?' whenever a system failure is highlighted for us. We must never be worn down or disheartened by the constant battle to make children safe. We need to act like Freda and maintain our motivation and continue to fight, to educate and inform.

I am pleased to announce that the Department for Education and Child Development has been working closely with the University of South Australia and that the inaugural recipient of the scholarship will begin studies in 2018. I believe this is a fitting gesture and will ensure Freda's name continues to be known and her work continues to be done. On behalf of the government, I would like to say thank you to Emeritus Professor Dr Freda Briggs.

The Hon. T.A. FRANKS (21:44): I rise to echo the support for the motion brought before this place by the Hon. Kelly Vincent and pay tribute to the late Dr Freda Briggs, Emeritus Professor. Freda was known to me. She was a wonderful adviser, an amazing advocate. As the Hon. Justin Hanson just noted, we should all ask ourselves, 'What would Freda do?' because what Freda would do is never ever give up.

I put it on record that I pay tribute to her amazing body of work raising awareness and action around the issue of child abuse, exposing that abuse where it was often denied, championing better ways of ensuring that those who work with children are not just trained in child development but, of course, in child protection. Certainly, I recommit to ensuring some of Freda's goals, such as the registration of social workers and the reform of the Family Law Court in this country.

The Hon. J.M.A. LENSINK (21:46): I rise to also commend this motion to the council and to commend the honourable mover for her initiative in raising this matter. Freda Ackeroyd was born in 1930 in Yorkshire and went on to become a pioneer as a child advocate, both in early childhood development and also in child protection. It is almost exhausting having read through her history and her list of achievements, but I think it just goes to show what an extraordinary woman she was that she pursued these issues with so much passion and vigour, and right up until the end she was still working on these issues.

In her formative years as a teenager she experienced her own attempts of abuse. As a 15-year-old clerk, the chief engineer at Imperial Chemical Industries engaged in sexual harassment of her. She complained, and he was moved on. She was also an exchange student in Belgium, where her host father tried to get into her room. She was successful in keeping him out and, feigning illness, returned to the UK, so no doubt that made quite an impression on her at a young age.

In terms of her career in this field, she started her career as a child protection officer with the London police at New Scotland Yard. She then moved into the fields of social work and teaching and undertook extensive further studies in early childhood, teaching psychology and sociology. She moved to Australia in 1975 to take up a position as the director of Early Childhood Studies at the State College of Victoria, which is now Monash. In 1980, she and her family moved to Adelaide, as she was appointed the foundation dean of the de Lissa Institute of Early Childhood Studies, which is now the University of South Australia, which is where she introduced the first multiprofessional tertiary entry course in child protection.

She helped many victims along the way. She was incredibly accessible to a range of individuals, as well as organisations. She advised police in New Zealand, Correctional Services across South Australia, was an expert witness in child abuse trials, gave evidence to many parliamentary inquiries and delivered countless speeches and seminars, including to our own women's council in the Liberal Party.

She advised numerous organisations, including the Scouts, the Christian Brothers, the Anglican Church, the Catholic Church and the Australian Defence Force. She wrote protocols and guidelines for child protection. As the Hon. Justin Hanson has alluded to, she debunked the myth of stranger danger, in that most children are more likely to be groomed and subject to risk from people they know rather than people they do not know.

She wrote some 20 books and advocated for a royal commission prior to one being established. She also received very significant civil and academic awards. In 1998, she was the inaugural recipient of the Australian Humanitarian Award, in 2000 she was the Senior Australian of the Year, in 2005 she was made an Officer of the Order of Australia and, in 2009, she received an honorary doctorate of letters from the University of Sheffield.

I was pleased to hear the comments of the honourable representative from the government speaking about the support for a research scholarship. I certainly note that the University of South Australia has established memorial funding to support that work. In 2004, the Australian Centre for Child Protection was established in her name and received $10 million from the Howard government. So, she has a huge record of work, and it is only fitting that this chamber should acknowledge that.

The Hon. K.L. VINCENT (21:50): Can I briefly speak and just begin by thanking those who have spoken in unanimous support for this motion to acknowledge the extraordinary life and work of Professor Freda Briggs and indeed establish a scholarship in her name, which is to be done through the University of South Australia. Those who have spoken in support of this motion have done so with a great deal of passion, and that is exactly what should be done, because Professor Briggs' life was certainly one of great passion and dedication to the enormously important cause of child protection.

Personally, I became aware of Professor Briggs and met her soon after I was elected to this place in 2010 when I was advocating for the parents involved in what has become known as the busman's case, the alleged sexual abuse of seven young children with intellectual disabilities in the southern suburbs of Adelaide. This is, of course, an horrific situation to have to work on and an horrific situation under which to meet someone; nonetheless, I am very thankful that it brought Freda Briggs into my life, because she taught me an enormous amount about child abuse, the behaviours of child abusers, how to spread that awareness in the community so that families, children and the like can be more informed and indeed how the law should respond to those behaviours.

That case was pivotal to the establishment of the Disability Justice Plan and the legislation that we now have in the vulnerable witnesses act, protecting the rights of people with disabilities, including very young children, to have their day in court. This is, of course, important for a number of reasons, not least of which is that people with disabilities are statistically so much more likely to be abused than those without.

This brings me to another area of passion I think it is fair to say Freda and I shared, which was the right of people, particularly those who may be undereducated because of disability and particularly, again, those who are children, to be educated about subjects like sexuality, sex, relationships, bodily autonomy and so on. I think we both recognised that although there is a completely understandable want to protect those children—to protect all children, in fact—and especially those with disabilities, and a want to shy them away from these topics, it is my unfortunate observation that this has in fact the very opposite effect to what is desired in that it actually makes them more vulnerable. If they do not recognise what a healthy interpersonal relationship looks like, they are more unlikely to recognise what an unhealthy one looks like and indeed what abuse looks like.

That is why many of us in this place continue to ask ourselves to this day, 'What would Freda do?' But, indeed, it is not enough to just ask ourselves what would Freda do. We need to ask ourselves, 'What would I do?' and 'What will we do to continue her important work and to continue our fight for children's rights and child protection all over this state?'

That is why I am so pleased that a scholarship has been established to continue that important research so that knowledge spreads not only throughout academic circles but into the community as well, so the community can be better armed with the knowledge they will hopefully pass on to their children and see them better protected. With those few words, thank you again to those who have given passionate support to this motion. Rest in peace, rise in power, Freda Briggs.

Motion carried.

Bills

LINEAR PARKS (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) (21:55): Obtained leave and introduced a bill for an act to amend the Linear Parks Act 2006. 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) (21:56): I move:

That this bill be now read a second time.

I seek leave to have the second reading speech and explanation of clauses inserted into *Hansard* without my reading it.

Leave granted.

Today I am pleased to introduce the Linear Parks (Miscellaneous) Amendment Bill 2017 which amends the *Linear Parks Act 2006* to support the creation of healthy, liveable communities by providing additional powers to establish linear parks.

Linear Parks are multi-functional open space corridors which provide a wide range of social and environmental benefits including:

- promoting physical activity by providing improved recreational opportunities;
- connecting neighbourhoods and encouraging walking and cycling through the development of safe off-road path networks;
- provision of green infrastructure within the urban environment;
- creation of urban biodiversity corridors which provide an opportunity to connect with nature; and
- stormwater management to improve water quality and provide flood mitigation.

The 30 Year Plan for Greater Adelaide provides a vision for a network of linear parks across the region. Building on the success of the River Torrens Linear Park, consideration will be given to preserving and establishing additional linear parks along a variety of corridors including Gawler River, Little Para River, Dry Creek, Sturt River, Field River, Christie Creek, Onkaparinga River, Pedler Creek and Port Willunga Creek.

The purpose of this Bill is to extend the provisions of the legislation to:

(a) establish, maintain and preserve linear parks as world-class assets to be used and enjoyed as public parks for the benefit of present and future generations,

(b) promote the use and enjoyment of linear parks by members of the local community and others, and

(c) promote healthy active lifestyles by facilitating the use of linear parks for exercise and other outdoor activities.

This Bill will help facilitate the establishment of linear parks by granting the Minister the same powers that local councils enjoy with respect to local government roads. This includes the ability to construct pathways and undertake associated planting and landscaping. Works may also include the installation of lighting and public facilities to support the establishment of the linear park corridors.

This legislation could be explored as another tool for the creation of community land corridors that do not have a significant environmental value, but provide social benefit.

The creation of a Linear Park would be an effective way to create seamless management of multiple adjoined land parcels, particularly when those parcels are a mixture of Crown Land, Government Minister land or local government land. Trying to create a park on land which includes multiple tenure and dedication arrangements relies on multiple approval and management processes for the various parcels of land. The creation of a linear park would mean there was only one process for consultation, approval and management for the single linear park.

The existing *Linear Parks Act 2006* provides a legislated consultation process with local government where land intended to form part of a linear park is under the care, control and management of a council.

I commend the Bill to the House.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal. There being no commencement clause included, the measure will commence on receiving the assent of the Governor.

Part 2—Amendment of *Linear Parks Act 2006*

3—Amendment of long title

It is proposed to generalise the long title and insert a clause that sets out in more detail the objects and purpose of the principal Act.

4—Insertion of section 2

2—Objects and purpose of Act

New section 2 provides that the objects and purpose of the principal Act are—

(a) to establish, maintain and preserve linear parks as world-class assets to be used and enjoyed as public parks for the benefit of present and future generations; and

(b) to promote the use and enjoyment of linear parks by members of the local community and others; and

(c) to promote healthy active lifestyles by facilitating the use of linear parks by members of the local community and others for exercise and other outdoor activities.

5—Amendment of section 4—Linear parks

The proposed amendments to section 4 clarify the land that may be included in a linear park established under section 4 of the principal Act and that land may be so included even if it has been dedicated under another Act or law for a purpose and despite that purpose. The amendments also make it clear that a council is not required to comply with any other Act or law in making a submission to the Minister under section 4.

6—Amendment of section 6—Special provisions relating to roads

This clause clarifies that an area of land in a plan defining a linear park that is specified on the plan as a 'road area' will be taken to be a public road. The Minister may, as the Minister thinks fit for the purposes of the principal Act, exercise the powers that a council may exercise in relation to a public road in the area of a council in relation to an area specified as a road area on a plan defining a linear park.

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

SOUTH AUSTRALIAN PUBLIC HEALTH (IMMUNISATION AND EARLY CHILDHOOD SERVICES) AMENDMENT BILL

Introduction and First Reading

The Hon. P. MALINAUSKAS (Minister for Health, Minister for Mental Health and Substance Abuse) (21:57): Obtained leave and introduced a bill for an act to amend the South Australian Public Health Act 2011. Read a first time.

LABOUR HIRE LICENSING BILL

Introduction and First Reading

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

SUMMARY OFFENCES (INTERVIEWING VULNERABLE WITNESSES) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the amendments made by the Legislative Council without any amendment.

FINES ENFORCEMENT AND DEBT RECOVERY BILL

Introduction and First Reading

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

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) (NO 2) BILL

Introduction and First Reading

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

STATUTES AMENDMENT (TERROR SUSPECT DETENTION) BILL

Introduction and First Reading

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

At 22:04 the council adjourned until Thursday 28 September 2017 at 14:15.