

## LEGISLATIVE COUNCIL

Wednesday, 30 October 2019

The **PRESIDENT (Hon. A.L. McLachlan)** took the chair at 14:15 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*

#### LANDSCAPE SOUTH AUSTRALIA BILL

##### *Conference*

**The Hon. R.I. LUCAS (Treasurer) (14:16):** By leave, I move:

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

Motion carried.

### *Parliamentary Committees*

#### LEGISLATIVE REVIEW COMMITTEE

**The Hon. T.J. STEPHENS (14:17):** I bring up the 29<sup>th</sup> report of the committee.

Report received.

### *Parliamentary Procedure*

#### PAPERS

The following papers were laid on the table:

By the Minister for Trade, Tourism and Investment (Hon. D.W. Ridgway)—

Reports, 2018-19—

Adelaide Cemeteries Authority

Office of the Commissioner for Kangaroo Island

### *Ministerial Statement*

#### PUBLIC NOTIFICATION OF ENVIRONMENTAL INCIDENTS

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:17):** I table a copy of a ministerial statement relating to public notification of environmental incidents made earlier today in another place by my colleague the Minister for Environment and Water.

#### HEAVY VEHICLE INSPECTION SCHEME

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:18):** I table a copy of a ministerial statement relating to the heavy vehicle inspection scheme made earlier today in another place by my colleague the Minister for Transport, Infrastructure and Local Government.

### *Parliamentary Procedure*

#### ANSWERS TABLED

**The PRESIDENT:** I direct that the written answer to a question be distributed and printed in *Hansard*.

*Question Time***AMBULANCE RAMPING**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:19):** I direct my question to the Minister for Health and Wellbeing: has the minister inquired into the concerning reports from the Ambulance Employees Association overnight that a 90-year-old patient was shuttled between three hospitals—Flinders, the Royal Adelaide and The Queen Elizabeth Hospital—over almost seven hours due to ramping and overcrowding of the health system? If the minister has made inquiries, what has the minister been told and does the minister think that this treatment is unacceptable?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:19):** I thank the honourable member for his question. Yes, I am certainly aware of the post by the Ambulance Employees Association. I have sought advice, and I am advised that the situation, as outlined by the Ambulance Employees Association, is accurate. The situation overnight is completely unacceptable. As is normal practice in a case like this, SAS is doing a review into what happened. I am advised there were no adverse clinical outcomes, and I apologise to the patient and their family.

*Parliamentary Procedure***VISITORS**

**The PRESIDENT:** Before the supplementary, can I acknowledge in the gallery the former President, the Hon. Mr Sneath.

*Question Time***AMBULANCE RAMPING**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:20):** Supplementary in relation to the answer given: I think the minister said there were no adverse consequences, does that mean the minister is saying that the patient did not suffer at all from the seven hours in an ambulance, and has the minister got an update on the patient's condition now?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:20):** Just to reiterate what I said, I am advised that there were no adverse clinical outcomes. That doesn't detract from the fact that I regard it as completely unacceptable that the—

**The Hon. K.J. Maher:** What does that mean? What do you mean, Wadey?

**The PRESIDENT:** Leader of the Opposition, you have asked your question; let the minister answer it.

**The Hon. S.G. WADE:** In terms of an update on the patient's condition, as I said, I have sought further information; I haven't received it. I would also remind the house that patients do have a right to privacy.

**The PRESIDENT:** Further supplementary, Leader of the Opposition.

**AMBULANCE RAMPING**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:21):** Can the minister explain what he means when he uses the phrase 'adverse outcomes'?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:21):** As I said, I am advised that there were no adverse clinical outcomes and that is the third time I have stressed that. The advice I am given is whether or not that person had—

*The Hon. K.J. Maher interjecting:*

**The PRESIDENT:** Leader of the Opposition, just relax. He is actually attempting to answer your question. You might want to ask those as a supplementary. Minister.

**The Hon. S.G. WADE:** Let me reiterate: I believe that the case is completely unacceptable and that's why—I should make it clear that SAS initiated the review, as they would in a case like this. The comment in relation to no adverse clinical outcomes is in relation to the escalation of the

presenting condition. My understanding of that advice is that, whilst the course of events was unacceptable, it did not lead to a deterioration in the clinical presentation.

#### AMBULANCE RAMPING

**The Hon. K.J. MAHER (Leader of the Opposition) (14:22):** By way of supplementary rather than interjection: does that mean that there was no harm suffered by that patient from seven hours being shuttled between three hospitals; is that what the minister is saying?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:22):** The honourable member is trying to conflate clinical outcomes from other impacts. The impact on this patient in terms of the delay and transfers is unacceptable. That's why we are looking into it.

#### AMBULANCE RAMPING

**The Hon. K.J. MAHER (Leader of the Opposition) (14:23):** Further supplementary arising from the original answer: can the minister outline when the problem of ramping will be fixed, and does he agree with his chief executive who, when asked when it will be fixed, responded this week, 'Who knows'?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:23):** I can't see how that came out of my original answer but nonetheless, let me say that this government—

*The Hon. K.J. Maher interjecting:*

**The PRESIDENT:** Leader of the Opposition, I wish to hear this answer, actually to your question. I gave you a fair bit of latitude on that supplementary, so that would warrant some silence. Minister.

**The Hon. S.G. WADE:** This government is not the government that brought ramping to South Australia; it was a government that the honourable member was a member of. We are determined to address ambulance ramping and, in that, both the chief executive and I have a resolute and joint commitment.

**The PRESIDENT:** One more supplementary and then we will move on.

#### AMBULANCE RAMPING

**The Hon. K.J. MAHER (Leader of the Opposition) (14:24):** Does the minister agree with his chief executive who this week, when asked how long it would take to fix the ramping problem, said, 'Who knows'?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:24):** I certainly would not—

*Members interjecting:*

**The PRESIDENT:** He hasn't had a chance to answer. Minister, there is no need to answer that question if you don't want to.

*Members interjecting:*

**The PRESIDENT:** You missed out, Leader of the Opposition, you missed out. The Hon. Ms Scriven, you have the call.

#### HOSPITAL BEDS

**The Hon. C.M. SCRIVEN (14:24):** I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding hospital beds.

Leave granted.

**The Hon. C.M. SCRIVEN:** On 28 October 2019, the chief executive of the health department, Dr McGowan, was asked, 'Who has the ultimate decision-making capacity to have hospital beds reopened?' Mr McGowan responded, 'The minister, ultimately.' 'And the governance of the system?' 'The minister has ultimate directive powers in the health system.' The chief executive went on to say, 'The minister is the person elected by the people to lead our health system, and he

has directive powers of the board and he can exercise that whenever he chooses.' My questions to the minister are:

1. Is the minister aware that he has these powers?
2. Given that ramping is at record levels, why hasn't the minister used those powers to direct that closed beds should be reopened?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:25):** I will leave it to the President to reflect on whether quoting from a select committee hearing earlier this week is within standing orders.

*Members interjecting:*

**The Hon. S.G. WADE:** I am sorry, that interjection has to be responded to. If you are going to say 'quotation marks', it has to be a quote.

**The Hon. K.J. MAHER:** Point of order: the minister is making assertions that are just plain false. The Hon. Ms Scriven in no part of that question mentioned any particular committee.

**The PRESIDENT:** Leader of the Opposition: one, I allowed the question, so by implication I did not decide to rule it out of order. Secondly, I would appreciate if you did not try to act like the President from the Leader of the Opposition's benches. I appreciate that we all aspire to this chair, but I am more than capable of handling it by myself. Minister, do you wish to respond to that question?

**The Hon. S.G. WADE:** I do. To clarify, Mr President, I was not raising a point of order, I was just making an observation.

**The PRESIDENT:** I was aware of that. That's why I didn't rule the question out of order.

*Members interjecting:*

**The PRESIDENT:** Don't push your luck.

**The Hon. S.G. WADE:** It is important for the Labor Party, which has consistently opposed board governance, that board governance operates in every other state in Australia and it still operates under the Westminster system. So I completely agree with my chief executive that I am responsible for the health system. Whether that means that I want to issue a directive every day—

*Members interjecting:*

**The PRESIDENT:** Order! Please, I would like to listen to the answer—restrain yourselves.

**The Hon. S.G. WADE:** As the minister responsible under the Westminster system, I am not going to issue a direction every day to tell the Flinders and Upper North hospitals what meals they are going to put on that day. I am not going to direct the Northern Adelaide Local Health Network whether or not to discharge patients. I am not going to tell the Barossa Hills and Fleurieu how they should manage their staff training to make sure they have aged care.

What I am going to do is put in place a governance structure, both departmental and local health networks, that makes sure that our health system is better connected to communities and better connected to clinicians, because I am convinced that the Labor Party experiment of centralisation over 10 years completely failed. They showed that you can't run a health system of 40,000 employees from Hindmarsh Square and expect the system to improve.

What we saw out of the Labor Party fixation on the city centre complex was Transforming Health—completely disconnected from clinicians, completely disconnected from communities. We saw the people of South Australia vote on that last March and they had a very clear and strong message to the Labor Party that: we are sick of your centralised health approach; we are putting in the Liberals. What the Liberals have put in is a strong board governance structure. I will back my boards. Of course I will direct them if I feel the need to, but I am not going to start running the health system from the back seat.

*Members interjecting:*

**The Hon. C.M. SCRIVEN:** Mr President—

**The PRESIDENT:** Hold on, I am waiting for your own benches to quieten down. Supplementary.

#### HOSPITAL BEDS

**The Hon. C.M. SCRIVEN (14:29):** If the minister won't reopen beds under record levels of ramping, what is needed for him to actually take action and direct the system to reopen beds? When will he do that?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29):** The honourable member wants me to reverse a decision that I actually think will help ease ramping, not exacerbate it.

*Members interjecting:*

**The PRESIDENT:** Order! Minister, just wait until they quieten down.

**The Hon. K.J. Maher:** Hospitals would be better if it wasn't for all those patients.

**The PRESIDENT:** Leader of the Opposition, it's your question time. We can wait here until silence; the time can tick away.

**The Hon. S.G. WADE:** I believe that it's vital for our hospitals to build in more surge capacity. It's vital to stop ramping. A hospital does not work properly if it's packed to the rafters. It doesn't have the capacity to respond to surges when they come. Ramping is a symptom of a system that is not performing well, and one aspect of that is a lack of surge capacity. The 60 beds that the Central Adelaide Local Health Network is seeking to put on stand-by is to make sure that they have the surge capacity when patients present. This is not a new concept. We build in—

*Members interjecting:*

**The PRESIDENT:** I cannot hear the minister. Minister.

**The Hon. S.G. WADE:** We have put beds on stand-by over the Christmas and New Year periods in the past. It's been standard operational practice. Those beds will be available as needed. They are not closed, in spite of the ongoing propaganda of the members opposite. As always, we will treat patients as they present, but there are many better care options that will continue to be developed so that we can provide the most appropriate care in the most appropriate location.

**The PRESIDENT:** The Hon. Ms Scriven, I am allowing one more supplementary on this.

#### HOSPITAL BEDS

**The Hon. C.M. SCRIVEN (14:32):** Thank you, Mr President. Is the minister saying that his message to the 90-year-old woman is that he will order beds to be reopened when they are needed, but she doesn't need them, she doesn't count?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:32):** The surge capacity I am referring to is at the Central Adelaide Local Health Network. That patient first and foremost presented at the Flinders Medical Centre. Of course there will need to be initiatives across different networks in the Central Adelaide Local Health Network. Through reductions in average length of stay and other initiatives they are working towards freeing up stand-by beds.

In terms of the Southern Adelaide Local Health Network, there were capacity issues there. That's exactly why the Marshall Liberal government has secured 50 beds at the Repat site. We have opened 50 beds. This is the opposition that is hectoring us, but they closed more than 200 beds at the Repat site. We have opened 50 and they are criticising us.

#### GLOBELINK

**The Hon. E.S. BOURKE (14:33):** My question is to the Minister for Trade, Tourism and Investment. Will the minister assure the chamber that the Liberal Party's signature election commitment, GlobeLink, of which the minister was a major champion, will not be abandoned? Will the minister guarantee that the construction of GlobeLink will commence before the next election?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:33):** I thank the honourable member for her question. As members would have seen, there was, I think, an article in today's *Advertiser*, reporting some comments by my very good friend and hardworking colleague in cabinet the Hon. Stephan Knoll, the Minister for Transport, in relation to GlobeLink. We have done some work, as our election commitment was to look at the project to provision some \$20 million for a study into it.

Minister Knoll has done that work. I believe that the report will at some point in the future come to cabinet and then cabinet will make a decision and consider that report. Minister Knoll alluded in the article that there were some other actions likely to come from the report. Obviously, he hasn't brought it to cabinet, so I haven't had a chance to look at it, and if I had in cabinet it would be inappropriate for me to discuss any of the details of it here in any case.

It was a policy. I think members are well aware of the concerns of the Adelaide Hills residents, who are concerned about railway noise, the risk of fire and the squeal on the tracks, and so there has been a longstanding number of studies into rerouting the Adelaide to Melbourne railway line around the back of the Hills. And of course, we have seen, in the last few years, a couple of tragic accidents on the South Eastern Freeway—

*Members interjecting:*

**The Hon. D.W. Ridgway:** Mr President, if the members don't want to listen—

**The PRESIDENT:** I can't hear you seated, the Hon. Mr Ridgway. If you wish to remonstrate with me, do it standing.

**The Hon. D.W. RIDGWAY:** Mr President, if the members opposite are going to interject, I will sit down because clearly they don't want—

**The PRESIDENT:** That is up to you—

**The Hon. D.W. RIDGWAY:** —an answer. They ask a question and they don't want to hear the answer.

**The PRESIDENT:** —the Hon. Mr Ridgway, you don't need my permission to do that.

**The Hon. D.W. RIDGWAY:** Clearly, these road safety facts on the South Eastern Freeway are important. The members opposite start to laugh. People have lost their lives and they joke about it. They are a joke. Work has been done to have a look at the long-term options to making our South Eastern Freeway safer. There is obviously significant population growth in the Mount Barker-Nairne area, so there is going to be a significant extra load on the South Eastern Freeway in future years. And, of course, the Freight Council has said for about as long as I have been in this chamber that every 10 years the freight task doubles, so we are likely to see a bigger, heavier load of big trucks coming down the South Eastern Freeway.

As we know, I have explained to the members opposite I think on a number of occasions in the past, when their hero, Don Dunstan, looked at the Monarto development, land was put aside for an airport, which has been master planned now by the Rural City of Murray Bridge, and I suspect that master planning process will mean that it will be identified as a potential airport.

All of those aspects, when we were in opposition we took a decision that if we were lucky enough to form government we would have a good look at it. That is why we wanted to put some money and resources towards it. We have done that. The hardworking minister will soon get the report and it will soon come to cabinet.

The member opposite also asked would construction start before the next election. I think she obviously hasn't been listening. The number one priority for this government and the federal government, and I think the federal opposition and, I used to think, the current state opposition, is to complete the north-south corridor. We have made it very clear that that is the number one priority for significant road infrastructure.

It is only the Labor Party, I suspect, that would actually do half a project and then stop. I think is very clear that we have a priority to finish the north-south corridor. This work that we have done will inform, and continue to inform, this government on the options of making the South Eastern

Freeway safer—which we all want—making the Adelaide Hills safer, taking the risk of fire and the noise of train wheel squeal.

To get increased capacity on the Adelaide-Melbourne railway line, we either have to double stack containers or make the bridges in the Adelaide Hills deeper. The opportunities may exist to get a much more economical solution to take the railway around the back of the Adelaide Hills. Mr Knoll will release that report if and when cabinet sees fit, and our priorities are to continue with the north-south corridor and complete that project before we start on other major bits of transport infrastructure.

#### GLOBELINK

**The Hon. E.S. BOURKE (14:38):** Supplementary: is the minister confirming to this chamber, despite saying that it is an important project and will support the community in the Hills, that this project will not commence, construction-wise, before the next election?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:39):** I think the honourable member wasn't listening. We have a priority that has been committed to by the state government, the federal government, I think even the former Labor federal government years ago, and the former Labor government, one that you were a keen part of as an adviser, a keen staffer in that government.

The priority is the north-south corridor. As I said, only the Labor Party would do half a project and then walk away from it. Our priority is to complete the north-south corridor. That has been well articulated. This project is a significant project that will be on the books and on the agenda for many years to come. We stick to our priorities, and our priority will be to complete the north-south corridor.

#### GLOBELINK

**The Hon. E.S. BOURKE (14:40):** Supplementary: did the minister, any of his staff or any of his agencies provide any advice on the construction report and, if so, what was your advice?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:40):** I thank the honourable member for her question. I certainly haven't provided any advice; my office staff haven't. I'm sure that the Department for Trade, Tourism and Investment may have been asked to provide some comment.

#### GLOBELINK

**The Hon. K.J. MAHER (Leader of the Opposition) (14:40):** Supplementary: the minister referred to the importance of rail in his original answer. Does that importance extend to the *Overland* service between Adelaide and Melbourne?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:41):** The honourable member should have listened a few months ago, because the owners who run the rail service between Adelaide and Melbourne say that if we took it around the back of the Adelaide Hills, the Adelaide to Melbourne service would actually be able to access the Barossa as a get off and go and visit opportunity. So they actually see GlobeLink and the diversion of the train as an asset if we are to have passenger transport between Adelaide and Melbourne. We have made a decision. It is a decision for the Minister for Transport that we were going to cease funding the *Overland*.

#### STUDYADELAIDE INTERNATIONAL STUDENT AWARDS

**The Hon. D.G.E. HOOD (14:41):** My question is for the Minister for Trade, Tourism and Investment. Will the minister share with the council news from the StudyAdelaide International Student Awards?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:41):** I thank the member for his ongoing interest in one of our booming export sectors. It was a pleasure that I was able to attend the StudyAdelaide international awards, hosted every year by the Governor in the gardens of Government House. It is a particularly important event, especially for the young students involved.

I often talk in this chamber about how important international education is to the South Australian economy in creating jobs, driving investment and contributing to our economy. Of course,

under the Marshall Liberal government we have increased our investment in the sector. The latest year-to-date figures show that we are still growing significantly above the national average, with an increase of 14 per cent growth, which equates to 39,596 students so far this year compared to 9.5 per cent growth nationally.

International students bring so much more to our state than just jobs and a stronger economy, and StudyAdelaide's annual International Student Awards are a great reminder of that. They were held, as I said, in Government House last Friday, and I was pleased to represent the state government there. It was a little bit windy and a little bit wet, but there were 500 international students and industry representatives all there present, celebrating their success with the government.

There were a number of award categories acknowledging high performing international students in our schools, colleges and universities, and for the first time in the awards' history there were two winners taking out the StudyAdelaide International Student of the Year. They were Mr Alessandro Sereni. Coming from Italy, Alessandro has previously studied in China, South Korea and Indonesia and is able to speak each of those languages, in addition, of course, to Italian and English. Alessandro is presently studying a Masters of International Development at Flinders University and received a scholarship through the Endeavour Leadership Program. As well as receiving a number of awards for his study, Alessandro is also an extremely active volunteer and has spent many hours visiting aged-care homes across Adelaide helping to look after elderly people of Italian descent.

The other winner was Mr Richard Tran. There are not too many international students in Australia that study law, particularly students who cannot claim English as their native language. Studying at the University of South Australia, Richard is an exception and has excellent English with an IELTS score of 7.5. President of the Vietnamese students association of Adelaide, Richard also volunteers his time at the Enfield Community Centre serving lunch to people in need—and I'm sure the Hon. Tung Ngo probably knows Mr Tran—and aspires to use his talents to serve disadvantaged people with limited access to justice. In addition to all their achievements, both of these students have a GPA of seven, and I am sure all members would agree that they are outstanding and deserving winners of this year's award.

StudyAdelaide did a fantastic job putting together this year's International Student Awards and I am glad our excellent international students were recognised by showcasing some of their contributions to society. It is clear that international students offer a lot to South Australia and make a valuable contribution, not only to our economy and jobs but also to enhance our rich and diverse community. Once again, I congratulate Alessandro Sereni and Richard Tran, as well as the other award winners, for their success. I am sure that these high achievers will become great ambassadors for our state.

### **NYRSTAR CHEMICAL LEAKS**

**The Hon. M.C. PARNELL (14:45):** I seek leave to make a brief explanation before asking a question of the Minister for Human Services, representing the Minister for Environment and Water, about notification of pollution incidents.

Leave granted.

**The Hon. M.C. PARNELL:** The ABC reported yesterday two pollution incidents at the Nyrstar smelter at Port Pirie, one a cadmium leak to groundwater beneath the plant in 2017 and, the second, a sulphuric acid spill into the environment, which reportedly resulted in a major fish kill of several hundreds of fish, which took place in January this year.

The ABC reported that they discovered this only through freedom of information. They discovered also that various briefings were prepared in relation to these incidents for minister Whetstone and various media advisers but, in relation to the sulphuric acid spill, the only people who weren't told were the people of Port Pirie and the general public.

The EPA's response to concerns raised by the ABC were basically three points. Their first point was that the company Nyrstar should have notified the public, not the EPA. Secondly, the EPA decided not to notify the public because they didn't perceive any public health risks, and I note that



that's effectively what the minister has said in his ministerial statement that was tabled just a few minutes ago. Thirdly, their advice was, 'Don't eat any fish taken from the Port Pirie River.'

The law, on the other hand, is quite clear. The law provides in the Environment Protection Act in section 109 that any notifications, or in fact anything that relates to serious or material environmental harm that comes to the notice of the authority, must be published on the public register. It must be published as soon as practicable but in any event within three months. Clearly, that has not happened. My questions of the minister are:

1. Why weren't details of the January pollution incident incorporated into the EPA's public register as legally required by section 109 of the Environment Protection Act?
2. What action will the minister take to ensure that all future reports of actual or threatened serious or material environmental harm are incorporated into the public register?
3. Will the minister take steps to ensure that any past pollution incidents that the law required be reported will also now be incorporated into the public register?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:47):** I thank the honourable member for those questions. I will take those on notice and seek a response from the minister responsible and bring them back to the parliament.

#### HOSPITAL BEDS

**The Hon. J.E. HANSON (14:47):** I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding hospital bed closures.

Leave granted.

**The Hon. J.E. HANSON:** On Monday 28 October, Dr Chris McGowan, Chief Executive of the Department for Health and Wellbeing, stated that he could not remember if he had yet met with the Minister for Health and Wellbeing regarding the atrocious treatment of Mr Dennis Murphy, who was sent home in excruciating pain from the Flinders Medical Centre as a result of the minister's decision to close hospital beds. My question to the minister is: will the minister now confirm whether or not he has met with Dr Chris McGowan, Chief Executive of the Department for Health and Wellbeing, and what action is the Department for Health taking to ensure these types of atrocities never happen again in our hospitals as a result of any decision to close hospital beds?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:48):** I thank the honourable member for his question. I take the opportunity to reiterate my apologies to Mr Murphy and his family. I am advised that Mr Murphy was taken to the Flinders Medical Centre emergency department with back pain and was admitted into the extended emergency care unit for surveillance, which included a back X-ray. The medical treating team monitored Mr Murphy and ruled out any neurological issues. Following a review of the physiotherapist, his condition had improved and he was able to mobilise independently. There were no clinical indicators for an urgent MRI scan to occur.

Mr Murphy was discharged with pain relief, and comprehensive discharge summary notes were provided to his local GP. I understand Mr Murphy's FMC medical team asked for his GP to arrange for an outpatient MRI following discharge. I am advised an FMC senior doctor has made further contact with Mr Murphy's GP, and I am advised that he has been seen by his GP and the hospital management plan has continued.

#### HOSPITAL BEDS

**The Hon. J.E. HANSON (14:50):** A supplementary, and also possibly a clarification point. I am sure that was an answer, but it was not an answer to my question. My question was: will the minister now confirm whether or not he has met with the chief executive of his department, and what action has the Department for Health taken to ensure these types of atrocities never happen again in our hospitals as a result of any decision to close hospital beds?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:50):** I fail to see the availability of hospital beds as an issue in this case. My understanding is that Mr Murphy was seen and that he actually had a bed in the extended emergency care unit. My understanding is that the issue was whether or not an MRI scan was available. The advice I am given is that there were no

clinical indicators for an urgent MRI scan to occur and that Mr Murphy was asked for his GP to arrange for an outpatient MRI.

In terms of the honourable member's point about whether I have discussed it with the chief executive of the department, again, Labor doesn't understand board governance. The chief executive of the Department for Health does not run the Flinders Medical Centre. If I wanted to sit down with a chief executive to talk about this I would talk to Sue O'Neill, the chief executive of the Southern Adelaide Local Health Network.

#### HOSPITAL BEDS

**The Hon. J.E. HANSON (14:51):** A supplementary: the minister has not confirmed whether or not he has met with him, first of all. Secondly, does he regard the fact that Dr Chris McGowan, Chief Executive of the Department for Health and Wellbeing (his department), said that he could not remember if he had met with him regarding the treatment of Dennis Murphy. Does he regard that as a problem?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:51):** Sorry; could the honourable member ask that question again?

**The Hon. J.E. HANSON:** Does he regard it as a problem that the chief executive of his department doesn't know whether the case of Mr Murphy was discussed with him as minister or not?

**The Hon. S.G. WADE:** Presumably you mean discuss with him as chief executive. It would actually surprise me if the chief executive of the Department for Health was advised by each of the local health network CEOs in terms of adverse events within their networks, because fundamentally it is the responsibility of the local health network CEOs to run their hospitals.

#### HOSPITAL BEDS

**The Hon. J.E. HANSON (14:52):** One further supplementary: other than his apologies given on transcript here and the last time he answered these questions, has the minister reached out to Mr Dennis Murphy himself and apologised to him in person?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:52):** I have made those apologies publicly.

*Members interjecting:*

**The PRESIDENT:** Are you right? It's your question time, not mine. The Hon. Ms Lee.

#### CONCESSIONSSA

**The Hon. J.S. LEE (14:53):** My question is to the Minister for Human Services regarding ConcessionsSA efficiencies. Can the minister provide an update to the council about how the state government has cut red tape for people accessing concession payments?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:53):** Thank you, Mr President.

*Members interjecting:*

**The PRESIDENT:** Leader of the Opposition, if you want to have a conversation with the Hon. Mr Ridgway you can do it out the back. I would like to hear from the minister.

**The Hon. J.M.A. LENSINK:** Thank you, Mr President. I thank the honourable member for her question. Part of the commitment of the Marshall Liberals prior to being elected to government was to provide better services, and I am very pleased that we are able to say that we are delivering in the concession space for people who are on low and fixed incomes.

We commissioned an external review of ConcessionsSA in 2018, which examined the application, verification, payment, auditing and reconciliation processes of managing household concessions to improve efficiencies. The results have demonstrated that they are proving to have done just that for South Australian households.

We have been able to reduce, in the 12-month period from July 2018 to June 2019, the number of forms, pages, questions and all of the paperwork that households have been previously required to submit to ConcessionsSA in order to apply for their concessions, effectively halve the number of forms and questions and reduce the number of questions from 40 down to 14. The estimation of the physical pages that the Department of Human Services used to require per annum was in the order of 350,000; that is now down to 100,000. Also, the number of online forms submitted has increased, so reducing the physical paperwork. That has now gone from 26 per cent to 43 per cent.

The very important measure for households and consumers themselves is that the application processing time has reduced from two months down to less than a week. We are also, as a result, not requiring as many phone calls to the service because clearly customers are receiving a more efficient service and, therefore, the calls to the hotline have been reduced. The data that I have in front of me is that, in 2017-18, there were some 179,976 calls received. In 2018-19, that has reduced to 112,050. As a consequence, the number of abandoned calls has also reduced, as well as those that would have been blocked because people couldn't get through.

The staff who work in ConcessionsSA are to be commended for their efforts in doing this. We have also had feedback from the non-government sector that indicates that financial counsellors are appreciating that they are finding the service easier to navigate on behalf of their clients, and clients are clearly getting a better service. We continue to look for process improvements as part of continuous improvement and look forward to providing more details and better services as part of the Marshall Liberal government.

#### MEDICAL FEES

**The Hon. J.A. DARLEY (14:57):** I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question regarding general practitioner and specialist fees.

Leave granted.

**The Hon. J.A. DARLEY:** I was recently contacted by a constituent who was shocked by the large bill she received after visiting a specialist. My constituent was referred from her GP to visit a specialist for further medical investigation and advice. She advises that at no time when she made the appointment, or when she attended the appointment, was she advised of the out-of-pocket expenses she would have to pay. Luckily, this constituent was in a financial position to be able to pay the difference, which was not covered by Medicare. However, not everybody is able to find a few extra hundred dollars unexpectedly. My questions to the minister are:

1. Can the minister advise if there are any requirements for medical practitioners, such as GPs or specialists, or those providing medical services such as ultrasounds, to advise patients of out-of-pocket expenses?
2. If so, can the minister provide details of these requirements?
3. If not, can the minister advise if there are any plans to require medical practitioners to provide this information so that consumers can make an informed decision before engaging the service?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:58):** I thank the honourable member for his question. Fundamentally, the remuneration of medical practitioners and specialists is through Medicare, so the requirements would be under commonwealth regulation. I presume also that, as private businesses, they would also be subject to state-based consumer law.

In terms of good practice, I certainly agree with the honourable member that consumers, whether they be of health services or other services, should be fully informed. For one thing, people might decide to take a different response to a health issue if they are aware of the costs.

Certainly in relation to GPs operating in country hospitals, which is one area where GPs are employed by the state government, it is standard practice for the fees that will be levied on the individual patient to be displayed in the emergency department waiting room. I certainly agree with the honourable member that it undermines public confidence in the health system when they incur out-of-pocket expenses that weren't expected. I will certainly take the honourable member's question

on notice, particularly in relation to the role of the commonwealth and any other factors such as a AHPRA or medical professional associations' policies.

#### **AMBULANCE RAMPING**

**The Hon. T.T. NGO (15:00):** My question is to the Minister for Health and Wellbeing. Has the minister inquired into concerns raised this week about a second patient who died after deteriorating significantly while ramped outside a public hospital? What is his response about the circumstances of this second case at the Royal Adelaide, which was detailed in an FOI document involving cardiac arrests following ramping for 45 minutes?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:01):** I presume the honourable member is referring to the case that was highlighted in the Budget and Finance Committee on Monday.

*The Hon. K.J. Maher interjecting:*

**The PRESIDENT:** Leader of the Opposition, please, try to be parliamentary.

**The Hon. S.G. WADE:** I am advised that in the case highlighted earlier this week the patient did not die on the ramp. A subsequent investigation did not make any specific recommendations related to the way the patient was treated, so I do not agree with the honourable member's characterisation of the event. As is normal process, the matter has been referred to the Coroner.

#### **AMBULANCE RAMPING**

**The Hon. T.T. NGO (15:02):** Supplementary: can the minister advise on what date did this second death occur, and how old was the patient?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:02):** I don't have that information. I will take that on notice.

#### **AMBULANCE RAMPING**

**The Hon. T.T. NGO (15:02):** Further supplementary: have there been any other deaths that have occurred this year of patients who have been ramped and died after deteriorating while on the ambulance ramp? If so, what are the dates and times of those cases?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:02):** The honourable member persists in the underlying assumption that this death was as a result of ramping. What I am advised is that there were no causal findings made nor any recommendations made by the multidisciplinary investigating team that was specifically related to the patient's management. Of course, we constantly work to eliminate ambulance ramping because we want to have a timely response to people's needs. The unnecessary delays on the ambulance ramp are completely unacceptable, and we are continuing to drive to eliminate them.

#### **AMBULANCE RAMPING**

**The Hon. T.T. NGO (15:03):** Further supplementary: will the minister commit to investigating and publicly release the total number of cases of this nature that have occurred over the past 12 months?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:03):** I am not sure what the honourable member is asking for, because this is a situation where there were no findings that the treatment of the patient—

*Members interjecting:*

**The Hon. S.G. WADE:** If the honourable member is asking me to do an independent investigation into every death that happened in a hospital, it would take significant time and, I believe, an inappropriate diversion of resources.

#### **ORGAN DONATION**

**The Hon. J.S.L. DAWKINS (15:04):** My question is directed to the Minister for Health and Wellbeing. Will the minister update the council on organ donation in South Australia?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:04):** I thank the honourable member for his question. South Australia leads the nation in organ donation. More South Australians register as donors than any other state, with 68 per cent registered. Importantly, 73 per cent of South Australian families also give their consent when asked to confirm a loved one's wishes to proceed with donation, which is, again, more than any other Australian jurisdiction.

We cannot afford to be complacent, with thousands of people who would benefit from organ donations waiting for organs to be received. This is highlighted by a report published today by the Royal Children's Hospital in Melbourne. The RCH undertakes a quarterly national survey of Australian households on issues concerning child and adolescent health. Their most recent survey of 1,186 parents who collectively cared for 3,251 children under 18 related to organ donation. Whilst some of its findings were encouraging, it shows that there is still more work to be done.

Two-thirds of Australian parents said that in the event of their children's death they would be willing to consider organ donation for their children and 81 per cent said they would be willing to donate their own organs after death. However, only a quarter of parents have registered on the Australian Organ Donation Register and, again, only a quarter have discussed organ donation with their teenage children, although nearly one in five parents said their children had raised organ donation with them following education through schools, media and social media.

It is also concerning that over half of parents who took part in the survey believed that they could make known their own wishes to be an organ donor through their driver's licence. While in South Australia this is true, we are the only state in which the decision to be an organ donor can be recorded through the driver's licence, which means that in other jurisdictions there are potentially many Australians who are otherwise willing to be organ donors but are not registered. The difference this makes in young people is particularly stark. In South Australia, more than 60 per cent of the 16 to 24 year olds have registered their intent to donate, while around the rest of Australia the number is at or below 10 per cent.

The poll also found misconceptions about organ donation. A third of parents thought that a child whose parents had decided to have their organs donated would not get all available treatment options and nearly half, 42 per cent, thought that toddlers and preschool children were too young to donate. A third of parents also worried that their child would suffer in the process of organ donation.

Together, these findings illustrate the need for ongoing conversation and education about organ donation. While I would again highlight South Australia's strong record on organ donation, I also encourage South Australians to consider registering as an organ donor and to discuss this decision with their family.

## LAND TAX

**The Hon. F. PANGALLO (15:07):** I seek leave to make a brief explanation before asking the Treasurer a question about land tax.

Leave granted.

**The Hon. F. PANGALLO:** One of South Australia's largest employers and property owners has said today the rejection of the government's proposed land tax reforms is 'common sense'. Peregrine Corporation director, Dr Sam Shahin, went even further, describing the changes the government sought to introduce as worse than the current model, which he himself describes as the worst in the nation. The family-owned Peregrine Corporation operates the extraordinarily successful On the Run chain of service stations and employs more than 4,000 South Australians. Dr Shahin was quoted in the media today as saying the government's proposed changes were a 'bad deal' for South Australia and:

It is incredibly sad that we are now pleading to maintain the status quo—that is how bad the proposed land tax changes are.

Aggregation totally obliterates any 'reform' delivered by dropping the top tax rate.

The only winner from the proposed changes is the government collecting an additional \$70 million of tax from the taxpayers of South Australia.

The changes are not going to improve investment in South Australia, not going to improve certainty of our economy, and definitely not going to reverse the hordes of capital leaving our State. No-one should mistake the fact that the final outcome of aggregation is effectively higher taxation.

Stinging criticism indeed. My questions to the Treasurer are:

1. Does he concede that the government has got it wrong with its proposed tax reforms when one of the state's biggest employers and property owners voices such stringent opposition to them?

2. Does he agree with Dr Shahin that aggregation totally obliterates any reform delivered by dropping the top tax rate?

3. Does he agree with Dr Shahin that the changes will not improve investment in South Australia, will not improve certainty for our economy and definitely will not reverse the hordes of capital leaving our state?

4. Finally, does he agree with him that the final outcome of aggregation effectively is higher taxation?

**The Hon. R.I. LUCAS (Treasurer) (15:10):** Put simply, no, I don't agree with Mr Shahin. He has put his point of view directly with me and put his point of view publicly, so there is nothing new in the statements he has put. He has advocated that, instead of a 3.7 per cent top land tax rate, we should drop the rate to 1.5 per cent in South Australia, at what would be a very significant cost to the taxpayers of South Australia in terms of lost revenue.

As I said, the government's position is that we don't agree with the position that Mr Shahin has put, and I have expressed that view to him. Without commenting on the specific taxation arrangements of Mr Shahin's companies, what I have said publicly is that there is no doubt that in South Australia a number of companies and interests have structured themselves in such a way—and I have given the example of one or two companies or groups in South Australia—that they have up to, potentially, 300 or 350 separate companies, each holding a separate property, and not having their total property values aggregated. The government does not believe that that is a fair arrangement.

In relation to the purported statements about aggregation, they misunderstand the current position. Aggregation has existed in land tax law in South Australia ever since the inception of land tax. This government is not introducing aggregation—it has existed for many decades, since the introduction of land tax. The government is introducing changes to aggregation provisions similar to those that already exist in all other jurisdictions, in particular the jurisdictions in the eastern states with which we directly compete in many areas for investment.

The notion that in some way capital will flee the state to go to other jurisdictions, where these rules already exist, defies logic. The property interests, prior to the election and since the election, have said to this government that, because of our 3.7 per cent top land tax rate, people are already not investing in South Australia. Anyone who has followed the land tax debate and property debate over the last 10 years will know that people, in particular investors, are saying that they are no longer investing in Adelaide because of the 3.7 per cent—they are investing in the western suburbs of Sydney and the western districts of Melbourne, in particular in opposition or alternative to investing in Adelaide. That already existed prior to the government's debate and endeavours to amend land tax.

I will not repeat the half dozen quotes I have given to this chamber in response to other members' questions earlier, where institutional investors from interstate, including Colliers, Quintessential Equity and a number of others with significant sums of money to invest, have said that the Adelaide property market is bright, is looking prospective and, in particular, with this combination of land tax reform, stamp duty changes and also the impending growth in our market with defence shipbuilding and the Australian Space Agency, that people in other states and overseas are looking to invest in the property market.

The simple answer to that part of the question is that yes, we conclusively disagree with Mr Shahin in relation to what the impact might be on economic growth, investment and jobs growth in South Australia as a result of these particular reforms. The bottom line is that, if the Mr Shahins of

this world have their way and if the Labor Party and others in the parliament have their way, the reality is that South Australia will retain the highest land tax rate in the nation, at 3.7 per cent. That's the simple end result of the opposition to the land tax reform package.

It will also mean that I, as an individual investor, could structure myself with seven separate companies or seven separate trusts, own \$3 million in property and not pay a single dollar in land tax. It's up to the Mr Shahins, the Labor Party and others to defend the fairness and equity that I can own \$3 million in property and not pay a single dollar in land tax and to defend that as a fair and equitable system that will encourage investment and growth in South Australia.

We disagree with that position strongly. I disagree with the position of Mr Shahin and others who have put that position publicly. When we had a very respectful conversation when he came and met with me in the last few weeks or months—I can't remember exactly the date of the meeting—we respectfully disagreed in relation to our particular views on land tax reform.

**The PRESIDENT:** The Hon. Mr Pangallo, a supplementary:

#### LAND TAX

**The Hon. F. PANGALLO (15:16):** Yes, thank you, to the Treasurer. Has the Treasurer consulted with lobbyist Christopher Pyne about the latest reforms?

**The Hon. R.I. LUCAS (Treasurer) (15:16):** No.

**The PRESIDENT:** The Hon. Ms Bourke, a supplementary.

#### LAND TAX

**The Hon. E.S. BOURKE (15:16):** Can the Treasurer name one South Australian company that supports version five of the Liberal government's land tax policy?

**The Hon. R.I. LUCAS (Treasurer) (15:16):** There are too many. The Property Council—  
*Members interjecting:*

**The Hon. R.I. LUCAS:** Well, they represent companies and interests. Mr Harry Perks, who represents a number of significant property interests in this state and publicly. C&G—Mr Jamie McClurg on behalf of C&G—have indicated. There are any number of companies that have indicated support for the government's package.

#### PRIVATISATION

**The Hon. I. PNEVMATIKOS (15:17):** My question is to the Minister for Health and Wellbeing. Will the government consider outsourcing or privatising any out-of-hospital programs that are currently provided within the public health service?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:17):** The hypocrisy of Labor in relation to the use of non-government services and, for that matter, private services is breathtaking. Let me remind the house: when Labor was in power, radiology services at Modbury and Noarlunga Hospital were delivered through external providers. Some of the radiology services at the Lyell McEwin are delivered through external providers. There are 14 country hospitals where radiology services were delivered through external providers during Labor's term.

In terms of hotel services, five metropolitan hospitals—Flinders Medical Centre, Modbury, Lyell McEwin, TQH and the Women's and Children's—received a significant portion of their hospital services through the private sector. In terms of transport, there is a range of private providers who are used to transport patients. Let's remember: this is the former Labor government. I acknowledge that the honourable member wasn't a member of this council when the former Labor government was in power, but let me let her in on a secret: the colleagues whom she sits amongst were part of a government that put in place one of the largest privatisation deals in this state's history.

This is more than \$2 billion to build the new Royal Adelaide Hospital, and for 29 years it will see \$1 million each day made in payments to external providers. Also, let's remember that this is the party that closed the Repat and signed a contract to sell almost all of the former site. So I am not going to be lectured by the Labor Party about privatisation.

**The Hon. I. PNEVMATIKOS:** Point of order: what is the relevance of the response that I am receiving from the minister?

**The PRESIDENT:** I would rule on it, but your own benches are not allowing me to hear the answer. I would recommend remonstrating with the Hon. Mr Ian Hunter and the Leader of the Opposition. Minister, go on. If I can hear, I will rule.

**The Hon. S.G. WADE:** We will continue to look for partnerships with non-government organisations and the private sector if we believe it will deliver better value for money, quality health services to South Australians.

#### *Matters of Interest*

### **MULTICULTURALISM**

**The Hon. I. PNEVMATIKOS (15:20):** When it comes to representing our community through state parliament, I believe it is of the utmost importance to connect and collaborate with multicultural groups and organisations within our community. Why? Because our experiences shape who we are. It is why culture and tradition are important not only to preserve but to celebrate and share as well. We live in a multicultural society and the various groups and organisations within our society have played an important role in contributing to the identity it has today.

The Polish Women's Association, who recently celebrated their 65<sup>th</sup> anniversary, is a case in point. They are an organisation that came about due to the strong drive to support those less fortunate and in need both within our community and abroad. From displaced persons in refugee camps to victims of natural disasters, the Polish Women's Association has not only provided support but has been a role model for other emerging organisations.

This is in addition to organisations such as the Ethiopian Community Association in South Australia, the Greek Museum of Adelaide and the Greek Orthodox Community of South Australia, who have all recently celebrated and commemorated the culture and traditions of their respective communities as well as reflected and recognised the achievements of individuals both young and old within our community.

The Muslim Women's Association of South Australia recently presented a cross-cultural exploration of women's rights throughout time to commemorate 125 years of women's suffrage, connecting the celebration of women's suffrage with the historical and present struggles for gender equality for women.

These groups are all actively assisting people of culturally diverse backgrounds to realise their potential as active contributors to the political, economic, social and cultural life in South Australia. I congratulate all on their efforts for connecting culture with the broader community. Not only do we have strong cultural groups and organisations within our communities, we also have organisations who work tirelessly to connect multicultural communities and provide them with a voice.

Organisations such as 5EBI have, for some 40 years, played a crucial role in support of migrants settling in South Australia, to inform and help maintain their identity and the traditions of their heritage. Language is an equaliser and with 5EBI currently broadcasting for 44 different cultural and linguistic backgrounds, there can be no doubt about the important role they play in South Australia.

Then there is the MCCSA, which over the past 45 years has not only been a voice for communities to government, stakeholders and the public but has also delivered important programs to members of the multicultural communities. They have worked hard to give a voice to minorities within CALD communities and support those communities to thrive.

It is also important to acknowledge and support newer emerging organisations in our state. The message is clear: everyone can belong, participate and thrive in social, cultural and economic life. This is a principle we should not lose sight of. It is important to note that more often than not multicultural groups are formed out of necessity to speak up on either local or global issues and to connect.

Groups such as the Kurdish National Committee of Australia are raising community awareness about the atrocities occurring overseas in northern Syria, warning us about the impact



Turkish regimes have had on many CALD groups who now call Australia home and reminding us about our relationship with the Kurdish people, our allies in the fight to defeat ISIS. Without their voices and persistence, there would be no change. It is often the few, the brave, who ignite change.

All of these groups play a vital role in our state, and all do so in the name of democracy and peace. Whether it be through commemoration, celebration, dance, film, protest, consultation, advocacy, and everything that lies between, multicultural groups contribute greatly toward the political, economic, social and cultural life of South Australia. We have a responsibility to listen to and support these groups in the interest of a growing healthy state.

### SUICIDE PREVENTION

**The Hon. J.S.L. DAWKINS (15:25):** The Australian Bureau of Statistics causes of death data for 2018 was released on 25 September this year, and it includes the national suicide statistics. It is important to remember that each of these numbers represents an individual life lost, a life which was valued and will be missed. I acknowledge the individuals, families, carers, colleagues and communities impacted by every suicide.

The suicide statistics reveal that nationally in 2018, 3,046 people lost their lives to suicide, a decrease of 2.6 per cent from 3,128 people in 2017. The total suicide rate across Australia dropped from 12.7 per 100,000 in 2017 to 12.2 per 100,000. The country suicide rate across Australia dropped from 16.6 to 15.9, a decrease of 4.2 per cent. The metropolitan suicide rate across Australia dropped from 10.7 in 2017 to 10.3 in 2018. Deaths by suicide of Aboriginal and Torres Strait Islander people totalled 796 people across Australia, a rate of 23.7 per 100,000. A large increase occurred in the proportion of deaths by suicide nationally for 15 to 19 year olds.

Within South Australia in 2018, 212 people died by suicide—154 males and 58 females—a decrease of 5.6 per cent on the numbers in 2017. The total suicide rate in South Australia dropped from 12.8 per 100,000 to 12.0 per 100,000, bringing South Australia below the national total suicide rate. Metropolitan Adelaide had the same number of suicides in 2017 and 2018, being 158 deaths, a rate of 11.5 per 100,000. Country South Australia suicides decreased from 65 deaths in 2017 to 51 in 2018.

The statistics emphasise the need to establish more suicide prevention networks aligned to metropolitan local government boundaries, and I assure the council that I am doing all I can to encourage that. Currently, there are 37 suicide prevention networks in South Australia, with two under development, but of those, 32 are regional and the metropolitan ones are largely in the outer metropolitan areas.

In discussing suicide, it is important that we get the language right. Only earlier this week we had a national round table on suicide in Adelaide with the former director of the Everymind group in Newcastle, which has done such terrific work on the consideration of language used when discussing suicide. The problematic terms include 'successful suicide' and 'unsuccessful suicide'. The preferred terms are 'died by suicide' or 'took their own life'. Equally, the terms 'committed suicide' or 'commit suicide' are problematic terms, whereas 'took their own life' or 'died by suicide' are much more preferable to the community that works very hard in this area but also to the families concerned.

Also described as problematic is the use of words such as 'failed suicide' or 'suicide bid' where in both cases the word 'attempt' should be used. Finally, in relation to gratuitous use of the term 'suicide', certainly 'political suicide' or 'suicide mission' should not be used. We should just refrain from using the term 'suicide' out of context. As I said earlier, it is a complex issue. All the statistics relate to a person, a family, the friends and all the people they have worked with or played sport with. We have evidence that at least 135 people are impacted by every suicide.

### *Parliamentary Procedure*

### VISITORS

**The ACTING PRESIDENT (Hon. D.G.E. Hood):** I acknowledge the senator in the gallery. Welcome, senator.

*Matters of Interest***POLLUTION INCIDENTS**

**The Hon. M.C. PARNELL (15:30):** I rise today to explore a little further the incident that occurred in Port Pirie at the start of this year where a quantity of sulphuric acid was spilled or leaked from the Nyrstar facility and ended up polluting the marine environment and killing hundreds of fish. I note that I asked a question in question time today, and the Minister for Human Services kindly took that on notice, and I expect I will get a response at some stage.

The reason I wanted to reflect further on it is that, having accused the EPA of noncompliance with the law, I felt I should take the opportunity to spell out why I say that is the case. The starting point for me is the act, the Environment Protection Act. I was involved in the formulation of that act in the early 1990s. I know the act very well and one of the things we fought hard for when that legislation was being developed was a public right to know. Whilst I think the act is deficient, it does include the public's right to know in the form of a public register.

The Public Register was a paper-based register, now it is an online register of things like pollution licences, exemptions, orders that might have been issued, prosecutions that have been undertaken. It is basically a list of all of the enforcement actions and some of the investigatory actions that the EPA undertakes. One of the clauses in the public register provision of the act—that is section 109(3)(h)—provides that the authority must record in the register the following:

details of serious or material environmental harm caused or threatened in the course of an activity that come to the notice of the Authority;

In other words, if the EPA knows about it, they need to report it. When do they need to report it? Again, according to section 109:

as soon as practicable but, in any event, within three months after the information becomes available to the Authority;

So what we see is that this acid spill into the environment took place in January. Nyrstar apparently told the EPA straightaway. The EPA knew about it certainly the next day. It took them five days to get out and have a look. But certainly the EPA was aware of this in early February. Three months gives us March, April, May, so at the start of May we should have been told about it. We were not. It is not on the Public Register.

In fact, what bothers me as well is that, having gone online to the Public Register earlier today just to check, because if I am going to accuse them of not doing something, I wanted to check that it was not there. I could not find any reports of pollution incidents. There is not a category in their online register. In the drop-down menu, there is no category of pollution incidents, so I do not know whether there are any on there. I could trawl through all of the thousands of licences and go through every postcode to see what I can find, but my gut feeling is that there are not any.

The Minister for Environment and Water today in another place made a ministerial statement where he said that, despite the advice that he has received from the EPA—that advice being, 'We did not have to tell anybody about this pollution incident because we judged that no public health risks were involved.' That is not the test: the test is public health or the environment. There are two parts to the test, not just public health. They cannot just say, 'Well, it was only hundreds of fish that died, no people were at risk,' I guess unless they tried to eat any of the fish, 'therefore we don't have to notify.'

The minister has taken that advice and said that despite this advice there are questions regarding how the EPA, as an independent statutory authority, informs the community of environmental incidents and under what circumstances the public should be notified. The minister has said he has asked the EPA for a report, so it is an inquiry of sorts but an internal inquiry. We have no indication of whether or not they are going to seek submissions.

I can tell the minister now that I will be putting in a submission, and I hope they actually ask members of the Port Pirie community whether they think they have a right to know of major pollution incidents that result in fish kills in the local environment. I think they would have something to say. I welcome the limited internal inquiry. I will certainly be making a submission. However, my question

(and I am looking forward to the answer) still remains: what is the minister doing about the noncompliance by the EPA with their own legislation?

### WHISTLEBLOWER PROTECTION

**The Hon. R.P. WORTLEY (15:35):** Today I ask members to put aside political differences and support the plight of public servant and whistleblower Richard Boyle. Richard, a South Australian, worked not far from here at the Adelaide branch of the Australian Taxation Office, a key centre for debt collection. He had worked there since 2005.

Things took a turn for the worse in 2017 when his area in the ATO was instructed to use more heavy-handed debt collection tactics on taxpayers. What Richard experienced deeply disturbed him, and unconscionable behaviour and ruthless pursuit of debts applied by an agency that has little regulatory oversight compelled him to report his concerns. It was at this time that he became a whistleblower.

That decision proved to be devastating for him. He was sacked and, days before speaking publicly, his home in Edwardstown was raided, with his laptop and phone seized. Then earlier this year, this man, in his 30s and a recent newlywed, was charged with 66 offences. If he is found guilty he faces a total of 161 years in gaol, equivalent to more than six life sentences. This ranks him with murderers such as sadistic serial killer Ivan Milat—who died at the weekend—in terms of punitive judicial action.

Not surprisingly, the stress on Richard has taken its toll. He has had a breakdown, suffered insomnia, and has had a series of stress-related heart issues. The stress on his family has been immense. This is not the way we should treat people who are trying to do the right thing. What has happened to Richard should concern us all.

It is what can happen when whistleblower protections are deficient. However, what happened here is much bigger than Richard. His treatment has had a chilling effect on other whistleblowers coming forward. When they look at him they see a man who has been persecuted for doing what he believed was right.

Stopping others from coming forward is not in the best interests of a democratic society. Whistleblowers ensure honesty and integrity within our institutions, and that is why we need to fix the problem as soon as possible. That means changes to our legislation. At the very least, we need protections for public officials who, on reasonable grounds, disclose information of suspected wrongdoing in government.

We also need to have one piece of legislation, not the current two, covering both private and public sector whistleblowers. We need to look at setting up a fully resourced whistleblower protection authority to assess whistleblower complaints to avoid any conflict of interests with organisations investigating themselves. The current system is too varied, depending on the strengths and weaknesses of each institution.

Such an organisation could assess whistleblower concerns, give potential whistleblowers advice and help them navigate their rights. Consideration could be given to a reward scheme for public interest whistleblowers, like other democracies such as the United States. In the United States whistleblowers can claim a percentage of the financial benefits that their disclosures may bring to regulators or the public. This will address the very real issue that whistleblowers who go public destroy their careers.

We need to make available a general public interest defence for any citizen charged with offences of unauthorised disclosure or receipt of official information. These are things that have been discussed before, and it is now time for action. Richard spoke up to help others. Since he came forward there have been a raft of inquiries into the ATO and some reforms of ATO processes, all of which have been in the public interest. That is the point here.

When Richard became a whistleblower, his actions and motivation was to expose the ATO. Nothing he did was for commercial benefit. In fact, the ATO tried to settle with him shortly before he went public, offering him a confidential payout and a statement of service to leave his job. He knocked this back.

So where does it leave us? We need to do what we can to protect people like Richard who have chosen to make the ultimate sacrifice as a public servant. The Attorney-General, Christian Porter, has the power to intervene in the legal action, but he made it clear that those powers of intervention are only used in unusual and exceptional circumstances, and that they have never been used before. If this case is not unusual and exceptional, I honestly do not know what is.

Weak whistleblower protections contributed to our slipping as a nation two places to 21 in the World Press Freedom Index. Since 2012, Australia has slipped in other indices, including the global Corruption Perceptions Index compiled by Transparency International. If we are not careful, we will slip further.

Richard is in the gallery at the moment. I would like to thank Richard for what he has done, for letting the public know of the ruthless behaviour of the ATO. I am very sorry for the treatment he has received and been subjected to.

**The ACTING PRESIDENT (Hon. D.G.E. Hood):** Order! The member's time has expired. I call on the Hon. Ms Lee.

*There being a disturbance in the gallery:*

**The ACTING PRESIDENT (Hon. D.G.E. Hood):** Order in the gallery!

#### **ETHNIC BROADCASTERS INCORPORATION**

**The Hon. J.S. LEE (15:40):** I rise today to speak about the Ethnic Broadcasters Incorporation, better known as 5EBI—the multicultural radio station for Adelaide and South Australia. 5EBI was established at the beginning of 1975 and South Australia has the proud legacy of being the first state to have ethnic broadcasting. For many migrants, refugees, temporary workers and international students, ethnic media is a critical source of information about what is happening in South Australian society.

I am a true believer that ethnic media plays a significant role in the wellbeing and functioning of migrant communities, because I experienced it myself with my parents, who could not speak much English at all when we arrived in Australia in 1979. It is through multicultural media that migrants can connect with each other, share information and ideas, and speak about histories and traditions using the languages of their homelands. When migrants tune in to the station, they are entertained by music and sounds that they enjoy. They hear familiar voices that comfort them during difficult times and give them joy during auspicious festivals or happy times.

There are more than 40 culturally diverse communities and organisations actively volunteering at 5EBI which have delivered a diverse range of wonderful programs and activities at the station. On Sunday 20 October 2019, 5EBI hosted their annual radiothon in Byron Place, Adelaide, and it was an honour to represent the government of South Australia at their open day, which featured delicious food and drinks served by volunteers and many colourful performances showcasing the diversity of South Australia's multicultural society.

It was wonderful to see a great turnout at the open day. Congratulations to the chair of the executive committee and station manager, Kym Green, and volunteers of 5EBI for putting on a successful event together. My heartfelt congratulations to the hundreds of fabulous volunteers who have contributed their valuable time, knowledge and skills every week to give more than 40 different communities a voice on air.

Some of the special guests who attended that day included the Hon. Julian Stefani OAM and Mr Darryl Johnson, the Philippine Honorary Consul. I would particularly like to pay tribute to a life member of 5EBI, former member of the Legislative Council the Hon. Julian Stefani, who has continued to be such a fantastic supporter of the radio station. Since 1975, 5EBI has been a strong contributor to South Australia for the past 44 years. The Hon. Julian Stefani has reminded me that 5EBI has always received bipartisan support. He pointed out that former Labor MLC the Hon. Chris Sumner is also a life member of 5EBI.

Bipartisanship support should always be embraced as the true spirit of multiculturalism so that migrant communities can enjoy the benefits of living in a harmonious and inclusive society. We should not allow anyone, particularly elected members, to play political games to compromise the

integrity of bipartisanship. It was very disappointing that the opposition provided some misleading and inaccurate information about the government's funding arrangement with 5EBI.

The spreading of fake news by the Labor shadow minister in the other place has created misunderstanding, misconception and anxiety among the community groups, volunteers and listeners of 5EBI. I wish to confirm that the Marshall government has been and will continue to be a supporter of Ethnic Broadcasters Incorporated. Contrary to the misleading information, the fact is that there is no cut to the funding for the 2019-20 period for 5EBI—\$22,550 was paid into 5EBI's account.

It is also a fact that the office of Multicultural Affairs has sent a letter offering an opportunity to discuss funding options. I have subsequently met with the chair and executive manager and Kym Green, the station manager, to discuss new funding arrangements. I believe a well-written proposal that meets the funding guidelines for support from 5EBI will be viewed favourably, because the government of South Australia is committed to supporting valuable multicultural organisations to build capabilities and sustainability within the communities they serve.

### MELBOURNE CUP

**The Hon. T.A. FRANKS (15:45):** I rise to devote some time just before the first Tuesday in November, the so-called race that stops a nation, to ponder whether one day the nation will stop this race. Indeed, I commend one of my favourite singers and performers, 'Tay Tay', Taylor Swift, for not playing at the cup this year. Indeed, look what you made me do; Tay Tay's was a very wise decision to pull out of this cruel and inhumane industry.

Our state government has recently given \$24 million in a stimulus package to South Australia's racing industry, an industry based on the use of animals for entertainment and for gambling. It is an industry that is based on the concept of wastage. For those who have not heard of wastage before, that is those animals that are seen as disposable—the dogs, the greyhounds, the racehorses, the thoroughbreds. As we have seen yet again on the ABC exposé, the way that those animals are treated when they are not on the track leaves a lot to be desired. You bet, they lose—they never win.

The racing industry is no different from those other animal industries, where it values an animal on its basis of financial return. The ethics of any gambling industry are, of course, questionable, but when that gamble is done with flesh and blood, there will inevitably be very few winners and many, many losers. The drive for financial and personal success and glory is about the return for trainers and owners, not the animals.

South Australians are standing against this and saying 'Nup to the Cup' in increasing numbers. It does not mean that they do not enjoy a day out and a frock up, putting on a hat, but perhaps the fillies are not of the four-legged kind at these events. Certainly, more and more South Australians are rejecting cruelty and the use of animals as entertainment, recognising that these industries are inherently cruel and no longer something that we should be supporting into the future.

I would like to encourage South Australians to get along to the FARK Cup. Say Nup to the Cup on the first Tuesday of November and get along to the FARK Cup. Before Hansard panics too much, that is the Fun Alternative Racing Karnival. It will be held at Prospect Oval on Tuesday 5 November. Tickets are available online, and there will be races. Indeed, they are races that we can all participate in.

The overall rules are that you must be over 18 to compete and that you must pre-register. Beyond that, you may enter in race 1, the MAMIL Coffee Cup, by wearing cycling lycra. Vintage gym, budgie smugglers, ballet lycra are all possible, if you can rock it—the sillier the better. You have to run carrying two cups of coffee, which will be supplied. The first to reach the finish line, where your bike is, wins, but still you must have that coffee in your cup. It is barefoot only and starting from a seated or lying position. You can come with a funny or silly coffee or cycling name for your entry.

Race 2 is the Wobbly Ladies, where you can wear a dress—all genders welcome. You must carry shoes and a handbag. To provide that element of difficulty, you cannot have a body strap or hand strap affixed in any way. You must wear a hat and it cannot be fixed to your head or hair during the race. The first to reach the finish line and grab the supplied champagne bottle wins. You are not

allowed to start standing and you must be barefoot. You can come up with a fun and silly drunk lady name for your entry.

Race 3 is the T-Rex, where you must wear an inflatable T-rex costume, which will be supplied to you. You must start from a standing position, barefoot only, starting from a 180° position backwards, and come with a fun or silly dinosaur name. Events like the FARK Cup will support those shelters that take in animals abandoned by these industries and give them a much longer life than they would otherwise have. I encourage all South Australians to help be the nation that stopped the cruel race.

### PRIVATISATION

**The Hon. J.E. HANSON (15:50):** 'We don't have a privatisation agenda'—a blatant broken promise. It is just impossible to see how anyone can say this and then turn around within 18 months and propose to sell something as fundamental as our train and tram network. The Steven Marshall decision to privatise trains and trams will result in higher fares, reduced and unreliable services, packed carriages and a daily inconvenience to more than 75,000 users of that network.

History has shown that the privatisation of public transport networks is a disaster. In London, the privatisation of the Underground in 2003 was such a disaster that it was bought back into public hands within six years, but not before fares increased at four times the rate of inflation. Fewer more costly and less reliable services will lower the appeal of public transport. More people will be on our roads. There will be more parking and driving congestion. This will ramp up the cost-of-living expenses on working families and the vulnerable.

In Melbourne, the privatisation of the trains has been a slow-moving wreck from when it started in 1999, with one of the operators suffering such a significant financial issue that it had to pull out of the deal from almost day one. Within seven years of the privatisation occurring to Melbourne rail, a report found that the privatised system was costing taxpayers \$1.2 billion more to run than if it had remained in public hands—\$1.2 billion more.

In 2015, leaked documents showed that more than 15 trains a day were being secretly turned into express trains. What does this mean? It is a process known as station skipping. It is a process used by private operators to avoid millions of dollars in fines placed on them by the state government for running a poor-quality service. Thousands of Victorians were stranded on platforms in the sunny Melbourne weather as trains whizzed past them, or perhaps worse, they were stranded in the carriage as their so-called express service left them miles away from where they wanted to be. Worse than this, earlier this year, hundreds of angry commuters were left dumped at Flinders Street Railway Station after the train bypassed the City Loop to avoid running late.

What would Steven Marshall do about these kinds of problems? He has refused to say. A Steven Marshall government has refused to reveal what on-time running percentage will be written into his privatisation deal. What does that mean? Put simply, it is not even clear if there will be any consequence at all for any operator running late ever or not arriving at all. What a shambles. It is not even cheaper to be provided with a worse service in Melbourne than what we see in South Australia. It is not cheaper, it is just a fact that Melbourne commuters pay almost 50 per cent more than South Australians do for a service that skips their stop, does not run on time and is less accountable for its mistakes. Privatisation of trains and trams does not make sense.

In stark contrast to the Liberal Party, the Labor Party has an unprecedented record of support for public transport. Labor extended the O-Bahn to the CBD. We extended and modernised the train network. We invested over \$2 billion into the rail network, with new stations and modern electric cars. We electrified and extended the line to Seaford. We doubled the availability of park-and-rides to almost 12,000 spaces. Heck, even the Victorian Labor Party stepped in and saved the *Overland* when Steven Marshall could not be bothered to do that.

In short, we are a party that believes in public transport. We have a service now that runs on time, with greater satisfaction than a privatised service ever could. We believe that it is an essential service that should remain in public hands. That is why the 2022 election will be an election with a real difference on public transport. Labor will bring our trains and trams back into public hands. We will reverse the Marshall Liberal government's privatisation on our trains and trams. Only Labor will

stand up and fight for the public transport users and the services on which they rely every day for their everyday lives.

*Motions*

**SANSBURY, MR T.**

**The Hon. K.J. MAHER (Leader of the Opposition) (15:55):** I move:

That this council acknowledges the significant contribution Narungga/Kaurna Elder Tauto Sansbury has made at both a state and national level and notes, in particular, his contribution to the Aboriginal community through his advocacy and involvement in improving the justice system, child protection, housing and his contributions to ATSIC, treaty development and the broad labour movement.

I acknowledge that, as we move this motion and as we discuss these matters today, we are standing on Kaurna land. The land this parliament is built on, the land in this state—in fact this whole country—always has been, always will be, Aboriginal land. I want to acknowledge aunties, uncles, friends and particularly Tauto's family, who are here in parliament today.

Tauto was born at the Point Pearce Mission on the Yorke Peninsula, a very proud Narrunga/Kaurna man. He passed away last month after a battle with cancer. Tauto, I think, was best known as always speaking truth to power, always making a very powerful stand. As part of the oldest living culture on earth, but a culture that has been denied a real voice since the colonisation of this country, Tauto knew that you have to speak loud to be heard, you have to fight hard to get a seat at the table, and you have to do whatever it takes to initiate change and get better outcomes. That is exactly what Tauto Sansbury did: he spoke up, he took no prisoners, he ruffled feathers, but he did it for a greater purpose—he did it for his people. He did it hoping that the next generation of Aboriginal kids did not have to face what he had to go through.

He was a warrior for social justice for decades, and everyone knows how hard he worked to improve areas, as the motion says, like the justice system, health, housing, child protection, the list goes on. It is hard to think of a committee, a board or an advisory panel that had anything to do with Aboriginal affairs or the betterment of Aboriginal people's lives that Tauto had not been involved in in some capacity over the years. There are probably many more boards from which Tauto resigned with theatrical flourish, saying that they were not doing enough and moving quickly enough—probably as many as he was a part of.

To name just a few areas in which he was involved: he was a delegate to the 2017 National Constitutional Convention, where the Uluru Statement from the Heart was developed—a message he firmly supported and a statement that is one of the most important that we have seen in this nation's history. He worked as a consultant to the state's Social Inclusion Unit. He received a NAIDOC Lifetime Achievement Award at the national NAIDOC dinner in Adelaide a few years ago.

In 2003, he was awarded an Australian Centenary medal for his work in the criminal justice system. He was chairperson of the South Australian Aboriginal Coalition for Social Justice. He assisted the Royal Commission into Aboriginal Deaths in Custody. He sat on the South Australian Museum's Aboriginal committee, he was a member of the Museum's reparation policy group and he was a former chair and director of the SA Native Title Services. He was a leader, but more importantly he was a partner, a dad, a grandfather and, I am proud to say, a close friend of mine. After his passing, Tauto's partner, Grace, said:

He was one of a kind, he's irreplaceable, and I would love to hope that there are some young strong Aboriginal people waiting in the wings to take over the mantle from him.

I am pleased to say that there are. Indeed, some of the next generation of young Aboriginal leaders are here in the chamber today. Tauto's family released a statement, saying:

Tauto was a courageous leader and advocate who fought relentlessly and fearlessly for social justice for Aboriginal people in all areas of life.

He was a recognised leader and Elder. He spoke truth to power at times when others felt they were unable to [do so].

Tauto was a true voice for the voiceless.

Tauto's contribution is incalculable and his wisdom, knowledge, warmth, gentleness and humour will be missed by many at home and around Australia.

He was a great man and an irreplaceable warrior and advocate for social justice.

Tauto always believed that Aboriginal people should be part of the political process, so much so that he twice ran as a Labor candidate at state and federal elections. He was not content to be outside the tent; he wanted to be inside and make sure that change happened.

I was grateful, not long before he passed away, to spend time with Tauto at the Royal Adelaide Hospital, together with Labor leader Peter Malinauskas. We had quite a few laughs and reminisced a lot about things. One of the things that I was reminded of that day, talking to Tauto, was one of my most recent and fondest memories of dealing with him during the treaty negotiation process over the last couple of years.

Treaty discussions were held between three Aboriginal groups—Ngarrindjeri, Adnyamathanha and Narungga—in the lead-up to the 2018 state election. Of the three, the Narungga negotiations progressed to the fullest extent, and that was in no small part due to Tauto's leadership. Tauto knew when it was time to stand up to the government and demand more and get more, but he also knew when it was time to come back to the table that he had just walked away from in order to actually make change happen.

For a man who did not have formal schooling beyond year six, Tauto was a master of complex negotiations. The treaty negotiations, which had some of the most complex areas of policy and development that I have ever been involved in, showed the mastery that Tauto had, not just of Aboriginal Australia but also of the system that he had to work in.

There were times during the treaty negotiations when I was almost certain that everything would fall over, but the persistence and the way in which Tauto carried himself saw the Buthera Agreement signed—the first ever agreement in the treaty process in this nation's history. That is something that I am extraordinarily proud of: to have worked closely on that with Tauto and, I must say, others who are here today. We did not achieve a full treaty but we did negotiate something that is historic in this country. Many others have noted Tauto's remarkable contribution. The ALRM released a statement, saying:

Tauto's contribution to the Aboriginal communities of South Australia, seeking Justice without Prejudice, demonstrates his love and commitment to defending the rights of our people.

Former Speaker of the South Australian Parliament and former member for Giles, Lyn Breuer, was a close friend of Tauto's over the years. She sent a few different emails, recalling fond memories of Tauto. There is one that I reflected on at his funeral that I would like to read again, to put on the record in *Hansard*. Lyn Breuer says:

I would like to pass on my deepest sympathy to Grace and all the family of this good man, I was very sad to hear of his passing, and only ill health prevents me from being there today to celebrate and honour his life.

He was a great advocate and role model for all Aboriginal people and a true leader, with an amazing sense of humour and a kind, but determined manner that inspired all around him.

He understood politics and had political smarts, and so spent some time with the Labor party and was candidate for grey in the 2010 election.

I had the pleasure of travelling around with him during the campaign and had some of the funniest, entertaining and most enjoyable times in my political career.

Lyn Breuer remembers one trip where Tauto was in the back seat and complained that the seat was getting warmer and hotter. Lyn says:

We first ignored him, then told him to stop whinging, then thought he might be suffering from too long in the bush, till he burst out and said, 'My bum is burning, I've had enough.'

As it turned out there was a problem with the heating system, and it was burning through the seat.

Lyn ponders that maybe, because of this, he left the Labor fold, but I think Tauto went on to advocate for an Aboriginal party to pursue the aims of Aboriginal Australia.

Senator Patrick Dodson, known as the father of reconciliation in this country, sent a statement about Tauto. Senator Dodson says:



First Nations people, not just in South Australia, have lost a fine champion and a great advocate, and I extend my heartfelt sympathies to his family. His passing is a huge loss in the political landscape. His work towards the implementation of the recommendations of the Royal Commission into Aboriginal Deaths in Custody and his commitment to social justice more generally, along with his role in negotiating the Buthera Agreement, are just part of Mr Sansbury's legacy. I salute his many achievements and mourn his passing.

The turnout at Tauto's funeral showed just how widely and strongly he was respected. I did have a couple of people comment that there might have been some there just to make sure the cranky old bugger was actually dead, but I do not think that is true. I think pretty much everyone was there to celebrate the life of a truly amazing individual—a truly amazing Aboriginal man, someone who has touched so many and helped so many. So many lives are better because Tauto spent time on this earth. Thank you, Uncle. Thank you for all that you have done. Rest in peace, my friend.

**The Hon. T.A. FRANKS (16:05):** I rise to pay my respects to the elder past of Tauto Sansbury and associate myself with the remarks of the mover, that this council acknowledges the significant contribution that Narungga/Kaurna elder Tauto Sansbury has made at both a state and national level and notes in particular his contribution to the Aboriginal community through his advocacy and involvement in improving the justice system, child protection and housing and his contributions to ATSIC, treaty development and the broad labour movement.

Tauto Sansbury was a proud South Australian Aboriginal man, born on Point Pearce mission with Kaurna, Wirangu and Narungga heritage. Tauto was a passionate and committed advocate for Aboriginal people. He worked and advocated for people experiencing disadvantage in all areas for over 30 years. He held numerous committee and board positions, as the Hon. Kyam Maher has noted, and he was also co-chair of the Indigenous Peoples Organisation, which advocates for Indigenous rights at the United Nations. So the motion should indeed reflect international impact.

Later, of course, Tauto ran Garridja, his own Aboriginal cultural consultancy. Tauto had a strong passion for law, for justice and for the rights of Aboriginal people, particularly in prisons, and he was heavily involved, as we know, in the Royal Commission into Aboriginal Deaths in Custody, working then with Elliott Johnston QC and spending over 10 years in leadership with the South Australian Aboriginal Justice Advocacy committee and the Aboriginal Justice Advisory Committee. His work in those roles would appropriately later be recognised in 2003 with an Australian Centenary Medal.

He was also a consultant to the Social Inclusion Unit under the Rann government and worked on the Breaking the Cycle report—important work. In 2015, Tauto won the Dr Yunupingu Award for Human Rights at the 2015 National Indigenous Human Rights Awards. In that same year, he received the National NAIDOC Lifetime Achievement Award. It was a powerful moment to be there, and I know that other members of this council were there to see it.

In that speech, as he accepted that NAIDOC award, he reflected on his work to organise the freedom summit, gathering Aboriginal leaders in Alice Springs in 2014. He spoke about the need for Aboriginal Australia to celebrate the awards and achievements but also to unite as one against many years of oppression and to say 'Enough is enough'. Recounting a letter on this subject, he said at the time:

I'm a 66-year-old man. I should be initiated. I should be singing and doing my dance for my children and my grandchildren and passing that tradition on. And I don't speak language. And this is the price that I paid for colonisation. This is the price that I paid because of cultural genocide. And this is the price that many Aboriginal Australians have paid. And we've got to fix that. I'm proud to hear Rosalie speak in language and I wished I could. I wished I can dance. And I wished I can sing, but I can't.

Tauto was deputy chair of the Aboriginal Legal Rights Movement when the organisation called for an independent investigation into the death of Wayne Fella Morrison while in custody at Yatala Labour Prison. Tauto told the press at the time, quite rightly and in great Tauto style:

We want the whole truth, nothing but the truth, that would be only appropriate for the family and the Aboriginal community.

He told NITV at the time:

The lack of understanding and the lack of relationship between Corrections, Police, Aboriginal organisations and communities are totally getting out of hand.

Tauto had an unwavering passion for the rights of First Nations people. He valued and followed the work of his ancestors, honouring the many who were killed while fighting for the freedoms of their community. He had a vision for an Indigenous parliamentary body and a parliamentary system that would represent the sovereignty of the Aboriginal and Torres Strait Islander communities. In that, he is not alone.

Having spent a lot of his childhood facing hardships in boys' homes, Tauto used those experiences to drive his own advocacy for people from all walks of life. He volunteered his time toward action and advocacy for the antipoverty movement along with child protection and suicide prevention. Activist groups, community groups, and not-for-profit organisations all remember the wisdom and passion that he brought to his decades of work.

Tauto's partner Grace Nelligan remembers him as 'a true warrior for his people', and he was a warrior for the land as well. Tauto worked with conservation groups and helped to form the No Dump Alliance in South Australia to speak out against the proposed nuclear waste dump. Tauto brought, again, his strong words to that movement and in his usual style put the question as to why other countries were not rushing for their own nuclear dump.

The tireless work that Tauto did behind the scenes also deserves to be commended. As someone who valued what he could learn from his ancestors and community, he did what he could to pass on his own knowledge to that community. If you were involved in any grassroots activist campaigns or actions for social justice assisting the community to be fairer, to be better, you are likely to have come across Tauto and definitely to have had some input from Tauto at some point in that journey. I value personally the times I worked alongside Tauto and learned from him, not just as an inspirational person but through his generosity and the strength he showed that shined through in everything he did.

I remember he and others organised a rally against proposed budget cuts under the Abbott government back in 2014. In my records, looking through them today, I have a thankyou letter from him. He wrote to me to thank me for my words of support at that event. He often took the time to show solidarity with everyone in the movements that were around him. He wrote how pleased he was at that time to see a crowd of people, both Aboriginal and non-Aboriginal, standing together in the fight against unjust federal attacks on those most in need.

I value what I have learned from Tauto at those many events where he volunteered his time, including an SOS Blak Australia national day of action to oppose the closure of Aboriginal homelands back in 2015, and in particular I remember first encountering him at forums discussing suicide prevention and racism.

I commend this motion, I thank the mover for bringing it here, I acknowledge the many people in the gallery, which certainly reflects the impact that Tauto had, and I am proud to stand here today to honour a man who spent his life fighting for freedom, for fairness and for speaking truth to power. Rest in power, Uncle.

**The Hon. M.C. PARNELL (16:13):** I join my colleagues in supporting strongly this motion that recognises the life and works of Tauto Sansbury. I agree with everything the Leader of the Opposition and my colleague Tammy Franks said. When I was reflecting on how I could most respectfully engage in a motion like this I thought the best thing I could do would be to actually use Tauto's own words.

At the funeral, when we were all sitting there waiting for the service to start, along with the order of service and the little bookmark with Tauto's photo on it, there was an A4 sheet of paper which contained some of Tauto's thinkings on life, the universe and everything, but in particular politics. I will give not a spoiler alert but a warning that he has a go at all of us in politics. He says things that are not that comfortable to hear, as a member of parliament, because we all aspire to do better, but he made it fairly clear from his perspective that, as a political class, we are a disappointment.

So I thought the most respectful thing I could do was, rather than just a few hundred people at the funeral getting to read his two pages, I would put them on *Hansard*. The document was headed 'Time to get off the menu'. That does not make any sense until about halfway through when he explains what he means by that. Tauto says:

I've been a fighter for justice for Aboriginal people all my life, and while I have been fighting a big personal battle against blood cancer this past 12 months I have had more time than I would have liked to reflect on the current situation for Aboriginal people in Australia. And I don't like what I see and hear.

I was not surprised at the outcome of the last election. Shorten was not the flavour of the month and should not have led Labor. (Is Albanese any better?) But why worry about the election result? Neither major party has any real interest in Aboriginal people. It is not at the heart of their policies for the country, states or territories.

When you look at Facebook you read all the things that are wrong; everybody has an opinion but no one offers a solution. It's depressing as I think we are smarter than that. It's too easy to be an armchair activist, liking or not liking posts on your Facebook or Twitter feed.

I'm going to make a suggestion. You may agree or disagree and that's up to you, but we need to have this discussion so I encourage you to respond.

It's time to move forward! No Liberal/National coalition or Labor Party is going to do for us what we need to be done, or give us the recognition that is rightly ours, or a voice in Parliament, or truth in reconciliation as First Nations peoples and Traditional Owners.

I am not going to go through all of the statistical data that affect us as individuals, our community, our families and our future because we know it all. We live it and feel it.

The removal of our children, the catastrophic suicide rate, the homelessness and incarceration, the poor health outcomes and many more issues you know of that affect us every day of our lives. The stats are there in the public domain for all to see.

When I was told National Congress had closed its doors it was suggested to me that we need another Peak Body. I immediately responded with 'No we don't, what we need is one united Aboriginal political body, established in each state and territory.'

Of course there will be a lot of debate: 'Let's do it.' 'Can it be done?' 'No it can't be done.'

I wouldn't make a suggestion like this if I thought it couldn't.

It was once said to me many years ago that if you're not at the table you're the menu and this is what we've been since invasion—the menu.

To have a voice in the political arena we need to create an Aboriginal political party to run *against* the major parties—and to win seats. This is the only way that we can have a true voice at the table without having to sell ourselves out and bow down and toe some party line.

Some of you will say that there aren't enough Aboriginal people to vote our candidates in. To those of you I would say there are millions of non-Aboriginal Australians who are disillusioned with the chaos, self-interest and downright cruelty of mainstream Australian politics today. Millions who would get behind a positive First Nations political party that has the best interests of the people at heart.

Just take a look at the May 2019 Federal election. It was the lowest voter turnout on record since compulsory voting—up to 1.5 million people on the roll didn't vote—many of them young people. And out of those who did vote, there were 579,160 informal votes! That makes in total more than 2 million people. And then of course there are those who aren't even on the electoral roll, around 490,000.

And what about our fellow Australians tortured and demonised for being unemployed? Around 3 million Australians are job seekers and users of Centrelink, mercilessly vilified for being in need, unable to gain employment that only exists in the minds of our rich and privileged political classes. A total disgrace. Where are their voices?

Let's not forget our youth who are mocked by those in power for their concern about the environment, and the old, who are viewed as past their use-by date unless they are wealthy.

What does all this tell you?

We need to move forward—and when I say 'we' I mean not only Aboriginal Australia, but the marginalised, the excluded, the voiceless, the powerless, the poor and the downtrodden right across the country, the 'ordinary' Australian.

Unity is strength. We all pay lip service to this but that's about as far as it goes. Our government relies on 'divide and conquer' and it's working very well. Different groups of people are turning on each other rather than getting together to fight the common enemy of greed and lies and self-interest that dominates our political parties and country. This is just what they want, to divert people from the real issues.

The discussion needs to start. And then it needs to continue until it bears fruit. This may not be in my lifetime, but there is a wealth of talented and committed people who can make this vision a reality. If we don't, then the future for all our children and our children's children is pretty bleak.

So let's start talking.

It is signed, 'Tauto Sansbury, Narungga Elder'.

As I said, it is uncomfortable for those of us who think we do a good job but clearly, as my colleagues the Hon. Tammy Franks and the Hon. Kyam Maher have both said, speaking truth to power was one of Tauto's trademark characteristics.

Not all of us have the opportunity at the end of our life to put our thoughts in writing. It can happen in the case of illness, but it does not happen with plane crashes and things like that. He has taken the trouble to write down what he thought about politics, and I thought it would be a fitting tribute to Tauto to put his own words on the parliamentary record today. With that, I add my condolences to Grace and to Tauto's other extended family and friends. This is an important motion and we are farewelling a most important South Australian.

**The Hon. T.J. STEPHENS (16:21):** I rise today to support the Hon. Kyam Maher's motion acknowledging the life and contribution of Narungga/Kaurna Elder Tauto Sansbury. I wish to join those on all sides of politics, and many more Australians, in extending my condolences to Tauto's family, friends and the wider Aboriginal community.

Tauto's dedication to his family and his people throughout his life is undeniable. He has shown active leadership over many years, always championing improvements for his communities. Tauto's community leadership started in the 1970s when he began as the first field officer for the Aboriginal Sobriety Group, an Indigenous corporation. Since then Tauto has remained a constant voice in South Australia through his leadership in communities and contributions on many committees.

Tauto was not motivated by this work for personal accolades but rather dedicated his working life to advocating for what he believed would have positive influence on his communities. His community was his motivation and propelled him in the face of often challenging circumstances. Despite the challenges, Tauto's accomplishments are wideranging, including winning the NAIDOC Lifetime Achievement Award.

I wish to recognise Tauto as someone who lived his life standing up for what he believed in and who strived to improve the lives of Indigenous Australians in our country. I wholeheartedly support the motion, and thank the Hon. Kyam Maher, the Hon. Mark Parnell and the Hon. Tammy Franks for their comments. I offer Tauto's family and friends my condolences.

**The Hon. F. PANGALLO (16:22):** I rise, on behalf of SA-Best, to support the motion of the Hon. Kyam Maher and also to extend our tributes regarding Tauto. I had the pleasure of meeting Tauto in my former life as a journalist. I think the last time was about three years ago at Yatala gaol; he happened to be there on one of his visits and we had a chat about his work.

The thing that impressed me the most about Tauto was that he was always a principled man who was not afraid to speak his mind, even if he was critical of the ALP—and he loved that party. The other thing that impressed me was his strong advocacy for Indigenous affairs, particularly for Aboriginal people caught up in the justice system. That advocacy was legendary and unwavering. I would say that many of his Aboriginal brothers and sisters would be very thankful that Tauto Sansbury was there in their corner.

His strength and wisdom, as well as his strong words, were evident in some of the most contentious issues that faced his community. I think the first time I bumped into Tauto Sansbury was during the Royal Commission into Aboriginal Deaths in Custody. Of course, many years later, during the controversy that engulfed the community with the gang of 49, Tauto's expertise was brought in by the government of the day, and I am sure that his assistance was greatly appreciated.

I was also impressed by Tauto's stoic, salt of the earth approach and his blunt language, as well as his logic. On the occasions I spoke with Tauto, he was a man of few words but the words he expressed really meant a lot and you really knew where they came from. Of course, those words were very genuine.

Tauto Sansbury will be missed. I am sure there are many he mentored who will be walking proudly along the path he created. I acknowledge the presence here today of Tauto's family and friends. SA-Best extends our condolences to them, and I strongly and warmly endorse the motion to the chamber.

**The Hon. K.J. MAHER (Leader of the Opposition) (16:26):** I would like to thank those who contributed to this motion: the Hon. Mark Parnell and the Hon. Tammy Franks from the Greens, and the Hon. Terry Stephens on behalf of the Liberal Party. I know that Terry, having spent a lot of his life in Whyalla and also on the Aboriginal Lands Parliamentary Standing Committee, has a longstanding interest in Aboriginal affairs and bettering the lives of Aboriginal people, so I thank him for his contribution. I also thank the Hon. Frank Pangallo from SA-Best.

I think the words that were spoken here reflect the deep respect everyone has for Tauto. I remember being at his funeral a few weeks ago, looking around the room and seeing a lot of the very senior Narungga men—Peter Buckskin, Kandy, Doug and Irabinna—then other people from the heady days of ATSIC such as Elliott McNamara and Brian Butler. I was thinking, 'Where the bloody hell is Tauto? Oh, yes, that's why we are here today.'

He really was one of South Australia's great Aboriginal leaders, and I know so many will miss his leadership and the work that he did with so many people. That said, I commend the motion to the chamber and invite everyone who is here today and indeed everyone in this chamber for a cup of tea and a bickie in the Balcony Room afterwards.

Motion carried.

#### *Parliamentary Committees*

### **SELECT COMMITTEE ON MORATORIUM ON THE CULTIVATION OF GENETICALLY MODIFIED CROPS IN SOUTH AUSTRALIA**

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

That the report of the select committee be noted.

The Select Committee on Moratorium on the Cultivation of Genetically Modified Crops in South Australia received submissions and heard evidence from a broad range of people and organisations. Essentially, the inquiry took on the form of a debate. The arguments put forward were strongly divergent as to the importance, even imperative, of removing the moratorium, as opposed to those foretelling the risks inherent in such action. Fundamental to the divide was whether the science around GM technology is settled.

Those advocating the lifting of the ban acknowledge that when the moratorium was introduced in 2004 it was a cautionary measure in response to the initial release of GM technology. Some 15 years later, however, those seeking change believe that the restrictions are at odds with established science and economic modelling and are detrimental to South Australia's future prosperity. The impact on business and research led to appeals for it to be revoked.

Voices supporting the moratorium, however, have called on the committee to acknowledge the uncertainties around many aspects of GM processes and products. They argue that opposition to GM technology stems from genuine scientific, ethical and governance issues that have been ignored. Despite the biotech industry's attempt to manufacture certainty over some decades with assurances that there is no debate about the safety and need for GM technology, advocates believe the moratorium's removal would destroy the state's clean and green image and lead to widespread contamination and loss of market advantage.

Those mounting the case for the retention of the moratorium included organic farmers, the organic industry's peak bodies, societies and associations. For them, GM technology epitomised the very destruction of the industry, their livelihoods and chosen way of life. Additional support came from anti-GM organisations, academics and researchers offering statistical data on international marketing advantages for non-GM, the growing health and wellness sector and the innate hazards of GM technology.

The former minister of agriculture, food and fisheries stressed the current benefits and future potential of the state's clean, green, GM-free reputation, while the directors of two Japanese cooperatives, buyers of Kangaroo Island Pure Grain, accentuated the worth of the state remaining GM-free. Many individual submissions petitioned the committee to uphold the status quo.

Conversely, a host of representative bodies from the agricultural sector called loudly for the moratorium to be removed. In their view, the bans have not delivered benefits in terms of price premiums or market advantage but have hampered farmers and a range of associated industries, including research and development. If the moratorium remains in place, they argued that South Australia will fall even further behind in a highly competitive world.

While GM canola, currently available, offers advantages of higher yield, fewer chemicals and better weed management, for those seeking the moratorium's removal, the promise of emerging GM crops is coveted even more. Apart from farmers themselves, many agricultural bodies, agronomists, researchers, academics, grain handlers and a current and a former member of parliament all insisted that coexistence and segregation is possible. They contended that, if the state is to progress, and even resume its former high rank standing in agricultural science, GM technology must be available.

**The Hon. J.S.L. DAWKINS (16:33):** I rise to support the noting of this report. Can I indicate my appreciation for the manner in which not only the Hon. John Darley chaired the committee but also the way in which my three colleagues on the committee conducted themselves and the way, I think, they were very fair in dealing with all of the people that gave evidence to us. There were divergent views; there is no doubt about that. But I think, given the nature of that, the committee handled this topic very well.

I very much support the position that the Hon. Mr Darley and I reached, that the moratorium be retained for Kangaroo Island but lifted for the rest of South Australia. I do that on the basis that, in an overwhelming manner I think, there was evidence that reinforced my view that the farming sector in South Australia, which is highly regarded around the world and has been for decades, deserves the opportunity to have the choice of growing genetically modified crops within their rotation schedule.

It is something that happens everywhere else in Australia and certainly the world has not ended. I recently drove back from the Wimmera of Victoria, through the big towns of Natimuk and Goroke—which the Hon. Mr Ridgway might be familiar with but I am not sure how many others here are—through to Frances. There are thousands of acres of canola in that area and, while I do not have any figures on it, my understanding is that the great majority of that is GM canola. A lot of that country is very similar to country that is immediately over the border in South Australia.

I think, along with the Hon. Mr Darley, we recognise that, given the natural boundaries of Kangaroo Island, there is a benefit for the retention of the moratorium on that island. My support for the position that the Hon. Mr Darley and I took is also, I think, backed up by the fact that throughout my life I have been well aware of the world-renowned reputation of crop breeders and scientists in the research in crop varieties in this state. I think the continuation of the moratorium has weakened that position.

We had evidence of where some of the leading researchers in this state, who would have been the natural beneficiaries of money from the grain sector in doing further research, missed out on the tender and the tender was given to a university in Victoria. That university in Victoria then handed the tender back to the South Australian researchers on the proviso that they had to do the work in the Wimmera of Victoria. If that is not bizarre, then I do not know what is. In my time as a person involved in the farming sector, the quality of our research here and the terrific development in varieties suitable to our climate has been highly regarded around the world and has been taken up in other parts of the world. We need to do everything we can to make sure that that research capacity is enhanced and that we do not lose those people from South Australia.

In his remarks, the honourable member mentioned the word 'segregation'. We had great evidence on the ability of the grain handling sector to segregate grains and segregate different varieties of grain. I think those of us who visited the Viterra facility at Port Adelaide saw a great difference in the way that those segregations can be handled. We also have evidence that there are many silos around South Australia, and I know that the case is similar in parts of other states, where there are some smaller silos that generally are being bypassed as bigger transports take the grain to bigger facilities, bigger ports, but in many cases those smaller facilities are ideal for being the places where GM crops can be delivered and kept separate from any other grain.

The ability to segregate is something that is stark in my mind. Many years ago, we delivered grain in a seven or eight-tonne truck to Port Adelaide, which was not our closest silo but the easiest to get to as far as when the truck was full you were going downhill and the trip uphill was when you were empty. That was Port Adelaide.

My recognition of some of the unfortunate practices by some people, where things were put into loads of grain in those days, is not something that I reflect on well, but we have now seen a great advancement in the grain handling industry in the way in which loads of grain are monitored, measured and identified, which is something where the grain can be identified back to particular growers. That evidence we received about segregation only enhanced my views that this is the right way to go. With those remarks, I support the noting of the report.

Debate adjourned on motion of Hon. I.K. Hunter.

*Motions*

**TOURE, MR A.H.**

**The Hon. F. PANGALLO (16:41):** I move:

That this council—

1. Acknowledges and congratulates the Adelaide United Football Club on winning an unprecedented three Football Federation of Australia Cup competitions at Hindmarsh Stadium on Wednesday 23 October 2019; and
2. Congratulates Adelaide United Player Al Hassan Toure, a refugee from Guinea, on winning the Mark Viduka Medal as man of the match.

It is thrilling to watch the development of a rising star in sport, especially so when that young star has a stirring backstory. In this case it is Al Hassan Toure, a shy 19-year-old refugee from Guinea in Africa, who has made a stunning professional football debut with the Adelaide United Football Club.

Toure stamped his prodigious class on the Reds' emphatic 4-0 victory in the final of the Football Federation of Australia Cup, Australia's equivalent of England's Football Association Cup, in which every member club from the prestige premier league through to the lowest divisions gets the chance to play off for that famous trophy at Wembley.

Unlike the FA Cup, our own FFA Cup is still in its infancy, yet has proven to be a huge success with clubs from around the country competing against the professionals from the A league. The competition, like the FA Cup, does produce surprise results. For instance, in the same year that Adelaide United won its first A league title in 2016 it was eliminated in the first round of the FFA Cup by Queensland's Redlands United. At the time it was considered one of the biggest boilovers in the competition's short history.

The Reds have now won the FFA Cup an unprecedented three times: the very first competition in 2014, in 2018 and in 2019, while finishing runners up in 2017. They virtually have a mortgage on the trophy and, after its third success, get to keep it in their impressive trophy cabinet that includes one champion's title in 2015-16 and two premier plates, 2005-06 and 2015-16, that are awarded to the A league side that finishes top at the normal end of the home and away season, and is separate to the finals play offs. They were runners up in the 2008 Asian Football Confederation's champions league series, which is the equivalent of Europe's champions league and which led the club to the prestigious FIFA Club World Cup, where they finished fifth and won the fair play award.

Adelaide United has a reputation of producing talented players, who then go on to further their careers in clubs overseas and/or are selected for one of our international football teams. Only last year I spoke in this chamber about Awer Mabil, also a Kenyan refugee to our country who rose through the ranks of the club, went on to play professionally overseas and is now an automatic selection for the Socceroos, where he continues to impress with his silky skills and goal-scoring ability.

Al Hassan Toure is following in Awer's footsteps. It has been an extraordinary 12 months for the young man who arrived here with his mother, Mawa, and five younger siblings when he was four. A year ago, he was at home watching the Reds win their second FFA cup on TV. In August this year, he burst onto the scene in his first senior start in an FFA Cup Round of 32 clash with the Melbourne

Knights, in which he scored his first goal in a 5-2 win. He followed that up with another two goals in the club's 3-2 cup win at Brisbane Olympic.

In the final at Hindmarsh, before 15,000 fans, Toure opened the scoring and then ran rings around the Melbourne City defence to win the Mark Viduka Medal as man of the match. It drew him to tears of joy, while the Reds fans were in raptures over their new hero. He is a product of the Croydon Kings in South Australia's Premier League and went on to the Reds NPL side, where he played 38 games since 2017.

Former Reds star striker and now director of football at the club, Bruce Djite, spotted him and immediately recommended that coach Gertjan Verbeek add him to the senior playing list. This teenage sensation has a knack for scoring goals, both on the field and in his personal life. His father, Amara, is Liberian and played football across Africa as a semiprofessional to help feed his large family.

Toure says that his mother does not like going to games to watch him because she gets nervous that he will be injured or will miss a goal. However, he acknowledges the hardship she went through for the family and dedicates his goals to his proud mum, who would often walk the kids to school and take him to play and train. He says that his mother is always in tears when she sees him in action on TV. His grandmother, back in Guinea, also follows his progress and is extremely proud of him.

His father is his inspiration, and he says that he follows his dad's well-heelled advice of never being afraid to take risks when he is playing. He says that trying something new and improvising is what makes the best players—and who could argue with that? Talent runs deep in the family: two of his younger brothers, Mohamed and Musa, are excelling in the Football Federation of South Australia's youth development programs.

Toure represents a remarkable rise from rags to riches—certainly in a philosophical sense, at this stage. He is now creating enormous interest in football circles, both here and abroad. Fox Sports pundit Andy Harper says that the A-league has not seen a player like him. His teammates say that nothing surprises them anymore, and they all expect him to score when he plays. While his future seems assured, all that needs to be decided is where he will play his international football. It will be a huge decision for this youngster.

He is eligible to play for Guinea, where he was born as a refugee, and in Liberia, the homeland of his mother and father. Making that call will be even more difficult because he has already caught the eye of Liberia's president, George Weah, an international football legend in his own right who made his name with some of the world's biggest clubs in England, France and Italy. He is revered at the A.C. Milan club. At 52, President George Weah still likes a kick and played his last international for Liberia—a friendly—only last year. He can be quite a persuasive figure.

Al Hassan Toure, a Muslim, is representative of the changing face of immigration to this country, where we openly welcome people from diverse cultures and backgrounds. Toure's success is indicative of the wonderful opportunities that Australia presents to new arrivals. For a 19 year old, he has a very impressive and mature mindset and is extremely grateful for what his family now has after a long period of uncertainty.

Therefore, it is no surprise that he wants to be a role model for others who come from similar disadvantaged backgrounds and believes that nothing is impossible when you reach for it. I congratulate Adelaide United and Al Hassan Toure on their recent success and wish them the very best for season 2019-20 and beyond. I commend this motion to the Legislative Council.

Debate adjourned on motion of Hon. I.K. Hunter.

#### *Bills*

### **PLANNING, DEVELOPMENT AND INFRASTRUCTURE (TRANSPARENCY) AMENDMENT BILL**

#### *Introduction and First Reading*

**The Hon. C.M. SCRIVEN (16:50):** Obtained leave and introduced a bill for an act to amend the Planning, Development and Infrastructure Act 2016. Read a first time.



*Second Reading*

**The Hon. C.M. SCRIVEN (16:51):** I move:

That this bill be read a second time.

I rise today to introduce this bill to improve the transparency of our state's planning system. Our state's planning system is of vital importance to the lived experience of every South Australian. The rules set down in statute, regulation and the still to be finalised planning and design code inform how our state's land is used and what form our built environment takes. These planning instruments inform where different categories of development can be built, the design standards and demolition controls which apply, and a whole lot else besides.

The contents of our state's planning laws, regulations and planning and design code are therefore of great importance. But an effective planning system should not prescribe the specifications for every conceivable land use or category of development. Good planning systems need flexibility and that is one of the reasons why our state's planning system includes a development assessment process, which in turn includes the deliberations of expert panels.

These expert panels adjudicate on development applications because they are of significance, are complex, are controversial, or are all of the above. Great power and responsibility is therefore conferred upon assessment panels in our state's planning system and it is this power and this responsibility with which this bill is concerned.

Under our state's planning system, there are two levels of development assessment panels: council assessment panels and the State Commission Assessment Panel, known as the SCAP. Amongst other functions, the SCAP is delegated planning authority to adjudicate on the most significant, complex and controversial development applications under schedule 10 of the Development Regulations 2008.

These include: inner metropolitan developments exceeding four storeys in height; developments in the City of Adelaide, valued at in excess of \$10 million; developments in the Adelaide Parklands; certain developments valued at more than \$5 million in metropolitan Adelaide and \$3 million outside of that area; developments undertaken by Renewal SA; developments in the Hills Face Zone; mining developments; landfill depots; commercial forestry developments; and significant electricity generator developments.

In short, the SCAP adjudicates the fate of the state's most important, most complex and most controversial development applications. In spite of this, the legislative transparency requirements that apply to council assessment panels do not apply to the SCAP. This bill seeks to address these legislative anomalies.

In essence, the bill has two key objectives: to limit the ability of the SCAP to meet and deliberate in confidence to the same exemptive criteria as presently applies to council assessment panels and to require members of the SCAP to be professionally accredited to the same standards as already apply to members of council assessment panels under the Accredited Professionals Scheme.

In proposing these amendments, the Labor opposition is aware of the SCAP transparency measures introduced by the Marshall government in November last year. While Labor supports greater transparency in development assessment processes, we note that the Minister for Planning's reforms are limited and have been inconsistently or slowly applied. The following comments on the government's reforms from *The Advertiser's* Caleb Bond on 20 November last year sum up their inadequacy: 'the Government has missed a golden opportunity to pursue some real reform to support the public's right to know.'

Development plans such as those submitted by the Australian Walking Company for a tourist development application in the Flinders Chase National Park, Kangaroo Island, were slow to be uploaded to the SCAP's website, and the SCAP's meeting proceedings and deliberations were also held in private. This practice does not lend itself to public support for development assessment processes.

And this is no small issue. Our state's planning system needs a social licence. Broad public support is needed to sustain land use and development patterns, and rigorous transparency is vital in fostering public support for development assessment processes. At present, seemingly countless development applications come before the SCAP which generate some level of community anxiety. This is to be expected, given the categories of development applications assessed by the SCAP. However, the vast majority of planning practitioners agree that openness and transparency are more likely to produce acceptance, if not support, of development assessment outcomes.

Planning experts, including those who have served on council assessment panels, have explained that conspiracy theories proliferate in the community when information and decision-making is hidden from public view. They have explained that even ardent opponents of particular development applications are more likely to accept a development assessment approval when they can inspect the proponent's plans and observe a panel's meeting proceedings and deliberations. These experts argue that when opponents witness their objections being considered firsthand by an assessment panel, they are more likely to accept the ultimate development assessment decision, even if it goes against their interests.

Legal experts, including the Law Society of South Australia, have also argued that because assessment panels are not required to provide documented reasons for their decisions, unlike the judicial system, the meeting deliberations of the SCAP should be open to the public to enhance their acceptance and understanding of decisions made.

With regard to professional accreditation standards, the Marshall government may point out that the State Planning Commission has voluntarily extended the requirements of the Accredited Professionals Scheme to members of the SCAP. While this development is pleasing, it is not sufficient. Members of the SCAP should be legislatively required to be professionally accredited, not according to the whim of either the Minister for Planning or the State Planning Commission.

For the South Australian public to have confidence in our state's development assessment processes, it deserves to be assured that members of the SCAP are appropriately qualified to adjudicate on the most significant, most complex and most controversial development applications. For these reasons, I commend the bill to the council.

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

#### *Motions*

### **ENVIRONMENT PROTECTION ACT FEES**

Orders of the Day, Private Business, No. 1: Hon. T.J. Stephens to move:

That the regulations made under the Environment Protection Act 1993, concerning fees made on 13 June 2019 and laid on the table of this council on 19 June 2019, be disallowed.

**The Hon. T.J. STEPHENS (16:58):** I move:

That this order of the day be discharged.

Motion carried; order of the day discharged.

### **MATES IN CONSTRUCTION**

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

1. That this council notes that—
  - (a) males in the building and construction industry are twice as likely to commit suicide than males in other jobs;
  - (b) males in the building and construction industry are six times more likely to die through suicide than in a workplace accident;
  - (c) between 2001 and 2015, there were 3,000 construction deaths by suicide, with 2,958 being males and 42 females;
  - (d) every two days in Australia, a construction worker takes their own life; and
  - (e) suicide kills more men than the total of workplace accidents and road accidents combined.

2. That this council acknowledges the valuable work done by MATES in Construction to—
  - (a) reduce suicide in the construction industry and promote health and wellbeing;
  - (b) raise awareness about suicide; and
  - (c) make it easier to access help that is practical, professional and appropriate.
3. That this council notes that the Construction Industry Training Board recently cut the \$50,000 funding it previously provided to MATES in Construction and refused a funding request of \$150,000.
4. That this council condemns the heartless and short-sighted decision to cut the funding and calls on the government to make an ongoing funding commitment of at least \$150,000 per annum to MATES in Construction for this life-saving initiative.

(Continued from 16 October 2019.)

**The Hon. J.E. HANSON (16:59):** I rise to speak in support of this motion and I want to start, as I do so, giving a bit of insight on a particular case which I think is quite relevant. In August 2015, a guy called Shannon received a call from his mum saying that she needed to talk to him. At the time, Shannon was at work and said, 'Can't it wait? I am a bit busy.' His mum said, 'I have something really important to tell you. I need you to get someone with you to hear this. Get a colleague in the room with you.'

Shannon, confused about what was happening, approached a staff member and he explained the situation. They put the call on speaker and his mother then broke the news to him that his brother had taken his own life. Shannon's colleague acted quickly, organised a flight home and assured Shannon that he would not need to worry about work.

Three hours later, Shannon arrived home where he was faced with his family and probably a head full of unanswered questions. During this same period, Shannon was experiencing several personal struggles in his own life. He was in a fly in-fly out situation. He was obviously stressed by work, family and his job security. He has explained that, at the time, he was thinking about everyone else and that really burdened him. It stripped him of his energy and left him feeling depressed.

Fortunately, Shannon sought help. He received both private and work-provided counselling. But about the same time, MATES in Construction started training on site. Shannon volunteered to become a Connector. As he put it, he asked himself the question, 'If I am feeling like this, who else is feeling this way?' Shannon felt that he had something to offer and he needed to give back to his work community. He received ongoing support from his field officer for his own struggles and in supporting others. To date, at least today as far as I am aware, Shannon helps others as he continues to support and connect mates doing it tough with MATES in Construction.

Sadly, the story of Shannon is not unusual at all. The fact is that construction workers—and I think we are going to hear this a fair bit in this debate—are six times more likely to die from suicide than in an accident at work. Furthermore, these figures could be inaccurate because generally there is an underreporting of suicide that can go up to about 20 per cent. On average, 190 Australians working in the construction industry take their own lives each year. I think we are going to hear that a fair bit, too. This means, just on the maths of that, we lose a construction worker every second day.

General Awareness Training—which is usually delivered on construction sites, for instance, like the one where Shannon worked—outlines the problem of suicide and mental health in the South Australian construction and allied industries, they help provide guidance to recognise the signs of a person at risk and explain how they could connect with other people in the workplace to help them.

The MATES in Construction program aims to provide General Awareness Training to everyone who works in construction and allied industries, including both on-site and office staff. To date, over 15,000 people have received that training, which means that there are now thousands of volunteers on construction sites all across Australia who are trained to recognise the signs when perhaps a co-worker is not well. We can also look beyond the subjective and anecdotal cases like I have outlined with Shannon and we can look at those to find out how any cut to MATES in Construction, or MATES, as I like to term it, is going to have a devastating effect in the industry toward the aims of suicide prevention.

A report was completed by the Australian Institute for Suicide Research and Prevention called 'A qualitative evaluation of the effectiveness of the MATES in Construction program'. It is a very descriptive title and it is exactly what it is about. This report—and I encourage members to read it—highlighted that volunteers have a very positive perception of the MATES in Construction program. For instance, one participant stated:

I had very old-fashioned views about suicide and people—probably not the most supportive. The training brought me right out of that...and really made me realise how in general terms someone would get to a position like that and [how] successful help could be at the right times if people were keeping an eye out for each other.

When discussing their experiences with other volunteers, participants in the study stressed that they would feel confident turning to other volunteers in that program to seek help. Key aspects that are considered central to the success of MATES in Construction were the simplicity of the model, clear roles for volunteers, and a strong perception of MATES in Construction within industry. As one participant to the survey said:

I like the whole model. The fact that you train everyone to recognise the signs and the subtle invitations—and that empowers someone to be a better mate.

The report commends MATES in Construction, it commends those who are workers in case management. There was a clear picture in the report given of the types of problems they face working in the industry. They understood that there were key pressures such as time pressures, lack of job security, family and relationship problems. All these things affect workers in the construction industry, and MATES in Construction were considered effective in delivering prompt and regular contact, follow-up, and understanding of those issues.

I go through all that because, to put it simply, there is no need to reinvent the wheel here. MATES in Construction is a great program. Making cuts to it does not make any sense, and any reasonable government or minister would see that. Any reasonable government or minister would look at an industry, or the industry here, and look to the results we are getting out of MATES in Construction and see that there is support for MATES in Construction.

Any reasonable minister would know that MATES in Construction is funded interstate by state governments—and, indeed, by the federal government. Any reasonable minister would tell this Premier that the funding really should not be cut—that is, unless the minister had some other reason for making these cuts, perhaps based on some sort of ideology.

Members would be right, though, in questioning what kind of ideology it is that brings about a result where cuts are made to a successful suicide prevention service—and, even more so, callously or ignorantly making those cuts during a suicide prevention week; I repeat, during a suicide prevention week. Shame on any minister who does that.

I note in the debate on this motion that there are some proposed amendments from the government, and I am more than happy to support point 1 of the amendment, which underlines the seriousness of what we are debating here today, because people are dying. I cannot support any other such amendment which, frankly, seems written to present a more palatable version of history than what has occurred here, which was a cut to a suicide intervention program during Suicide Prevention Week.

These cuts will place more pressure on a pre-existing excellent service. MATES in Construction is not some sort of fly-by-the-seat operation. They are well established and are supported by industry bodies and industry participants, from unions to employers. The fact is that cutting funding to MATES falls firmly into the category of being so heartless that it is, frankly, quite bizarre. Trying to whitewash that will not work with me, and it should not work with anyone else here either.

**The Hon. J.S.L. Dawkins:** Why don't you sit down. You don't know what you're talking about.

**The Hon. J.E. HANSON:** I will not sit down, Mr Dawkins. It may arise during debate here, but I am uncertain whether the new funding that the amendments reference is even new funding per se or if it is simply funding that had already been allocated previous to now. A check of the SA Health

website seems to reveal that it may indeed be pre-existing funding. To quote the Office of the Chief Psychiatrist:

Since 2014 the SA government has provided \$150,000 per year to support state suicide prevention projects and activities through the SA Suicide Prevention Grant Scheme.

I am happy to provide evidence of what I just read out if anyone wishes to see it but, for my money, it looks like the attempt to make this look like new funding is another tricky attempt to cover up the callous nature of making cuts to suicide prevention during Suicide Prevention Week.

To think that no-one might check if this was pre-existing funding also speaks volumes. Maybe the minister was behind that decision, too. In any event, there would be no need for amendments to a motion condemning cuts to suicide prevention, of course, if the cuts had not been made in the first place. I am also certain that these cuts cannot be supported by all those on the government benches; in fact, I am very certain of that.

I am certain that there are at least some—clearly a minority but at least some—members on the bench in this place and the other who were probably and still are quite dismayed by the cuts callously applied during Suicide Prevention Week. Those members must have been wondering what the minister was thinking. Not for the first time, perhaps they were wondering if the minister was thinking at all, but I am sure that members here, and maybe even members of the government who may be speaking on this motion, will privately, behind closed doors, be questioning not only this move by the minister but many other moves he has made that led to this.

They will be questioning the minister's judgement and they should, but the time to make such feelings known behind closed doors is over. Clearly, there is a need to show that cuts like these to suicide prevention are against the principles that some on the government's own backbench, and maybe even their front bench, espouse and stand for. Clearly, there is a need to show that trying to relabel the cuts with amendments that reference pre-existing funding also stands against those principles.

I call on those members who are so offended by these cuts, and moves to hide them, to stand by the courage of their convictions here today and support the original motion to condemn the cuts, and seek to reinstate those much-needed funds. I call on them to not be bullied or cowed by a foolish minister or anyone else foolishly supporting cuts, possibly driven by ideology or possibly by poor decisions of mates appointed to roles to do dirty jobs. Suicide prevention, quite simply, is too important to become a political football for a minister and his lackeys.

**The Hon. J.S.L. Dawkins:** Gee whiz!

**The Hon. J.E. HANSON:** Gee whiz indeed, Mr Dawkins.

**The Hon. J.S.L. Dawkins:** A political football—you are doing that exactly.

**The Hon. J.E. HANSON:** Is that right, Mr Dawkins? I am making it a political football? Am I the person who appoints my mates to boards? Have a think about that, Mr Dawkins. We all need members here today to show the levels of concern that we should have about what is actually occurring here because lives are literally at stake. These cuts can be stopped—not amended, stopped—and they should be stopped. To put it quite bluntly, let's stop them.

**The Hon. T.A. FRANKS (17:12):** I rise to support the motion and support the fine work of MATES in Construction. It is an organisation that has long been known to me. When I worked for the Mental Health Coalition, I was privileged to attend a toolbox meeting in Queensland as part of a national program of awareness, well before it came to South Australia in fact. I was delighted to see South Australia take up this program, and I have been a strong supporter of it.

There is a great need for MATES in Construction. There is a great need for tailor-made suicide prevention programs. There is also a great need to prioritise suicide prevention and to keep it from becoming a political football. I think that the Marshall government, in appointing the Hon. John Dawkins as the Premier's envoy on suicide prevention, has shown great leadership, and I have great faith that the Hon. John Dawkins will ensure that this government does its utmost for suicide prevention.

I am heartily disappointed that the original motion contained the words 'commit suicide', as if the person who dies by suicide is a criminal, as if that person deserves to be treated as somehow lesser, and I do so as somebody who has a brother who died by suicide and a father who died by suicide. I will not sit in this chamber and see suicide prevention used to score political points. I opposed the Construction Industry Training Board changes. I support this motion with amendments, and I support all players playing not the man but the ball and not turning this into a game.

**The Hon. F. PANGALLO (17:14):** I rise to speak on the motion. I point out that the opposition accused SA-Best, at one point, of being blinded by ideology. I think Labor is being a bit cute when they throw that label around, considering their unwavering support for the union movement. We would like to acknowledge the strong advocacy and work that has been done by MATES in Construction.

Both myself and my colleague Connie Bonaros were extremely disappointed and disturbed at the Hon. Clare Scriven's attempts to diminish the excellent work in suicide prevention being undertaken by the Hon. John Dawkins. His unwavering commitment to this cause is unquestionable, and we are sure that it will result in much better outcomes for mental health as well as go a long way to reducing the suicide rate.

As for MATES in Construction, we understood that the Hon. Clare Scriven did not consult with them about her motion. If she had, perhaps this debate may have taken a different course than the politicised one we now have on this very sensitive topic. I will say that we, too, were initially shocked when we learned that funding would be cut, particularly when we were led to believe by the minister that the association of MATES in Construction and the Construction Industry Training Board would continue. The most disturbing aspect of it was that the decision was made in Suicide Prevention Week. That was an extremely poor move.

Since then, we have sought answers and we are satisfied with the responses we have received from the government. In short, MATES in Construction does indeed benefit from significant funding from both the federal and state governments. It also has very significant resources of its own at its disposal. They can apply for funding from the South Australian Suicide Prevention Community Grants Scheme. The Department for Innovation and Skills is continuing to work with MATES in Construction to investigate funding and develop a pilot project under Skilling South Australia. I also note that unions or employee associations do not contribute to the funding of MATES in Construction.

In closing, while we certainly endorse the strong work that has been done and continues to be done by MATES in Construction on this very important and sensitive issue of suicide and suicide prevention, we will be supporting the amendments of the Hon. John Dawkins.

**The Hon. J.S.L. DAWKINS (17:18):** In the first instance, I move to amend the motion as follows:

Paragraph 1—Leave out 'commit' and insert 'die by'

Paragraph 3—Leave out paragraph 3 and insert new paragraph as follows:

3. Acknowledges state government funding of \$150,000 a year through the Office of the Chief Psychiatrist to support state suicide prevention projects and activities through the South Australian Suicide Prevention Community Grants Scheme; and

Paragraph 4—Leave out paragraph 4 and insert new paragraph as follows:

4. Notes that the government is investigating funding opportunities with a pilot project for MATES in Construction through Skilling South Australia.

I thank the Hon. Ms Scriven for her interest in suicide prevention and, although I did not know he was going to speak today, I thank the Hon. Mr Hanson for his interest in the area. I would give them, perhaps, the benefit of my long experience in this area. When I first took up suicide prevention in this parliament, there was no state government funding whatsoever for suicide prevention. The first programs that were brought to this state were brought from Tasmania by me with the assistance of local community money. The state government, going back a number of ministers ago, would not put any money in.

I worked constructively with the then government over many years, moving motions in this place and getting colleagues to move motions in the other place, and I think we progressively got a

lot done. There was the first strategy on suicide prevention that was developed and there was the work out of the Office of the Chief Psychiatrist to start the first of the many suicide prevention networks that we now see in South Australia. Those who listened to my matter of interest earlier would know that there are close to 40 of them and we are working very hard to get many more.

When I got some progress, I just worked a bit harder with the then government and I got more action. So just a word of advice to my colleagues across the way: if you want to be really beneficial to suicide prevention, please do not play political games. I do not see the Hon. Ms Scriven's motion as a political game, but the Hon. Mr Hanson's contribution today was completely unhelpful to suicide prevention.

Having said all that, I have had a long association with MATES in Construction—longer than any member in this place—and I have worked with them constructively over many years. To say I was disappointed with the cuts, which I did not find out about until it was in the media on the Saturday morning after R U OK Day, is without question. On behalf of the Premier's Council on Suicide Prevention, which expressed concerns, particularly about the timing, I have written to the Construction Industry Training Board in regard to that.

If I can speak briefly to the amendments. As has been mentioned earlier, the first amendment is to leave out the word 'commit' and insert the words 'die by'. In my matter of interest today, I did go to some length to not only explain the reasons why the word 'commit' is not one that is accepted in the suicide prevention sector but also to do that with a number of other words and phrases. A lot of work has been done by Everymind across Australia to develop a code of the way in which words should be used. I encourage members to read that material and if they want more information I am happy to provide it.

In regard to the amendment of paragraph 3, the new paragraph talks about the funding through the Office of the Chief Psychiatrist for state suicide prevention projects and activities through the grants scheme. However, I think it is also worth acknowledging the terrific efforts that we are getting right across government, through all of the government agencies and departments, and some of them that are probably less likely to be involved in this area than would have been expected. That work through the issues group on suicide prevention I am very pleased with and proud of.

That work and the broad community effort towards suicide prevention, coming from all sorts of organisations, is one that was remarked upon only two days ago in the Old Chamber when I hosted the national round table on Suicide Prevention Task Force. The work that is being done in South Australia is being well taken up by many other jurisdictions. Indeed, an Australian professor at a Japanese university was recently here. He is being funded by the Japanese government to develop a strategy for suicide countermeasures in Japan and he came here expressly to have a look at our model and has even flippantly, I think, suggested that he could ask for an Emperor's council on suicide prevention.

The amendment to paragraph 4 removes the condemning words. I was disappointed in that paragraph. The amended paragraph states that the government is working with MATES in Construction for other opportunities, and I think MATES in Construction welcomes that. While I understand that MATES in Construction was advised that there may be a motion in the parliament from the opposition, they never saw the content of this motion until after it was moved.

I think that is another lesson that members opposite might learn. If you are going to sponsor a motion that is around or with an NGO, or a body that is in the community, it is not a bad idea to actually discuss the words with them, because MATES in Construction do not want to play politics, they do not want to be Labor or Liberal, or union and employer, and they have been very successful over a long period because they have not done that.

A great example of the work they do with other NGOs, with government agencies, in Mental Health Week was the From the Ground Up breakfast, which was held at the Civil Contractors Federation and which I was pleased to attend. MATES in Construction, in conjunction with the Mental Health Coalition, SafeWork SA and ReturnToWorkSA, put on an excellent breakfast event, attended by many people from across the construction industry. It was addressed by Nathan Bolton, an outstanding young armed forces veteran, who is a member of the Premier's Council on Suicide Prevention. I think that is the sort of thing that MATES in Construction does so very well.

I am very privileged to have worked with a group like that. The government funding is a small element of what they work with, but I will be working with MATES in Construction for a long time, I hope, to advance the way they work. I think I mentioned in the chamber, when the Hon. Ms Scriven asked me some questions a number of weeks ago, that in a community in the Mid North that has been impacted significantly by suicide, MATES in Construction is working through funding from the Country SA PHN, a federal body, to make sure that that community has the benefits of the proven work of MATES in Construction. The broad nature of what that body does is something that has been overlooked by some members opposite. With those words, I commend the amendments to the council.

**The Hon. J.A. DARLEY (17:28):** For the record, I will be supporting the Hon. John Dawkins' amendment.

**The Hon. C.M. SCRIVEN (17:28):** I thank the Hon. Mr Hanson for his contribution, particularly in regard to the importance of MATES in Construction. I think he very admirably put the case about how important it is and, despite the debate we are having here at the moment, I think something on which we can agree is that MATES in Construction is extremely important. In the prevention of suicide they play a key role and that key role should be supported, that key role should be honoured and that key role should indeed be expanded.

I also acknowledge the contributions of the Hon. Tammy Franks, the Hon. Frank Pangallo and the Hon. John Dawkins. I am disappointed that there is an amendment that attempts to hide the fact that the CITB cut \$50,000 of funding to MATES in Construction. That is the key point, and to have an amendment that attempts to ignore that, attempts to whitewash that, I think is very disappointing.

The amendment that is proposed refers to the South Australian Suicide Prevention Community Grants Scheme. I am very glad that has been in existence since 2014. I am very glad that that continues to be in existence—I trust that we will not see that cut. However, I would point out that that was existing funding.

**The Hon. J.S.L. Dawkins:** It only existed because of me.

**The Hon. C.M. SCRIVEN:** I am very glad that the Hon. Mr Dawkins worked very hard on that. He mentions that it was because of him. I am very happy to acknowledge his role in that and that it came in under a Labor government with, obviously, the very good work of the Hon. Mr Dawkins. However, that scheme provides grants of between \$500 and \$10,000 per annum. The cut by the CITB to MATES in Construction was \$50,000. In fact, I understand that the need was for \$150,000 to give some certainty of funding going forward. To talk about existing funding that has already been there as though it can somehow replace \$50,000 that has been taken out of MATES in Construction is simply not acceptable.

I am very happy to accept the first amendment that is being proposed by the Hon. Mr Dawkins, which is to rephrase 'commit' and instead put 'die by'. I am happy to acknowledge that his experience in this area, as with the experience of others, means that that is the appropriate term. Certainly, no offence was intended by that wrongful term, and I am happy to admit that that was a wrongful term. 'Died by suicide' is the appropriate wording, so we will be supporting that amendment.

However, the remaining amendments indicate that we will note that the government is investigating funding opportunities. Everything we have heard today clearly shows that we do not need to investigate further funding opportunities. We need further funds. We have had a loss of funds because of the CITB cut. We need far more than saying, 'But we have got some other existing funding and we are investigating other opportunities.' What I had hoped this motion would achieve was that there would actually be a commitment from the government, a commitment that would have meant that I could withdraw this motion. That would have been the best outcome from this motion. The fact that that has not occurred is indeed disappointing.

I need to reflect on a couple of comments made by the Hon. Mr Frank Pangallo. I do not see how he considers that I have diminished the Hon. John Dawkins' role in any way. I will quote from my previous contribution, where, referring to the removal of people who have workers' interests at heart from the board of the CITB, I said:



I do not think for a moment that it was the intention of the SA-Best members or the Hon. Mr Darley that part of the result of that decision would be that funding to MATES in Construction would be cut...

Far from trying to be political, I think it was incredibly fair to say, 'I do not think'. I did not think that and I do not think now that that was ever part of their intention; however, the fact remains that it was the result of that decision.

The second amendment that is being moved by the Hon. Mr Dawkins leaves out the paragraph that talks about the cut. That is a whitewash and it should not be accepted by anyone in this chamber. It leaves out the condemnation of the decision. I do not think that is playing political football; I think that decision should be condemned. I think it is outrageous that \$50,000 in funding has been cut from a very important suicide prevention mechanism. So I do not see any problem whatsoever in condemning that cut. Again, I am very disappointed to hear that there are people in this chamber who do not condemn that cut and who do not see a problem with that funding being removed.

I therefore encourage members, despite what they might have indicated so far and whilst accepting the first amendment of the Hon. Mr Dawkins, to reject the second two amendments and then to support this motion going forward.

**The PRESIDENT:** Honourable members, I have a number of questions to put to the chamber. The first is that the amendment to paragraph 1, moved by the Hon. J.S.L. Dawkins, be agreed to.

Question agreed to.

**The PRESIDENT:** I will inform the members of what the second question is before I put it. It is that paragraph 3, as proposed to be struck out by the Hon. J.S.L. Dawkins, stand as part of the motion. If you support the Hon. Mr Dawkins, you vote in the negative, for the noes, and if you support the Hon. Ms Scriven's position, you vote in the affirmative, for the ayes.

The council divided on the question:

Ayes..... 7  
Noes ..... 12  
Majority ..... 5

#### AYES

Bourke, E.S.  
Ngo, T.T.  
Wortley, R.P.

Hanson, J.E.  
Pnevmatikos, I.

Hunter, I.K.  
Scriven, C.M. (teller)

#### NOES

Darley, J.A.  
Hood, D.G.E.  
Lucas, R.I.  
Ridgway, D.W.

Dawkins, J.S.L. (teller)  
Lee, J.S.  
Pangallo, F.  
Stephens, T.J.

Franks, T.A.  
Lensink, J.M.A.  
Parnell, M.C.  
Wade, S.G.

#### PAIRS

Maher, K.J.

Bonaros, C.

Question thus resolved in the negative.

**The PRESIDENT:** The next question is that the new paragraph 3 as proposed to be inserted by the Hon. J.S.L. Dawkins be so inserted. This question has been put in the positive, so if you support Mr Dawkins you will vote in the affirmative; if you support the Hon. Ms Scriven you will vote in the negative.

Question agreed to.

**The PRESIDENT:** I go to the next question, that paragraph 4, as proposed to be struck out by the Hon. J.S.L. Dawkins, stand as part of the motion. If you support the Hon. Ms Scriven you vote in the affirmative; if you support the Hon. Mr Dawkins you vote for the noes.

The council divided on the question:

Ayes ..... 7  
 Noes ..... 12  
 Majority ..... 5

**AYES**

Bourke, E.S.  
 Ngo, T.T.  
 Wortley, R.P.

Hanson, J.E.  
 Pnevmatikos, I.

Hunter, I.K.  
 Scriven, C.M. (teller)

**NOES**

Darley, J.A.  
 Hood, D.G.E.  
 Lucas, R.I.  
 Ridgway, D.W.

Dawkins, J.S.L. (teller)  
 Lee, J.S.  
 Pangallo, F.  
 Stephens, T.J.

Franks, T.A.  
 Lensink, J.M.A.  
 Parnell, M.C.  
 Wade, S.G.

**PAIRS**

Maher, K.J.

Bonaros, C.

Question thus resolved in the negative.

**The PRESIDENT:** The next question is that new paragraph 4 as proposed to be inserted by the Hon. J.S.L. Dawkins be so inserted.

Question agreed to; motion as amended carried.

*Bills*

**HEALTH CARE (HEALTH ACCESS ZONES) AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 25 September 2019.)

**The Hon. I.K. HUNTER (17:46):** I rise in support of the Health Care (Health Access Zones) Amendment Bill and I note that this is a conscience vote for Labor members. I would like to begin by commending the co-sponsors of this legislation, the Hon. Tammy Franks in this place and Nat Cook, the member for Hurtle Vale, in the other. I am very pleased that, for once at least, it is women parliamentarians taking the lead on legislation for women's health and reproductive rights. Historically, that has not always been the case.

I note that we are soon to debate a bill to decriminalise abortion in South Australia, a state of affairs we have inherited largely from male legislators when they last struggled with this issue in the 1970s. I do not wish to be overly critical because those legislators back in the 1970s were struggling to bring our abortion laws into the 20<sup>th</sup> century and they had to deal with some entrenched views of their colleagues. But I like to think, had women MPs been in charge of the legislation in the 1970s, they would not have allowed abortion to remain in the criminal code. But that discussion is for another day.

The bill before us today is a very specific one and it covers a very specific issue that has caused some trauma and concern to people who are particularly experiencing a vulnerable time in their life. Whether it is called protest or prayer, the people who congregate outside of places where abortion services are provided have just one goal, and that is to intimidate women from seeking access to a medical procedure they are entitled to seek.

Abortion is a health service. It is legal in this state and, while there are issues in the way our laws deal with abortion, which I referred to earlier, this is not the time to canvass them. What matters is that South Australians have a right to access health services and ought to have a right to access them without being threatened or intimidated or harassed or obstructed.

I understand that the Hon. Irene Pnevmatikos has filed amendments to insert an objects section into this bill to clarify its operation and to remove the automatic inclusion of hospitals as protected premises. I believe these are good amendments and I will support them today. For example, if nurses are campaigning against a government's car park tax at a public hospital, then that is an activity which parliament should have no business in preventing. It does not intimidate and it does not harass. It simply draws attention to a political issue of significance and importance to people who are accessing medical services.

It is in stark contrast to the conduct we have heard about early in this debate, which we will no doubt hear more about as we progress this bill today. When individuals choose to target people accessing health services with the behaviours that are being addressed in this bill—threats, intimidation, harassment and obstruction—they have gone beyond peaceful protest, in my view. As I said, they are targeting people at a time when they can be feeling deeply vulnerable. To me, that is unacceptable. South Australia should join the rest of our country in restricting this.

I would like to reflect very briefly on a letter I received from the South Australian Abortion Action Coalition. All MPs probably received this today in their emails, but I thought one of the paragraphs in this letter was important. It is this:

In April, the High Court of Australia, found that Safe Access Zone laws in Victoria and Tasmania were constitutional and that any burden to communication or protest prohibition is justified because of the laws[:]

'legitimate purposes, which include the protection of the safety, wellbeing, privacy and dignity of persons accessing premises at which abortions are provided and ensuring unimpeded access to lawful medical services.'

For the reasons I have just outlined, and particularly for that statement I have read about the High Court's finding, I will be supporting this legislation. I commend the bill to the council.

**The Hon. C.M. SCRIVEN (17:50):** We have been told that this is a simple bill. We have been told that there must be exclusion zones around abortion facilities because women are being harassed, intimidated and obstructed from accessing appointments they have freely chosen to access. We are told staff are being filmed and the footage is being put on social media.

That sounds very simple, it sounds as though it would be valid to therefore support this bill, but we in this place are not to take things simply on face value. It is part of our role to look more deeply behind the assertions made; we need to look at the evidence, we need to make an objective assessment of the issue and determine an appropriate response. That response should be proportionate, that response should include whether there will be negative consequences if we pass this bill.

I am well aware that there are people in this chamber—maybe most of them—who have already made the decision on whether or not to support this bill, but I respectfully suggest that members may not have heard all the information that might be relevant to the decision they make. It is easy to say, 'This is about abortion. I am pro-choice and therefore I must support it,' or alternatively to say, 'This is about abortion. I am pro-life and therefore I cannot support it.'

It is our role to go more deeply than that and actually look at what this does, what is currently the situation, and whether this bill will assist or not. We need to listen to the stories of people who have been impacted by the current situation. First, where is the evidence base for this bill? Where is the evidence that women are being targeted and harassed?

The Pregnancy Advisory Centre at Woodville has been in operation for, I think, 27 years—27 years. If there have been all these terribly intrusive protests, why have we not seen them in the media? I am sure that anyone on the pro-abortion side would be very keen to report to the media—that is what we have seen in other jurisdictions where there have been issues—but in 27 years we have not heard, over and over again, of people being harassed, of protests being violent, of protests being highly objectionable.

The Hon. Ms Franks, who introduced this bill, referred to an FOI she had done with Charles Sturt council. I made a similar FOI that covered the last five years: how many complaints had there been to the council about the 40 Days for Life movement or other movements outside the Pregnancy Advisory Centre in those five years? There had been 21 over five years, so roughly four per year, and I point out that it would appear that several of those were from the same person or body. It is not even four per year from different people.

What were those complaints? One was that there were four people sitting on chairs. The relevance of that is that the permit issued to 40 Days for Life or other groups requires that they must sit or be behind a barricade. Another complaint was that a person entering the clinic was told by the people who were outside that they were there to help. I am not sure how that is offensive or indeed harassment. Another complaint was that 'a small group of people' were 'across the road' from the centre and they were 'subject to their stares'. So they were being stared at, according to this complainant.

The Hon. Ms Franks referred to a complaint about a verbal tirade. When I lived in Adelaide, I lived not far from the Mareeba abortion clinic. For about 25 years, I lived nearby. In fact, my family attended the hairdresser just near the clinic. There was a cafe there, which we would frequent at times, and my late mother-in-law lived just around the corner until her passing, so I have spent a great deal of time in that area.

I have seen the Pregnancy Advisory Centre. I have seen the 40 Days for Life people. I have seen other people outside that centre. I have never seen something that would perhaps be what is in people's minds. We sometimes see, particularly in Hollywood movies, or we see in America quite objectionable protests outside abortion clinics. We do not see that here. We do not see the Grim Reaper outside the abortion clinic. We do not see pictures of dismembered, dead babies who have died through abortion. We do not see that here, so what problem is this attempting to fix?

Even if there was a problem, we have current laws that are able to address them. The Summary Offences Act covers disorderly or offensive conduct or language. Someone who behaves in a disorderly or offensive manner is guilty of an offence with a maximum penalty of \$1,250. An offence, in that definition, includes threatening, abusive or insulting language or behaviour. So, if indeed that was occurring, there is already the mechanism to address it.

All councils have by-laws, such as those from the City of Charles Sturt. The City of Charles Sturt, in which the abortion clinic is located, has prohibited activities. A person must not on local government land annoy or unreasonably interfere with any other person's use of the land by making a noise or creating a disturbance, etc. Those who go to the abortion clinic regularly must obtain a permit from the council. No proceedings for breach of permit have been made. A permit has never been revoked, despite the fact that under the by-laws a person cannot annoy or unreasonably interfere with another person's use of the land. So, again, I would ask: how strong are these issues that are being alleged?

The bill prohibits discussion of abortion within 150 metres of the abortion clinic or of other hospitals that perform abortions. Indeed, it currently says within 150 metres of any hospital in the state. So the question arises: should discussion of abortion be prohibited at an abortion facility? I think it is really important for people to think about those women who are going in there. There tends to be an assumption, certainly in the debate so far, that every woman who goes into the abortion clinic has already made up her mind, has already gone there having made a decision that she is going to have an abortion and that she will go ahead with that; therefore, anyone presenting a different point of view is necessarily interfering with her free choice. Mr President, would you like to call order? Could we have order?

**The PRESIDENT:** The Hon. Mr Dawkins, the Hon. Ms Scriven is speaking.

**The Hon. C.M. SCRIVEN:** It is an error to assume that every woman who goes to the abortion clinic has made up her mind, has made her decision. Indeed, the facility is called a pregnancy advisory clinic, so one would hope that they are there to get advice. I am sure they are there to get advice; I would hope that they would be given it.

So is discussion of abortion in the vicinity of an abortion clinic wrong? There is a cafe just near the clinic opposite. Under this bill, one could not go to that cafe and discuss abortion because other people around might be able to hear, and they have not consented to discussion about abortion. Is that really a sound law?

I would also like to point out that many of those who are involved in programs such as 40 Days for Life have been involved in many ways in supporting women. They offer quiet prayer and, if approached, they offer information about support services for a pregnancy, things like information about the fact that women can get a sole parent payment, currently called Parenting Payment Single, if that is their situation, and information about where they can, for example, get low-cost or no-cost baby goods and so on. All of those are available because people are out the front.

I would like to read from a letter about one woman's experience at the Pregnancy Advisory Centre. This was a midwifery student who realised she was pregnant but she had just had a series of vaccinations and was told there was a risk to the baby, so she decided it was safest to have a termination. She said that the Pregnancy Advisory Centre staff lacked compassion and wrote that her reason for termination was 'unable to cope with pregnancy'. Her grief was compounded by the fact that she found out later there was only a very slight risk to her baby from the vaccinations.

A 20-year-old woman said that she agonised over her decision to have an abortion, and then when she was at the Pregnancy Advisory Centre she had second thoughts. She verbalised this to the nurse and was told it was too late and that she had to go through with the procedure. There was an older woman who says that she was pushed into having an abortion by three other significant people in her life. She was taken to the Pregnancy Advisory Centre and was so upset that the procedure was postponed. She was then taken back a week later and was still very upset. She said she was taken wailing to the operating theatre, where she was basically told to be quiet. She said that post-abortion grief issues have had a major impact on her life.

Another woman who works with women who have had abortions says that she has had reports from them that there has been little care or understanding, pushing to go through with the procedure despite women saying they were not sure, despite women saying they felt pressured or had even changed their mind. They commented also that there was no after-care. Some of these women have experienced severe depression, rendering them unable to return to work or study for prolonged periods. Suicidal ideation is a common reaction.

I would like to now read some of the stories of those who have been approached by people outside of an abortion clinic. This is from the parents of Saira, who is about to turn eight months old:

We both are grateful to you to have Saira in our life. I still remember that day back in December...when we went to [the] clinic...and met [you]. It is because of you all who motivated us to continue ahead and face the challenges with your help and support.

We are really thankful to everyone who supported us to have such a beautiful baby in our life.

Thanks for helping us in our bad times.

I've attached the recent photograph of our family.

Another one:

I wish to say how grateful my wife and I are to [you] for offering help to my wife and to myself when we went to the...clinic.

This enables us to cancel the appointment of the abortion and therefore to keep the little baby Nicholas who is now 6 years old.

Now he is a beautiful little boy.

We thank God for people who were there for us that morning and the little baby now alive.

Another one:

Me and my family are very thankful for you and your team for the help you provided us...

If we couldn't meet you at the time of my wife's pregnancy termination...probably we [would have had the] abortion! But your help stops us to do so, bundle of thanks and regards that with your help my wife gave birth to an angel Maria and also she completed her study, because of your help to looking after my other two kids...for more than a year at my house.

My daughter is very cute, she is 6 months old and she start talking some words. Kind regards from me and my Family.

That was an example of some people who helped for six months during the pregnancy, because the wife was quite ill, and then for six months afterwards. Another one:

Our son Noah is 17 months old and he is a beautiful and healthy little boy. We are so proud and blessed to have him in our lives. When I was pregnant of him—

English is not their first language—

we thought of abortion because of the hard times we were going through but thankfully [you were put in] our way and we walk[ed] away from abortion.

[You] help[ed] us all through the pregnancy and even after. [Your friends] helped pay all our bills and introduce us to some beautiful people who now have become our close friends. We would like to take the opportunity to thank [you] for the incredible help, support and their prayers because it all paid off. We will never forget.

That is an example of some of the people's experiences who have been approached by people outside of an abortion centre. They have been helped by the people outside of the abortion centre. I think it is clear from those stories that some of those, if not all, would have deeply regretted the abortion if they had proceeded with it.

Another aspect which has been ignored so far in this debate is the issue of coercion of women into abortion. One or two of those women whose stories I just read out mentioned that they felt that they were forced—they did not use the word 'coercion'—that they were pressured into having an abortion. I spoke to one person who is involved in the 40 Days for Life campaign, who had been approached by a man outside the abortion centre. His partner was inside and he said, 'No I don't need to be in there. She can get on with it. I don't want to pay child support.' So it was not about the woman or her welfare, it was that he who had got this woman pregnant did not want to pay child support. There are many stories of coercion far more brutal than that. I will share one with you. This is someone whom I know very well. It states:

I got pregnant when our daughter was about three, but we didn't tell anyone I was pregnant. My husband was adamant we weren't keeping the baby. I wasn't religious at all, but I didn't want an abortion.

She then talked to me more about her abusive husband and his behaviour. Then we come to the abortion day. She said:

I clearly remember being wheeled into the operating room and just crying and crying. No one asked me if I was sure I wanted the abortion. No one asked me if I wanted to change my mind. Even though I was just sobbing.

He had decided that the baby was being terminated. It didn't matter what I wanted.

I have a story of another woman's experience from about two years ago at the PAC. Her name is Emily. She states:

The counsellor said to me 'for goodness sake, stop crying, we can't put you through if you keep crying, you need to stop.' She didn't ask me why I was crying. She didn't care that I didn't want to be there. My distress didn't set off any alarm bells that just maybe I wasn't ok to go through with this, she only wanted me to stop crying so she could push me through to the next part of the process...On the first visit I ran out of there because I couldn't go ahead. This also didn't seem to set off any alarm bells. Didn't they notice I didn't want to be there?

One other woman said:

All I wanted when I got there was someone to be out the front to help me stop. I didn't stop and the depression I have experienced has been with me forever after and I think it will be with me forever more.

I am not suggesting that that is the experience of every woman who goes there. I think it is wrong to suggest, as often happens with debates to do with abortion, that there is one end of the spectrum or the other and that is the only experience: one or the other. But what is clear from these stories is that the majority of the people out the front of the Pregnancy Advisory Centre are not there to harass women. They are not there to intimidate. They are there to pray for them, they are there to assist

them, and they are there to offer help and alternatives to abortion. Some of those alternatives are not being offered inside the centre.

The stories of women I have heard and whom I have spoken to on other occasions have said that that is not being offered inside the centre, but it is being offered to those women by some people who will be outside for a number of weeks every year. One of the things we need to ask about in terms of voting for this bill or otherwise is: will we be doing harm by preventing people being out the front? There are at least five or six young people who I think would say yes.

There is Nicholas, there is Noah, there is Maria, there is Saira, and several others whose names I am afraid I have not been able to find just at the moment. If the people had not been out the front of the Pregnancy Advisory Centre, those babies, toddlers, young children, would not be around, and their parents would likely be in a far worse situation than they are now. Help is offered out the front of the centres.

One of the issues that has been raised is reducing women's distress when they go to the abortion centre. I have seen, on occasion, photos of unborn babies on the barricades of the 40 Days for Life position, which by the way is about 75 metres away from the entrance of the abortion centre anyway, because that is a requirement of the council. So the question is: is a photo of an unborn baby—a live baby, I might add—intimidating or harassing? I can understand that people might think that it is. I can understand that people would think that, if a woman is about to go in and have an abortion, seeing a photo of an unborn baby at a similar stage of gestation would be difficult. It would be upsetting.

We need to ask ourselves: is it fair that a woman would see that afterwards but not before she has made her decision? Women will see them at other times in their lives. When they go on to have a child later in their life, they will have an ultrasound, perhaps at 10 weeks, and they will see that a baby at 10 weeks is not a blob of cells, that a baby at 10 weeks has fingers and toes, arms and legs, and they will know that that is what they lost. Is it reasonable to say that they should not see that beforehand, before they can make their decision?

Madeleine talks about just that situation. Madeleine says, 'I found myself unexpectedly pregnant at 18.' She goes on to describe how she went ahead with an abortion, and did not think it was necessarily too difficult a situation. She said that neither her boyfriend nor either set of parents pressured her to have the abortion. She stated:

Instead, from the people I loved and trusted there was eerie silence. They said nothing except that they'd support me whatever my choice.

That is something I think a lot of people say with the expectation that that will be helpful. She continued, however:

It took me so long to understand what happened that day because the whole experience was shrouded in half-truths. It was as I sat in an anatomy and physiology lesson in first-year nursing, staring blankly at the embryonic development of a ten-week-old foetus, that the whole house of lies came crashing down around me. There she was: no ball of cells, no half a fingernail-sized blob but a baby, heartbeat and all... That moment of realisation broke me open, and I found within a well of grief so immense.

She talks a bit more about her grief and then goes on to say:

I signed away her life with less awareness than when I signed the countless pages of warnings for a recent routine endoscopy.

In the name of wanting to be supportive of a young woman facing an unexpected pregnancy, a young woman at risk of feeling pressured and condemned; the risks were never even mentioned. Not by the doctor I visited, not by the counsellor and not by the abortionist. It was decided for me by society that I didn't need the difficult facts, because abortion was the best choice for all involved.

However, four years later, that is not what she felt, because she saw the picture of an unborn baby. That is a very difficult and very painful experience for many, many women. The discussion of abortion itself is not what this bill is about, but it is relevant to the allegations that having a picture of an unborn baby is harassment and intimidation. It is information. It may be hard to look at, but it is information that every woman deserves to have before she makes a decision to terminate a pregnancy.

If we vote for this bill we will be reducing the possibility for that to happen. Even more importantly, we will be reducing the opportunity for women to be offered assistance, alternatives and the help that they might need to make a true choice that they want to make, rather than something that they feel they have no choice about.

There are a few other matters to place on the record, just for information. In some of the debates, either here or in the other place, we have heard that protesters were not only outside the centre but at a cafe and a clothing shop adjacent to the centre. In case anyone should infer from that that the clothing shop is run by 40 Days for Life, it is not; it is run by a pregnancy support service, which one would think would be helpful to women when they go to a pregnancy advisory centre, whether they are considering an abortion or not.

I understand that the store can assist with the provision of items such as a cot, bassinet, change table and pram, as well as what is described on their website as good quality, affordable, second-hand baby gear, including clothes, toys, books, linen, rugs, shoes, etc., for children up to the age of two. The shops are open to anyone who loves to buy great gear at a bargain price. If someone is facing a pregnancy where money is an issue, I would have thought that having low-cost baby gear nearby would be a help, rather than something to be criticised. It was somewhat perplexing to find that, in the other place, this store was described as being evil. The suggestion, perhaps, is that a display of baby clothes near an abortion centre is not appropriate.

We need to remember that this is a pregnancy advisory centre, so one would expect that abortion is not the only reason that people go there. Down the road, not very far from the abortion centre, is a shopping centre with a Big W, which of course has baby clothes in the window. This is just a matter of being aware that if seeing baby clothes is going to be upsetting then perhaps the person is looking for some assistance to make a different decision. Also, just for the record, the cafe that some have referred to is an independently owned food and coffee establishment.

These are the real-life stories of people who will be affected by this bill. There are some other aspects that are, if you like, simply about principles. I am a member of the Labor Party and something that we have always supported and advocated for is freedom of assembly. To say that people cannot assemble because you do not like what they are saying goes quite contrary to that, in my view.

I think freedom of religion is also an important aspect. People go and pray outside of the abortion centre. This bill appears to suggest—and in fact this will be one of my questions—that one should not be able to pray outside of the centre. Restrictions on freedom to pray is, I think, a problem of principle. There are a number of other concerns that will no doubt come up during the committee stage.

The timing of this bill is also interesting. The Attorney-General in the other place referred a whole lot of issues to the South Australian Law Reform Institute, prompted, I think, by the bill around abortion more broadly, introduced by the Hon. Tammy Franks. SALRI, as it is called, is due to report within the next few weeks, yet this has been brought forward now, without that report. The question needs to be asked: why?

Similarly, I see that some amendments have been filed today by the Hon. Stephen Wade. We have not had the opportunity to look at those amendments in any detail. As a result of that, I have also had some amendments prepared. If this debate does go over to tomorrow, there will be the opportunity for those to be filed and discussed. However, I would note that it would make more sense to be discussing this after the SALRI report.

Is the legislation itself sound and reasonable? The current version of the bill provides that one cannot communicate about the subject of abortion within 150 metres of a facility that provides abortions or, as I said, of any hospital whatsoever. Is it reasonable that you cannot talk about abortion? There is a cafe literally across the road from the abortion centre. Is it reasonable that we should prevent people from talking about abortion at a cafe? I would have thought, if I were contemplating an unexpected pregnancy, that going to have a cup of tea or a cup of coffee with a friend, a trusted person or my partner would be a useful thing and that I should be able to talk about abortion.

The counterargument, of course, will be: well, yes, you would be consenting to talk about it, but those elsewhere around would be able to hear that conversation and under the current drafting



of the bill that would be, apparently, illegal. The Hon. Ms Franks, when she introduced a different bill in regard to abortion, which had these exclusion zones, said that it would not affect the cafe, but clearly in this version of the bill it would.

When it comes to any legislation, we need to look at whether there is a valid and strong reason for the legislation and we need to look at whether the response that is being proposed is proportionate to the problem. There have been 21 objections over five years, most of those objections being, really, relatively minor, with no evidence of long-term large problems in the 27 years that the Pregnancy Advisory Centre has been operating. I suggest that this bill, which outlaws discussion, which outlaws assembly, which outlaws the offering of assistance to women who are considering abortion, is not in any shape or form proportionate to the problem that is purported to exist.

I therefore suggest that we should go back to the drawing board. We cannot in conscience, as responsible people, support a bill which does not have an evidence base, which does not have, in this case, widespread evidence of harassment or intimidation, and which in fact will prevent women being offered assistance and prevent them having the opportunity to take advantage of that assistance.

I would therefore ask every member to not react with emotion, to not react with, 'This is about ideology, so therefore I must support this or I must oppose this,' but to actually think about the stories of those people who have been assisted because people have been allowed to be out the front of the abortion centre. I would ask you, for their sakes and for the sakes of others in the future who will be in that situation, to vote against this bill.

*Sitting extended beyond 18:30 on motion of Hon. R.I. Lucas.*

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (18:23):** I rise to speak on the Health Care (Health Access Zones) Amendment Bill 2019. I advise the council that this bill is a conscience vote for the parliamentary Liberal Party. I do not speak for any other member. While I speak today as a private member, I also do so mindful of my role as the Minister for Health and Wellbeing. I have a responsibility to ensure that all South Australians are able to access healthcare services.

While I will always support the right to protest, it is appropriate that protests are done in an appropriate manner and in a location that does not impede access to healthcare services. The bill before us aims to establish exclusion zones of at least 150 metres around protected premises. A range of behaviours are prohibited within the proposed health access zones. The purpose of establishing the zones is to protect the rights of staff and patients to privacy and safe access to health services.

Between 2013 and 2018, all Australian jurisdictions, with the exception of Western Australia and South Australia, have enacted legislation to provide for safe access zones of at least 150 metres, and in the case of the Australian Capital Territory a minimum of 50 metres. Within South Australia approximately 70 per cent of abortions are provided at the Pregnancy Advisory Centre, which is part of the Central Adelaide Local Health Network. The service is subject to protestors gathering outside the service with the aim of discouraging women from attending the service.

Protest groups have attempted to video staff and clients without their consent and approached women to dissuade them from their decision to undertake an abortion. This behaviour has a deleterious impact on both patients and staff and compromises the entitlement of staff to a safe working environment. Women report feeling uncomfortable, threatened, harassed and unsafe as a result of the behaviour of the protest groups.

Whatever service you seek to access you should, in my view, be able to do so within the law based on your understanding of your needs and in accord with your values without the fear that you will be subject to protestors as you access those services. In speaking with staff who are employed by SA Health to provide pregnancy services and abortion counselling and services, I was disturbed to hear that healthcare professionals often need to calm their patients and reassure them that they do have the right to access the service. This is not an acceptable situation in South Australia in 2019.

I acknowledge that establishing safe access zones impacts on freedom of speech. As a liberal, I respect the principle that, as J.S. Mill put it:

...the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant.

As a Christian, I accept that many Christians consider abortion to be a grave moral offence. However, in 1969 our state decided to allow abortions and they have been provided in this state ever since. They are funded by the state and they are delivered by public health services. No citizen has the right to unilaterally rewrite the laws of this state by denying access to health services to which other citizens are legally entitled.

The issue of the balance of freedom of speech and freedom of access to health services was explicitly considered by the High Court. In April this year, the issue of whether safe access zones infringe free speech was considered. Two people, prosecuted in Victoria and Tasmania, told the High Court that they had been denied their right to freedom of political communication; however, the High Court dismissed this appeal, saying the laws served a legitimate purpose.

It is noteworthy that all states and the Northern Territory intervened in the case, pointing out that even if the implied freedom of speech had been affected, it was eclipsed by the necessity to protect women seeking a termination. The High Court supported that argument. The Law Society, in a letter to the Hon. Tammy Franks, which was provided to other members, dated 24 October, states:

The Society supports the establishment of a safe access zone to protect a woman who is seeking or who has accessed terminations services, from harassment and intimidation or behaviour which attempts to obstruct a woman from accessing health care services related to terminating a pregnancy. The Society considers that the same protection should also apply to a health care practitioner who performs or assists in the lawful termination of pregnancy.

The Law Society goes on to say:

In weighing up the competing rights, i.e. ensuring safe and dignified access to health care, while also respecting freedom of political communication as they relate to premises which perform termination services, the Society considers a fair balance exists with the introduction of a safe access zone.

The Society supports the general principle that a person ought to be able to access health care services privately and without fear or risk of ridicule, humiliation or publication. This principle is also recognised internationally, including by United Nations treaty bodies, including the Special Rapporteur, who recommended that States whose domestic law authorises abortions under various circumstances should ensure that services are effectively available without adverse consequences to the woman or the health professional.

I will be supporting this bill but I do not consider that it is perfect. To highlight some of my concerns, I have filed amendments to the bill which I do not intend to formally move. I seek the leave of the council to table those amendments.

Leave granted.

**The Hon. S.G. WADE:** I was not able to finalise the amendments with sufficient time to allow members to give them due consideration but I hope that by tabling them they will provide clarity on some of the issues I have with the bill and hope that they may contribute to parliamentary consideration of this issue in future bills.

The amendments seek to do two things, firstly, to broaden the scope of the healthcare access zones to include all health services, not just abortions. Abortions are a health service. Citizens should be able to freely access abortion services. Health facilities providing abortion services, here and overseas, have been subject to protests and violence. I think that it is appropriate that access to abortion services is protected by a bill such as this. But abortion is not alone in stirring up active opposition and at risk from protests.

Some other services, which are polarising and may stimulate protests, include: assisted reproductive technology; stem cell treatment; gender services such as gender reassignment, counselling or hormone therapy; assisted dying; and safe injecting rooms. I consider all these services are at risk of protest and interference and, in my view, the protections available by this bill should be available to be applied to them, too.

These particular services tend to be offensive to conservative and religious groups but there are polarising issues across the religious and political spectrum. For example, circumcision is practised by Jews, Muslims and Christians as well as a number of cultural groups. Many people regard circumcision as mutilation of a child or young person and that it is not medically justifiable. Those people may seek to inhibit access to these services by Christians.

Conservative and religious people may want to inhibit access to health services today, but tomorrow they may need the protection of the state to access health services. I want to be clear that I am only seeking to protect the right to access health services which are permitted by the law. For example, female genital mutilation is illegal and nobody has the right to access that service in Australia or, for that matter, to take a child out of Australia to access that procedure. In my view, the bill should be flexible and allow authorities to act to be able to protect health services from protest action.

Secondly, my amendments seek to provide a ministerial discretion around the declaration of protected premises. The bill establishes safe access zones across a broad range of facilities. Personally, I think the clauses are too broad. I think that zones should only be established when they are needed.

Thirdly, my amendments seek to clarify behaviour prohibited in the safe access zones. I think that the bill should more clearly link prohibited behaviour with the impact on access. I, too, look forward to the tabling of the South Australian Law Reform Institute report on abortion law. My understanding is that it will be released soon. I hope that the House of Assembly, when they consider this bill, will both have access to that report and also consider the thoughts put forward in this council.

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

At 18:35 the council adjourned until Thursday 31 October 2019 at 11:00.

*Answers to Questions***SURVEILLANCE DEVICES ACT**

In reply to **the Hon. T.A. FRANKS** (25 September 2019).

**The Hon. R.I. LUCAS (Treasurer):** I have been advised:

The Surveillance Devices Act 2016 came into operation on 18 December 2017 and repealed and replaced the Listening and Surveillance Devices Act 1972.

Policing of brothels and prostitution related offences is the responsibility of the Licensing Enforcement Branch (LEB) of the South Australia Police (SAPOL).

The Attorney-General has been advised by the Commissioner for Police that in the first reporting period of 18 December 2017 to 30 June 2018, LEB used devices 21 times when entering brothels pursuant to S32 of the Summary Offences Act 1953 (SOA). In the last reporting period of 1 July 2018 to 30 June 2019, devices were used on 26 occasions, again in conjunction with entry to a brothel pursuant to S32 SOA.