HOUSE OF ASSEMBLY

Wednesday, 24 February 2016

The SPEAKER (Hon. M.J. Atkinson) took the chair at 11:01 and read prayers.

Parliamentary Committees

SELECT COMMITTEE ON JUMPS RACING

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (11:02): I move:

That the committee have leave to sit during the sitting of the house today.

Motion carried.

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

Ms COOK (Fisher) (11:03): I move:

That the 22nd report of the committee be noted.

In November last year, the committee visited the magnificent Riverland region to develop a deeper and more widespread appreciation of things affecting the region, particularly in relation to work health and safety. The Riverland comprises Berri, Barmera, Renmark, Monash, Glossop, and many smaller townships along the Murray River, which is a tourist mecca for water sports, leisurely walks and enjoying natural wildlife, or wine tasting at the cellar doors.

The region grows about half of South Australia's grapes, and more than 90 per cent of citrus and stone fruit. The horticulture, viticulture and agriculture industries within the Riverland are the largest employers in the area. It was our privilege to visit with some of those businesses, which included Accolade Wines, Almondco, Costa Exchange and also the Riverland General Hospital.

Our visit occurred at the same time as the Pinery fires, which meant that the member for Schubert was unable to attend as planned. The devastating fires caused the loss of two lives and affected more than 2,500 people. Thousands of livestock were killed and many homes, businesses and outbuildings were lost. Our thoughts were with the member for Schubert and his family throughout the entire trip. Fortunately, we were able to bypass the fire and we arrived safely into Berri, but the smoke was a constant reminder of the situation facing many in the Pinery region.

The committee's first site visit was to Accolade Wines, which is located in Berri. It is the largest wine company by volume for the United Kingdom and Australian markets. Accolade Wines began as a cooperative in 1928 and is now the largest winemaking facility in the southern hemisphere. It has seven winery sites in four states, with the Berri site having a crush capacity of 220,000 tonnes and storage tanks of over 263 million litres. That is equivalent to 350 million bottles, which is more than this parliament could consume in a year, I am sure!

We were privileged to climb to the top of those tanks and, whilst the view was spectacular, it also provided a perspective on the enormous expanse of the site. Accolade Wines has a further presence in Reynella, which is just on the border of my electorate of Fisher and also that of Mitchell. They have a presence in Chile, South Africa and California, as well as New Zealand, and export over 100 million litres to more than 140 countries.

The company employs 280 people at their Berri site, and I believe it is around about that also at their Reynella site. Many of these are family groups in roles such as laboratory technicians, cleaners and production staff. During vintage, which is about eight to 12 weeks each year, a further 150 casuals are employed.

The company has a number of health and wellbeing programs in place, which was very pleasing to see, and award programs are also there to promote safety. They include the Safety

Leader of the Year, Bright Ideas, and the CEO Safety Award, which recognises an individual who contributes to safety innovation. They provide health screening to staff and a pedometer challenge. The company developed safety innovations to eliminate the need for staff to enter a confined space. These included the development of vacuum tanks and a Cleaning in Place system. The only reason now to enter the confined space is in order to repair any tank seals.

The committee next toured Costa Exchange, a citrus facility in Renmark, where mainly navel oranges are grown and picked for distribution within Australia and exported to countries like the USA, Europe, Asia and the Middle East. The Costa Group began as a small family company in 1938 and has since expanded into farming mushrooms, blueberries and raspberries. It grows D'Vine Ripe tomatoes in Virginia and glasshouse tomatoes also in New South Wales. It has farms in all states and supplies fruit and vegetables to the large supermarket chains. Costa not only farms, packs and exports fruit and vegetables, it also designs, sells and advises on irrigation equipment.

Sixteen per cent of Australian citrus products, which include oranges, mandarins, lemons and tangerines, are grown in the Riverland. Australia's main export market for citrus is Japan. Costa Exchange employs 100 casuals and, during harvest time (May to November) which becomes problematic for them, these ranks swell to over 800 casuals, mainly involved in fruit picking.

Many backpackers are attracted to the Riverland for seasonal work, and this can present problems with language, induction and supervision. The induction, which is delivered to about 3,000 people, needs to be delivered in up to 10 different languages. Their safety focus is on workplace culture and encouraging good behaviour and early reporting of hazards. Just to clarify, there are 800 there at once, but this may be several people doing one position over a season.

The company was recently acknowledged at the South Australian Food Industry Awards by winning the Department of Industry, Innovation and Science Industry Skills Development Recognition Award and was a finalist in the Royal Agricultural and Horticultural Education Foundation of South Australia Best Practice Award.

The committee's next tour was of Almondco in Renmark. This began as a cottage industry in the early 20th century. A trip to California to explore almond growing as a commercial business revealed how production could be improved through irrigation and nutrition. Almondco now produces 80,000 metric tonnes of almonds, which is a 6 per cent global growth over eight years.

Australia is second only to California, which is the biggest almond producing location in the world, and we export 75 per cent of our produce to 40 different countries around the world, India being the largest importer. It is incredible that almonds are worth more than $1 billion to the South Australian economy alone. The biggest risk to the industry is to its reputation if things go wrong, such as almonds being affected by salmonella, chemicals and pathogens. For this reason Almondco received a state government grant of $1.9 million to assist with the installation of a new high-tech pasteurisation system. The system provides Almondco with a competitive advantage, because food manufacturers prefer the safety and security of Almondco's product.

The system created $120 million in new business in the first two years of operation, a great investment. Fifteen years ago Almondco employed 50 staff and now they employ 350 staff, so they have seen the value in improving their operations and safety system for workers. Inclusion of more robots to reduce manual handling, and elevated platforms that allow workers to sit or stand when sorting the almonds, are just two examples of the systems that have been introduced. Incredibly, I found it quite poignant that these workers were really happy when they were doing quite a repetitive task because they were being well looked after. Considerations around safety now inform a large part of the management reports.

The last site visit that the committee undertook was to the Berri Regional Health Service. The committee was greeted by the acting regional manager and her senior staff. The executive director workforce and the acting manager of injury management also joined us via a video link. Videoconferencing is an important tool, which assists the health service to connect with specialists in the city when needed.

The health service is an impressive 32-bed hospital that provides comprehensive medical and surgical services to the Riverland community and employs 140 staff, including nurses, maintenance and allied health workers, as well as administrators. There is a six-bed mental health

ward, which is the least restrictive for consumers, and there has only been one incident of aggression since the unit opened.

The committee learnt about the relationship between patient safety and quality and staff safety, which, we were advised, is an integral part of the health services system of care. Manual handling is the focus of attention as well, as is employee wellness, employee assistance and prevention of blood and body fluid exposure and management. There are a number of pro-active campaigns in place to encourage a positive workplace culture. Early intervention is the key to their return-to-work program, and psychological injuries are managed through a multi-disciplinary team, and use of videoconferencing as well for specialist psychiatric advice.

The health service reported that their emergency department is experiencing increased frequency of aggressive incidents due to illicit drugs. This is no different than in the city. To address this concern they have a code black team in place, increased security staff and hard-wired duress alarms, as well as an increase in staff training.

Prior to leaving the Riverland the committee met with SafeWork SA at its regional office in Berri. The office currently is staffed by only one person; it seems to have a huge workload. We learnt of the safety concerns of the region, which included refugee safety. Some refugees have never seen or worked with machinery, and their anthropometry (which is the size and proportion of their bodies) may differ to that of Australians, which means that they may put their arms into dangerous machinery to attempt to unblock it.

Contractors are an issue, as it is easy to become a contractor, but migrants usually do not have a good understanding of our safety laws. There are many small to medium enterprises in the Riverland that largely employ family members, and they have been known to purchase unsafe or unguarded equipment, and imported machinery may contain asbestos or require a risk assessment to make it safe before use. They also oversee hazardous substances, which includes the monitoring of the use of such by chicken farmers and other farmers in the Riverland, and this is an ongoing responsibility of SafeWork SA. Then, of course, we have farm machinery. Some farm machinery, such as bailers are quite dangerous, but farmers are reluctant to take advice or change their habits. The CWA is a useful vehicle for providing advice to farmers.

While SafeWork SA did not raise a concern about drugs in the workplace, all the employers that we met did. They have all introduced drug and alcohol policies and most are drug testing workers, only to find that methamphetamines are rife in the community, and workers who are detected as being under the influence do not seem to recognise the harm.

Police reports indicate that, only as recently as a few days ago, several people in the Riverland were arrested for trafficking large amounts of these illegal drugs. The challenges of distance, precarious employment for many workers and lifestyle decisions that do not align with legal and policy requirements for a safe workplace are problematic for employers who want a reliable and safe workplace.

It was unfortunate, at the time, that we could not meet up with the member for Chaffey during the visit, but it would be great to do that on another occasion. The Hon. Steph Key and the Hon. John Dawkins from the other place had parliamentary commitments and were unable to attend on this visit and, as we said, the member for Schubert was looking forward to visiting, but the Pinery fire prevented him from doing so.

The committee has, as a consequence, made two recommendations from this report, and the first relates to the use of illicit drugs and its impact on businesses. It may be useful to undertake an inquiry into this particular matter in the future. The second relates to staffing at the SafeWork SA regional office, which the committee is concerned is below that needed to effectively provide education, information and enforcement services for work health and safety in the region.

I would like to thank the managers, staff, people of the Riverland and all the businesses we visited for welcoming us and providing us with an opportunity to gain a deep and more widespread appreciation of things affecting the region, particularly in relation to work health and safety.

I, personally, was particularly impressed with the improvements that have been made to Riverland health, having travelled there many times over the past 20 years as part of my work. I am

very proud of the work that we have done with the investment into the Riverland hospital. My thanks go also to the committee's executive officer, Ms Sue Sedivy, for helping to organise this valuable and informative regional field trip.

Mr WHETSTONE (Chaffey) (11:16): I will just make a very small contribution to the 22nd report of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation and its recent trip to the Riverland. I was very happy to see that committee head up to the Riverland to have a look around and gain a better understanding of exactly what the Riverland region offers the state's economy and what its contribution is to the bottom line.

One of the businesses that was visited, Accolade, is the largest winery in the Southern Hemisphere. Costa Exchange is a great employer. It is a grower, packer and marketer of citrus in South Australia and they do a great job. Yes, they do predominantly grow and package navels, but that is rapidly being overtaken with newer varieties, particularly easy-peels, mandarins and some of the new varieties of lemons, limes and, to a lesser degree now than was always historically picked, valencias.

Obviously, we have seen a demise within that industry with international competition from cheap juice imports that have forced that industry to restructure, which now means that our region, the region of Chaffey, has to employ a lot more staff on the ground, particularly with picking because, as most would know, citrus is handpicked and not machine picked, unlike almonds and wine grapes.

It is a growing concern that we are having to outsource employment, whether it is from backpackers or employment programs. What we are seeing with an increased level of hands-on employment are issues with repetitive strain injuries. We are seeing a lot more focus on having to train staff who are coming to the region for a short period of time. We have seen the decline of the seasonal worker coming into that region and handpicking grapes with the technology that comes with the wine industry now, particularly with machines picking grapes. I have a bit of an understanding of this, being a citrus grower, as well as a wine grape grower and a vegetable grower, in my previous life.

Being able to source good, reliable trained staff is something that is becoming more and more difficult in today's climate when it comes to regulation and particularly training those staff for short amounts of time and making sure that they are adequately trained and working in a safe environment. Obviously, Almondco is a world-class facility, and I am very proud of that facility. It is a co-op; it is one of the largest co-ops in the country, as is one of the suppliers of Accolade, the CCW co-op that come to the fore of a large supply agreement with the Accolade wine company.

I just would like to touch on, if I could, the regional hospital. The regional hospital recently received a $36 million upgrade, which was much needed. Sadly, that upgrade was downgraded along the way, with the previous health minister, the Hon. Mr Hill, who saw fit to reduce the budget on that upgrade. But it was an upgrade that was much appreciated by the community and much needed by the community. Sadly, we are seeing a focus taken away from the other hospitals in the neighbouring towns at Waikerie, Barmera, Renmark and Loxton, and to a degree in the Mallee as well. They are also feeling the pressure with staff shortages. What we are seeing is that programs and services are being in a certain way restricted.

Drugs in a workplace is a major issue in the electorate. As the member for Fisher has highlighted, there were two issues particularly with the regional hospital: drugs in the workplace and also staffing at SafeWork SA. I want to touch just quickly on drugs in the workplace. Obviously, drugs in society today are becoming more prevalent. What we are seeing is that we have a drug issue in South Australia, but it is only half baked in dealing with that.

The hospital is dealing with the detox of drug addiction (users of particularly crystal methamphetamine) and there is great work done by the hospital, the nurses and the doctors, all of the staff within that hospital that are dealing with drugs and addiction, and it does come away and rub off into the workplace. They are dealing with the detox, but once those drug users go back out into the workforce and into society, there is nowhere for them to go. There is nowhere for them to bounce off and nowhere for them to gain support. They are back out into the bad, bad world of the friends or acquaintances that they previously dealt with.

What it is showing us is that there needs to be rehab. The rehab facilities need to be supported, particularly in those outlying areas within the Riverland. I have put suggestions, supported by SAPOL, to the state health minister, the state education minister and the federal health minister, and it just does not seem to be gaining any form of traction when we are looking at proposals to put in a rehab centre. There are a number of rehab centres in Adelaide and there is a rehab centre at Strathalbyn, but where are the other regional support mechanisms in place?

That is why I think that the regional hospital in the Riverland is really being overrun by reoccurring drug users who come in for detox, spend two or three days in there being detoxed, and are then put back out on the street only to reoffend and then be readmitted back into the hospital. There does need to be a mechanism. Rehabilitation needs to be supported here in South Australia. There is the idea of potentially going out to public consultation—maybe we could re-use one of the schools that have been closed down in the region.

We have had a number of schools over the last couple of years close down, particularly in the Riverland. Sadly, it has been about one a year. At the moment there are 54 schools in the electorate of Chaffey, and one recently closed school at Winkie would have been a perfect facility to be converted, potentially, into a drug rehabilitation centre. It is out of town, it is a little bit isolated, it has good infrastructure and it just really does sit for me that it would be a monty supported by SAPOL, supported by all the drug and alcohol facilities and supported by the families. This concept would be supported by the people who are most affected.

There is something that needs to be put into the melting pot. We cannot have a government that just keeps on ignoring this crystal methamphetamine use here in South Australia. It is a growing concern. We have seen in recent days where a mother was detected taking her children to school. She was pulled over and detected to be full of crystal methamphetamine. It is just outrageous to think about the irresponsible people in our society who would do that sort of thing. This is occurring in the morning time, taking kids to school. They are being detected with drugs in them and could be supported by rehab centres.

Before I sit down I will just touch on the staffing at SafeWork SA. It has been an issue in the electorate for a number of years. The resourcing into the SafeWork SA office at Berri has been diminishing. We are down to one staff member, and that staff member is working above and beyond, doing extra hours at no pay, really taking that role on as a personal crusade almost because over-worked, under-resourced seems to be a common theme when it comes to any of the government support departments, particularly in the Riverland.

The member for Fisher has highlighted that it is a concern to her and to the committee that SafeWork SA in the Berri office needs to have more resources. It needs to have more staff so that it can deal with the growing demand, so that it can deal with a growing labour force that is right before us. I thank the committee for visiting the Riverland and I hope that it had an enjoyable time.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: Before I call the next speaker, I would like to acknowledge in the gallery today some special visitors from the Encounter Lutheran School at Victor Harbor who are guests of the member for Finniss. We thank them very much for coming to spend some time with us today. We hope they enjoy their visit to Parliament House and that they tell their mums and dads what a great place it is when they go home tonight.

Parliamentary Committees

PARLIAMENTARY COMMITTEE ON OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION

Debate resumed.

Ms COOK (Fisher) (11:27): I would like to thank the member for Chaffey for his contribution to this very important debate, and I reinforce as well the findings of the committee and hope that we can move forward in a bipartisan way on the findings.

Motion carried.

PUBLIC WORKS COMMITTEE: ANNUAL REPORT 2014-15

Ms DIGANCE (Elder) (11:28): I move:

That the 541st report of the committee, entitled Annual Report 2014-15, be noted.

As members no doubt are aware, the Public Works Committee considers all public works projects over $4 million to be undertaken by or on behalf of the state government. In 2014-15 we considered 17 new projects. Some of the referrals received by the committee had a project cost of under $11 million (GST exclusive). These are often projects that are straightforward in nature or maintenance and repair-type projects for agencies, such as SA Water. Thus, the committee has resolved to determine on a case-by-case basis whether further oral evidence is required on these projects.

Of the 17 referrals considered by the committee 10, were valued under $11 million, and the committee determined that further evidence was not required on three of these projects. This financial year the committee undertook three regional trips as well as six site visits in the metropolitan area. These visits are important for a number of reasons, including providing the committee with another mechanism for monitoring project progress. The committee still receives quarterly reports from the departments on the progress of all current projects in between time.

A number of prison projects were referred over the period, and, in order to better understand the issues facing correctional facilities, we undertook several prison site visits, including during our regional trips to Port Lincoln and Mount Gambier. These visits provided an opportunity for departmental and operational staff to explain some of the challenging dynamics facing the correctional system such as the ageing prison population and the complexities of these infrastructure projects, particularly managing construction projects in or adjacent to a secure or restricted site.

We also heard about the industry programs provided at the different prisons, inspected the facilities at Port Lincoln where the produce racks for the oyster industry were produced and also where fresh produce was grown and delivered to local businesses. In Mount Gambier, we were able to visit the furniture and manufacturing facility.

During this financial year, the committee also heard further evidence on two current projects, namely, the Adelaide Oval project (where details of the external landscaping and stormwater management were provided) and the Adelaide Convention Centre (where unforeseen structural issues were encountered with the deconstruction of the current convention centre impacting on the budget). The committee, along with the member for Adelaide, inspected the completed stage 1 works of the Adelaide Convention Centre—the new build towards the Morphett Street bridge—and the initial works for stage 2 which, at the time, had just commenced. The proposed new Adelaide Convention Centre looks impressive as well as very multifunctional, and is due for completion in 2017.

The regional trips also provided a different perspective to public works and highlighted the issues facing regional communities. Whilst there, I and other committee members met with local government representatives to discuss some of the key issues facing their region. Similar issues were raised across all three regions, including energy and utility infrastructure and road and rail infrastructure. The committee found these discussions most valuable and appreciates the time taken by the mayors, deputy mayors, chief executives and directors in taking time to talk with us—and I can confirm all the messages were passed on to the Premier, as discussed at the time.

I would also like to thank all those people who have presented to the committee over the year. There has been quite a variety of projects, from water and roads to new ambulance stations. I thank my fellow committee members—the members for Colton, Torrens, Finniss and Chaffey—for their dedication, robust discussion and scrutiny of projects and, of course, the hard work over the period.

Finally, I would like to thank the staff of the committee—Alison Meeks (Executive Officer), Ryan Piekarski (Administrative Officer) and Amanda Sheeky (previous administrative officer) for their hard work. They provided us with an interesting year of site visits and interesting trips while ensuring we met our statutory obligations in a timely manner.

I would particularly like to acknowledge Amanda, who worked in the committee office for eight years: four of those were with this committee. She demonstrated dedication and reliability at all times. I know I speak on behalf of committee members when I wish her every success in her new role with the Australian Sports Commission, which fits her very well with her passion for touch football. I recommend that the report be noted by the house.

Mr WHETSTONE (Chaffey) (11:33): I, too, will make a small contribution and rise to support the 541st report of the Public Works Committee entitled Annual Report 2015-16. The 2014-15 year was a busy year and the 17 projects referred to the committee were always interesting and highlighted the infrastructure works that come before the committee. All are GST exclusive?

Ms Digance: Exclusive.

Mr WHETSTONE: Thank you. I think one of the great tools in understanding how these projects are implemented, how they work and the benefits they give the state is being able to site visit the projects. This allows the committee to better understand how the money is being spent and, obviously, some of the complexities when they are being built or refurbished. We gain a much better understanding but, also, we have an obligation to understand that it is taxpayers' money and that we are there to make sure it is best spent.

I would like to thank the committee. It is a good, robust and engaging committee. The Chair is doing a great job, as are the staff. I think the staff need to be commended for their good work over the time, putting up with the antics of some of the committee members. Overall, I think it is a good committee and worthy of endorsing.

Ms DIGANCE (Elder) (11:35): I would like to thank the member for Chaffey for his very insightful words on the annual report and also his compliments towards the staff and committee members. With that, I note the report.

Motion carried.

NATURAL RESOURCES COMMITTEE: ANNUAL REPORT 2014-15

Adjourned debate on motion of Hon. S.W. Key:

That the 107th report of the committee, entitled Annual Report 2014-15, be noted.

(Continued from 10 February 2016.)

Mr WHETSTONE (Chaffey) (11:35): I would like to make a brief contribution and speak about the 107th report of the Natural Resources Committee and acknowledge the fine work that has been done by the hardworking committee. Some say that it is the hardest working committee, perhaps challenged by the Public Works Committee.

As part of the annual report 2014-15, under the act each natural resources management board had to prepare a regional plan in which the NRM levy proposals are included for the 2015-16 year. It has been quite a controversial decision by the government, directed to the minister, to find more money. Where it was the state's responsibility, shared by the state, the onus has now been put on a much smaller group of South Australian taxpayers.

Those taxpayers in general are supporting the economy through their business models, primary producers in most cases. It is an onerous task, that these people now have to dig deeper into their pockets to help this government's ailing budget. It is not about responsibility for water planning and management; it is simply a cost-shifting exercise. It is quite concerning that this has happened this year, and the onus is only going to get worse next year, when obviously they are going to have to find more money.

There are two NRM levies: division 1 is a land-based levy paid by landowners and households, and division 2 is a water levy paid by people holding water licences. The funds raised by these levies are used to pay for environmental and conservation projects for controlling pests, weeds, protecting waterways and areas of environmental importance. The joint Natural Resources Committee is required by law to examine any NRM board plans that contain a levy proposal, and they cannot force any changes in the proposed rates.

NRM boards across South Australia have been directed by the state government that levy increases are necessary to recover the $3.5 million in the 2015-16 year and $6.8 million in the 2016-17, and indexed for future years. This means raising that extra $2.26 million in the 2016-17 budget for the state's water planning and management costs. The state government has directed NRM boards to collect moneys under the National Water Initiative for partial cost recovery.

I note that the South-East area has been asked to contribute 33 per cent towards these increases, and the Murray-Darling Basin area and the Adelaide & Mount Lofty Ranges NRM are major contributors. The other NRM areas in the state are also contributing but to a much lesser degree. It is a concern. The government is looking a gift horse in the mouth. The government is always out spruiking the good news stories, and they often use primary producers to underpin this state's budget. This state, sadly, lacks many good news stories.

They are really biting the hand that is feeding them. I think it is sad that, even though it is a relatively small amount of money in the big picture, it is another hit on the primary producers, landowners and water licence holders in South Australia. Again, it is a hit to the people who obviously matter least to the government because this cost-shifting exercise has moved away from the broader South Australian population to a much smaller group of people who, as I said, are very important to the government—making the good news announcements and also underpinning the state's economy. Primary Producers SA and Livestock SA remain opposed to the rises and are calling for an independent review into water planning and management—

Time expired.

Mr PICTON (Kaurna) (11:40): I would like to add some brief comments in regard to the annual report of the Natural Resources Committee for 2014-15. I particularly note my pleasure at having been a member of the committee over the last two years. This report only relates to the 2014-15 year when I was a member, but I was also a member for a significant period during 2015-16. It is a very strong and hardworking committee. It has a very able presiding member in the member for Ashford who does a sterling job and it distinguishes itself in carrying out some very important roles.

We have spent a significant amount of time over the past year on the committee looking at the issue of unconventional gas developments and fracking, and there is a separate interim report before the house at the moment in regard to that. We have also spent a significant amount of time looking at fish stocks in South Australia, which is a very interesting issue. We have been very well assisted by the Minister for Fisheries and his staff in the department who have given us lots of advice, but we have also talked to a lot of people in the industry about that issue.

Of course we spent a lot of time reviewing the work of the NRM boards and their staff across South Australia. We have undertaken a number of interesting visits to see what is actually going on on the ground, including a trip to Kangaroo Island, which was very informative, as well as two trips to the South-East of South Australia. I understand that the committee already has a number of other trips planned for this year, including one to see the recovery efforts underway in the Mid North of South Australia as well as the AW NRM Board in that region, which will be a very worthwhile trip.

I would like to thank the committee for my time as a member and I would also like to thank the committee staff, Patrick and Barb, for their very hard work. If there is anybody from the parliamentary administration listening, this is certainly a committee that needs resources to carry out its work. There has always been significant pressure on the budget for this committee, given that it does so much compared with some of the other standing committees.

It has also faced some particular information technology difficulties in terms of being able to get a laptop for staff members to undertake notetaking when we are visiting places around regional South Australia and even a mobile phone. I hope those things can be addressed in coming years. I look forward to continuing to touch base with the committee and I look forward to its future reports on the important range of work it undertakes.

The Hon. S.W. KEY (Ashford) (11:43): I must say that I love being a member of this committee. I like being on this committee not just because of the committee members and staff, who are all excellent, but also because we get a lot of cooperation from members in this chamber in particular and also in the Legislative Council. I hope that where there are issues that affect particular

electorates, as much as possible, we are able to hear what the local member has to say and they are able to raise concerns with us about those issues.

We had 23 meetings from 1 July 2014 to 30 June 2015. We had 77 witnesses appear before the committee. We produced seven reports that were tabled in this house, some of which are still on the *Notice Paper*. As has been mentioned by the member for Kaurna, we have had two major fact-finding visits: one to the Kangaroo Island NRM region and also one to the South-East with regard to the reference we have on fracking as part of our unconventional gas inquiry in the South-East.

I would also like to record the committee's sadness at losing the member for Kaurna from our committee, as when we lost the member for Stuart and also the member for Little Para. We sort of see them as still being part of our gang, so we hope that they will continue to work with us. In fact, I am sure that will happen. We welcome the member for Elder to the crew. We know that she, particularly with her skills on the excellent Public Works Committee, will be a great addition to the gang.

We have mentioned the staff: Patrick Dupont and Barbara Coddington. They do an excellent job. The issue of IT support really is a serious issue that we need to address, and that is something that I am interested in pursuing with perhaps the other committee chairs to see whether there is a way in which we can get that support for the staff from the parliamentary administration. I commend the report to the house, which is the Annual Report 2014-15 of the Natural Resources Committee.

Motion carried.

ECONOMIC AND FINANCE COMMITTEE: NATIONAL BROADBAND NETWORK

Adjourned debate on motion of Mr Odenwalder:

That the 88th report of the committee, entitled National Broadband Network, be noted.

(Continued from 2 December 2015.)

The DEPUTY SPEAKER: The member for Schubert is going to open the batting.

Mr KNOLL (Schubert) (11:47): Thank you, Deputy Speaker. Actually, I hope by now Australia has won the second test in New Zealand. I think we are on track.

The DEPUTY SPEAKER: I don't know. Are we allowed to have scores? It's not normal for us to have—

Mr KNOLL: No, sorry; we are moving on.

The DEPUTY SPEAKER: Order! It is not normal for us to have ongoing and progress scores but, if someone wants to give us a nod and a wink, we could all share that news together in a quiet manner. Member for Schubert.

Mr KNOLL: It is my pleasure to rise here to talk about the NBN—a project that many people across country South Australia are viewing via the internet, potentially via the NBN. Maybe they are watching on Fox Sports or other channels the closure of the second test in New Zealand. This inquiry was done prior to my elevation onto the wonderful Economic and Finance Committee. Having said that, I have taken a keen interest in having a look at the document and providing some brief thoughts on it.

Certainly, the National Broadband Network is extremely important to helping South Australia progress, to helping small businesses start up and to helping unlock the global trade potential of the internet. This is certainly never more evident than in what we see in country areas where, traditionally, access to broadband services has been quite limited.

I will give you a great little example. I am a lover of all things Sir Thomas Playford, and I managed to find one of his biographies on an online bookstore. It turns out that the online bookstore is just a little website run by a couple who live in Laura in the Mid North of the state. They have a website. They sell these old and rare books. I purchased one, and they sent it all the way down to me.

I thought, 'How fantastic is that?' Previously, you would have had to have a shop in a higher traffic location in order to get people to see what you were doing, but these people have managed to do it from the town that gave us Golden North ice cream.

Late last year, I was also given the opportunity to visit outback South Australia with a couple of other members of parliament. We happened to fly all the way out to a beautiful place called Cowarie Station, which is about as far away from most other things as one can get. We met a beautiful family—a mother and daughter; the rest of the family were out doing things across the station—and one of the biggest issues they had was in relation to accessing the internet, especially given that the School of the Air, which used to provide everything in the post, now provides all of their materials online, which is fantastic as long as you can download them.

They were lamenting the fact that they are on the interim satellite service and that they struggle. In fact, it took our hosts an hour and a half to download a four-minute video to show us. But, having said that, they were quite excited about the launch of the first satellite—the name of which escapes me, but I think it is something to do with cowboys; Sky Muster? Is that a thing? Anyway, they were really hopeful that the increased bandwidth was going to be able to help them to get a good education. They had a young son who at that stage was about three years old, and they were looking at how they were going to be able to educate him out there in remote South Australia.

The other example I would like to give is of a place that is around 70 kilometres from here, a little place called Krondorf, which is just south of Tanunda, up on a hill and just up the road from Rockford Winery. It is a little place, and even though it is less than a kilometre out of Tanunda, its residents struggle to get the internet. They have been waiting on the NBN to come to be able to solve their problem.

As it turns out, a local internet provider has had the ingenuity to actually build small towers and provide access to pockets of people who have been previously been unable to, and do so in a commercial manner. This means that these people, in the past month or two, had the power of broadband internet unlocked. There have certainly been some joyful scenes in Krondorf, and probably a decent glass of Rod and Spur or Basket Press has been poured in celebration.

Having looked at the report, I can see that it has a number of worthy suggestions. I do have to opine that this does seem to be quite a political document, and one that potentially—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr KNOLL: —fights the federal Labor government's fight on their behalf, but that is okay. I would like to look at recommendation 6, which states:

> All South Australian local governments implement a digital economy strategy and monitor its performance.

Recommendation 7 states:

> The state and local governments should serve as exemplars for the benefits of the NBN in the delivery of services, particularly in rural and remote areas.

I think recommendation 7 is extremely important, especially when we look at the record of this state Labor government when it comes to instituting IT systems that require internet access in order for those records to be provided across the state.

I want to turn to a couple of examples where I think recommendation 7 needs to be acted upon quite swiftly, and maybe where this state Labor government needs to get their act together. We start off with the Enterprise Patient Administration System, which I know has had a lot of discussion in this place. Originally billed as a $220 million project, it has now blown out to $450 million.

Whilst that project was supposed to cover all hospitals in South Australia, it is currently in Noarlunga, it is currently in the Repat (but we are closing that down), and everything else has been suspended to make sure that it is going into the new RAH when that opens. Unfortunately, I do not think that is going to happen either. If we are talking here about—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr KNOLL: If we are talking about state governments being exemplars, state governments should serve as exemplars for the benefits of the NBN in the delivery of services. I do not think EPAS is a great exemplar of how the NBN could and should be used, so maybe there is a little bit of work there to do.

We then move on to RISTEC, which is a system that the finance department is supposed to use in order to be able to cover off on the collection and management of taxation. It is a project that started out at $22.6 million and, 13 years later, ended up at $54 million.

Mr Picton: These are all internal systems.

Mr KNOLL: That require decent internet access. Again, recommendation 7 deals with the state government being an exemplar of how to use IT services. I think that pointing out how this state Labor government is really bad at using IT services is valid in the context of one of the recommendations of the report; a bipartisan report, as I am given to understand. The other thing to do with RISTEC is the fact that stage 3 of the project was scrapped. Not only did we spend $54 million, well over double the cost, we also did not get the outcomes.

We then move on to CASIS, a system which was supposed to fix a lot of long-running issues with regard to managing concession payments on behalf of the Department for Communities and Social Inclusion. It is a project that wasted $7 million before, again, it was scrapped. Now we have a new man on the scene and his name is COLIN. He is supposed to only cost $2.2 million, and I wish COLIN all the best in his endeavours, because COLIN's predecessor, CASIS, after starting off at $600,000, was scrapped at over $7 million. I think COLIN has a lot of work to do in order to be able to fix the issues that were had.

The last example I would like to bring up is a website that the government put together at the cost of $226,000 to promote science and technology careers, which was dumped after only 12 months. Indeed, the parts of the website that would have used greater broadband speeds in terms of the latest features, including social interactivity, were not transferred to a new website. This is another example of where the government was not an exemplar when it came to promoting the uses of the National Broadband Network.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: Before I continue with this debate, it very much looks like we have another special group of visitors in the gallery, which I presume is the second part of the Encounter Lutheran College from Victor Harbor. We are very glad they have been able to join us here today. They are guests of the member for Finniss. I hope they have enjoyed their tour of Parliament House and are enjoying the well-mannered debate they are seeing in the chamber this morning. They can take home the message to their mum and dad tonight that, if you look it up in *Hansard*, you will be able to see your school's name online after tomorrow. We hope you really enjoy your time here at Parliament House today. I also understand it is the Minister for Regional Development's birthday. We won't do three cheers, but we will just notice he is looking incredibly young this morning.

Parliamentary Committees

ECONOMIC AND FINANCE COMMITTEE: NATIONAL BROADBAND NETWORK

Debate resumed.

Mr SPEIRS (Bright) (11:58): I would also like to add my contribution to the Economic and Finance Committee's report into the National Broadband Network. This was the first inquiry that I was part of following my placement on the Economic and Finance Committee in October 2014. The inquiry had just gotten underway at that point, and it ran throughout 2015 alongside some other inquiries that the committee was undertaking.

For me personally it is an area of interest, because my own electorate has a significant problem with internet access, particularly in the south of my electorate around Hallett Cove, which is a well known and long-term internet blackspot. The need for the NBN to be rolled out into my

electorate, but particularly in the Hallett Cove area, is something that is raised with me on a regular basis. In fact, on Friday afternoon I was out doorknocking a street in the north of Hallett Cove and it was raised by three different households, which I think is fairly significant given the number of people I spoke to on Friday afternoon. For three households to raise internet access as an issue clearly means it is something that should be attended to. I seek leave to continue my remarks at a later point.

Leave granted; debate adjourned.

Bills

LEGAL SERVICES COMMISSION (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:01): Obtained leave and introduced a bill for an act to amend the Legal Services Commission Act 1977. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:01): I move:

That this bill be now read a second time.

Currently the Legal Services Commission Act of 1977 establishes a 10-member commission comprising the following persons who are appointed by the Governor:

- a chairman, who is a person holding judicial office or a legal practitioner of not less than five years' standing nominated by the Attorney-General;
- one person who is, in my opinion, an appropriate person to represent the interests of assisted persons;
- three persons nominated by the Attorney-General;
- three persons nominated by the Law Society;
- one employee of the commission on the nomination of the employees of the commission; and
- the director of the commission.

The commission is a representative rather than a skills-based board. The bill reduces the number of commissioners that comprise the commission from 10 to five and makes skills, knowledge and expertise the relevant factors when appointing a commissioner. The catalyst for this bill can be traced back to February 2011 when a review of the provision of legal aid in state criminal cases by the commission was announced. The review was conducted by a committee of senior legal practitioners being led by Mr Martin Hinton QC (the Solicitor-General), Mr Michael Abbott QC, Mr Ralph Bonig, his Honour Judge Muscat and Mr Mark Norman SC.

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order! Deputy leader.

The Hon. J.R. RAU: The committee released four reports and they are actually all very good, I have to say. Of particular relevance is its third report entitled 'The Governance Structure of the Commission and a Public Defender's Office for South Australia'. The committee recommended a change to the governance structure of the commission. The committee was critical of the current composition of the commission and stated:

A very real question arises as to the benefit that the Commission as currently constituted brings to the contemplated operations of the organisation.

It goes on:

[T]he current composition of the Commission may also exclude skills of benefit to the Commission. Members possessing skills in management, public administration—

Ms Chapman interjecting:

The DEPUTY SPEAKER: Order! The deputy leader is called to order.

The Hon. J.R. RAU: It continues:

—and service delivery could benefit the Commission.

After taking into consideration the size and composition of various commissions around Australia it was determined that a bill would establish a five-member commission comprising the following:

- a chair nominated by the Attorney-General, who must be a person holding judicial office or a legal practitioner or not less than five years' standing;
- the director; and
- three other members nominated by the Attorney-General of whom:
- at least one must have experience in financial management; and
- at least one must be able to represent the interests of legally-assisted persons.

The bill addresses concerns that legal practitioners would not be sufficiently represented in the newly constituted board in two ways.

First, the Attorney-General must consult with the Law Society and Bar Association before nominating a person for appointment to the commission. I note that an exception is made for the nominee who has experience with financial management. The Attorney-General is not required to consult the Law Society and the Bar Association on that appointment. All appointments will continue to be made by the Governor in Executive Council.

Secondly, the bill establishes the legal profession reference committee. The reference committee is given broad jurisdiction to advise the commission in relation to any matter referred to it or any of the commission's functions under the act. The reference committee comprises seven members. The Law Society and the Bar Association will each be given the power to nominate two members to the reference committee.

The reference committee is based on the Queensland model. The Queensland reference committee meets three times a year to advise the commission about fees paid to private practitioners, panels and grants of aid. One point of contrast with the Queensland model is that the South Australian reference committee will be established by legislation, whereas the Queensland reference group is not. One of the consequences of reducing the number of commissioners is that there will only be four eligible members to hear appeals, because the director is excluded. Those four members will not be able to manage the appeals process if the legislation is to continue to require appeals to be heard by three commission members.

In 2015, the commission met 22 times during the year and heard 146 appeals. Accordingly, the bill provides that appeals will continue to be heard by three people, with at least one commission member and up to two people drawn from a panel of assessors. The commission will establish a panel of assessors with suitably qualified persons to hear the appeals. I commend the bill to members and seek leave to insert the explanation of clauses in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Legal Services Commission Act 1977*

4—Amendment of section 5—Interpretation

This amendment inserts a 'pointer' definition for the Legal Profession Reference Committee and is consequential on the establishment of that Committee under proposed section 11A in clause 7 of this measure.

5—Amendment of section 6—Constitution of Legal Services Commission

This clause amends section 6 of the Act to reduce the number of members of the Commission from 10 members to 5. The amendment also changes the constitution of the Commission to be made up of—

- the Director of the Commission;
- the Chairperson who must be a person holding judicial office or a legal practitioner of 5 or more years standing. This person is to be appointed by the Governor on the nomination of the Attorney-General;
- 3 other persons, at least 1 of whom must have experience in financial management and 1 of whom must be an appropriate person to represent the interests of assisted persons. These members are to be appointed by the Governor on the nomination of the Attorney-General following consultation with the Law Society and the South Australian Bar Association in relation to the person representing the interests of assisted persons.

6—Amendment of section 8—Quorum etc

As a consequence of reducing the number of members of the Commission, this amendment reduces the number of members required to constitute a quorum of the Commission from 5 members to 3 members and deletes subsection (1a) which is no longer required.

7—Insertion of section 11A

This clause inserts a new section.

11A—Legal Profession Reference Committee

The proposed section provides for the Commission to establish the Legal Profession Reference Committee to advise the Commission in relation to matters it refers to it or that relate to any of the Commission's functions under the Act, or to perform any other functions assigned to it under the Act. The Reference Committee is to consist of 7 members including the Chairperson, the Director and an employee of the Commission, as well as 2 members nominated by the Law Society and 2 members nominated by the South Australian Bar Association.

8—Amendment of section 12—Advisory and other committees

This amendment is consequential on the amendment in clause 6 and the establishment of the Legal Profession Reference Committee.

9—Insertion of sections 12A and 12B

This clause inserts 2 new sections to provide for an appeal panel to hear appeals against decisions of the Director of the Commission under Part 4 of the Act and to provide for the inclusion of assessors on the panel. This is as a consequence of reducing the number of members of the Commission to ensure that there are a sufficient number of persons to hear the appeals.

12A—Appeals

The proposed section provides that appeals against decisions of the Director under Part 4 of the Act are to be heard by a panel of 3 persons of whom at least 1 must be a member of the Commission and, depending on the number of Commission members on the panel, may include up to 2 assessors selected from a panel of assessors established by the Commission under proposed section 12B. The clause also provides for who is to preside at a hearing.

12B—Panel of assessors

The proposed section provides for the establishment of a panel of persons by the Commission who may sit as assessors on an appeal panel. The panel of assessors is to consist of persons who, in the opinion of the Commission, have appropriate qualifications and experience. Members of the panel may be appointed for a term not exceeding 3 years, on conditions determined by the Commission. An assessor is precluded from participating in the hearing of a matter if the person has a personal, or a direct or indirect interest in the matter.

10—Amendment of section 13—Delegation

This amendment clarifies that the inclusion of assessors on a panel hearing an appeal of a decision of the Director is not precluded by the prohibition on the Commission to delegate the power to hear and determine appeals contained in section 13(2)(b) of the Act.

11—Amendment of section 18C—Director to determine scale of fees for professional legal work

This amendment provides that consultation under this section is with the Legal Profession Reference Committee rather than the Law Society.

12—Amendment of section 19—Determination and payment of legal assistance costs to legal practitioners (other than Commission practitioners)

This amendment provides that consultation under this section is with the Legal Profession Reference Committee rather than the Law Society.

13—Amendment of section 31A—Secrecy

This amendment ensures that the operation of section 31A of the Act (which deals with issues of confidentiality) extends to members of the Legal Profession Reference Committee and members of the panel of assessors.

14—Amendment of section 33A—Immunity

This amendment extends the operation of section 33A to provide for the same immunity to apply to members of the panel of assessors as applies to members of the Commission.

15—Amendment of section 34—Regulations

This amendment deletes subsection (2) and is consequential on the amendments relating to the changes to the constitution of the Commission. Nominations by employees of the Commission are no longer relevant.

Schedule 1—Transitional provision

1—Transitional provision

This provision provides for transitional arrangements in relation to the changes to the membership of the Commission effected by this measure.

Debate adjourned on motion of Ms Chapman.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Introduction and First Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:07): Obtained leave and introduced a bill for an act to amend various acts within the portfolio of the Attorney-General. Read a first time.

Second Reading

The Hon. J.R. RAU (Enfield—Deputy Premier, Attorney-General, Minister for Justice Reform, Minister for Planning, Minister for Industrial Relations, Minister for Child Protection Reform, Minister for the Public Sector, Minister for Consumer and Business Services, Minister for the City of Adelaide) (12:07): I move:

That this bill be now read a second time.

From time to time, minor errors, omissions and other technical deficiencies are identified in legislation. I know that comes as a surprise, but it does happen. These are more efficiently dealt with in a single omnibus bill than in separate bills for each. It is timely now to introduce yet another one of these much awaited Attorney-General's portfolio bills. There is a particular need to ensure that the Criminal Law (Forensic Procedures) Act 2007 keeps up with technical advances and forensic procedures. The bill makes a number of technical amendments to that act.

The bill amends sections 3 and 14 of the Criminal Law (Forensic Procedures) Act to remove the need for the authorisation of a senior police officer to recover gunshot or other chemical residue from a suspect's hands or fingers. The delay in seeking and obtaining authorisation from a senior police officer to recover gunshot or other chemical residue from a suspect might allow such important

evidence to be lost. This is a very limited measure. It is confined to taking gunshot or other residue from a suspect's hands or fingers without the authorisation of a senior police officer.

The bill amends section 3 of the Criminal Law (Forensic Procedures) Act to modify the definition of an 'intrusive forensic procedure' to exclude oral rinsing. The Criminal Law (Forensic Procedures) (Blood Testing for Diseases) Amendment Act 2015 amends the Criminal Law (Forensic Procedures) Act 2007 to require an offender who bites or spits at a police officer or other emergency worker to undertake a blood test at the discretion of a senior police officer in order to test for infectious diseases. The recent act did not include Department of Correctional Services staff. The bill amends section 20A of that act to address this omission.

The bill makes a minor amendment to section 41 of the Criminal Law (Forensic Procedures) Act 2007 to change the terminology used to refer to the national DNA database to be more generic. This will promote flexibility and practical effectiveness. It avoids the act having to be updated each time there is a change to the terminology or operation of the national database. The bill also amends section 41 of the act to confirm and support South Australia's involvement through the Australian Federal Police in the Interpol DNA database and to gain access to this database.

The issue of South Australia's direct participation in the Interpol scheme is unclear under the current wording. The bill makes a minor amendment to section 42 of the act to confirm the legality of the backup DNA database system used by Forensic Science SA. The bill inserts a new section 50A to allow, with the approval of a 'prescribed authority', the regulated use and disclosure of DNA samples for legitimate scientific research and scientific methodology. There is concern the current act does not permit the valuable development of forensic knowledge through scientific research using samples obtained under the act and DNA profiles derived from such samples.

As scientific rigour is the foundation of forensics and expert evidence, FSSA should be able to disclose forensic data (not being personal information) obtained under the act to enable such worthwhile scientific research and scientific methodology to be undertaken. A specific provision in the act to enable the use and disclosure of that material for scientific research and methodology is needed. Such disclosure will be subject to very strict safeguards. No personal information that could identify the source of the DNA material would be able to be released. The bill provides for such exchanges to be approved by a prescribed authority to be defined in the regulations. It is proposed that this will be the director of forensics who will have in place a strict internal protocol consistent with that of Australian universities.

The bill amends section 55 of the act to clarify and simplify the procedure for police to take DNA samples from deceased persons. The bill amends section 55 of the act to simplify the relevant procedures to allow police to request the DNA testing of samples taken during post-mortem examinations, including where analysis would assist the investigation of an offence or the identification of the deceased, such as, for example, in a natural disaster.

The bill makes a number of changes to replace the now outdated term 'mental disability' with the preferable term 'cognitive impairment' in the Criminal Law Consolidation Act and in section 29 of the Intervention Orders (Prevention of Abuse) Act 2009. The bill also amends section 29 of the intervention orders act to update the range of specific orders that can now be made by a court to assist a vulnerable party with a cognitive impairment in proceedings under the act. This accords with the expanded specific orders that are now available to assist vulnerable witnesses under the recent amendments to the Evidence Act made by the Statutes Amendment (Vulnerable Witnesses) Act 2015.

Section 106 of the Summary Procedure Act presently provides that a victim of a sexual offence or a child under the age of 12 years, which is to be increased to a child under the age of 14 years when the Statutes Amendment (Vulnerable Witnesses) Act 2015 comes into effect, cannot be required to provide evidence at a preliminary examination unless the court is satisfied that the interests of justice cannot be adequately served except by doing so. The bill extends the procedure in section 106 of the Summary Procedure Act to a witness with a cognitive impairment that adversely affects the person's capacity to give a coherent account of the person's experiences or to respond rationally to questions. This change is consequential to the recent changes in the Statutes Amendment (Vulnerable Witnesses) Act 2015.

The bill makes further consequential amendments to the definition of a 'sexual offence' in the Child Sex Offenders Registration Act 2006, the Criminal Law Consolidation Act 1935, the Criminal Law (Sentencing) Act 2008 and the Summary Procedure Act 1921.

The bill incorporates a recommendation from the former South Australian ombudsman and amends section 75 of the Civil Liability Act 1936 to give full legal protection in any civil proceedings to any form of an apology. On 20 November 2014, the former ombudsman provided a report titled, 'An audit of state government agencies' complaint handling'. It was noted that the present section 75 is worded ambiguously as to the extent to which the act intends to afford legal protection to those who express regret for the occurrence of an incident that may form the basis of civil proceedings in tort.

There is continued frustration from complainants to the Ombudsman that their original disputes with various agencies are usually unnecessarily lengthy, expensive and frequently result in totally avoidable emotional distress. Such incidents could have been more effectively and efficiently resolved by an apology or acknowledgement by the agency that an adverse event has occurred which has caused upset to the aggrieved party. Such a frank apology can also produce benefits in the context of wider civil litigation and reduce unnecessary lawsuits. Recommendation No. 4 in the South Australian Ombudsman's 2014 report provided:

> That the state government consider amendment to the Civil Liability Act 1936 to clarify that the provisions afford full legal protection to an apology made by any party. Ideally, legislation should specifically provide that an apology does not constitute an admission of liability, and will not be relevant to a determination of fault or liability in connection with civil liability of any kind. Furthermore, the amendment should state that evidence of such an apology is not admissible in court as evidence of fault or liability. In conjunction with this, agencies should also consider creating policies regarding apologies.

Section 75 of the Civil Liability Act currently provides that:

> In proceedings in which damages are claimed for a tort, no admission of liability or fault is to be inferred from the fact that the defendant or a person for whose tort the defendant is liable expressed regret for the incident out of which the [tort] arose.

I have to say, I have always taken the view that that was sufficient, but the Ombudsman did not. The underlying policy of the present section 75 and the specific provision received bipartisan support when it was originally introduced. However, there is a view that the current section 75, despite its good intentions (and I think absolutely clear language), is unduly limited in scope and, also, is not as clear as it should be. Again, one can differ on these things. I always thought it made sense, but who am I to say? Anyway, we are going to make it very clear now.

The bill implements those 2014 recommendations and, as I said, will give full legal protection to any civil liability to any form of apology made by a party. I emphasise again that, as far as I am concerned, that has been the case for some time, but this puts it beyond doubt. The bill applies whether or not the apology admits or implies an admission of fault in connection with the matter. The bill makes it clear that an apology is not relevant to a determination of fault or liability in respect of civil liability of any kind. The bill only expressly excludes defamation. Other forms of civil liability beyond defamation can be excluded by regulation.

The bill amends section 353(4) of the Criminal Law Consolidation Act to simplify and clarify the power of the Court of Criminal Appeal to remit a case for resentence, as noted by the Court of Criminal Appeal in R v Ainsworth [2008] SASC 68 and R v Kreutzer [2013] SASCFC 130. The bill promotes judicial flexibility in this regard and will enable the Full Court to quash a sentence and remit a case for resentencing without having first to form the view that a different sentence should have been passed.

The bill amends section 54 of the District Court Act 1991, section 51 of the Magistrates Court Act 1991 and section 131 of the Supreme Court Act 1935 to increase the protection given to sensitive or private records held by a court to require the parties in the proceedings to be informed and given the opportunity to be heard upon a third party seeking access to such material. Section 54 of the District Court Act—and I know that the member for Newland is interested—

The Hon. T.R. Kenyon interjecting:

The Hon. J.R. RAU: The member for Newland is quite interested in this. Section 54 of the District Court Act 1991, section 51 of the Magistrates Court Act 1991 and section 131 of the Supreme Court Act 1935 provide a procedure for a third party to the proceedings in a criminal case, with the consent of the court, to gain access to private or sensitive material held by the court. Although in practice they tend to do so, there is no current requirement for the court to give notice of an application by a third party to the parties in the proceedings, namely the prosecution and the defence, and to allow the parties to be heard on any such application.

It is of concern that a court might grant access to private material to a third party, including the press, without notifying the parties in the proceedings of any such application and giving the parties an opportunity to be heard on any such application. This amendment also supports the recent amendments in the Statutes Amendment (Vulnerable Witnesses) Act to strengthen the protection given to sensitive material involving vulnerable witnesses.

The next part is a departure from the criminal law into a completely different area, and I know the member for Newland is quite interested in this as well. The bill makes amendments to part 13A of the Electoral Act to:

- exclude electorate allowances paid to members of parliament under section 6A(1) of the Parliamentary Remuneration Act 1990 from the definition of 'political expenditure' in section 130A of the Electoral Act. This will mean that expenditure from global allowance will not be political expenditure within the meaning of part 13A; and
- change the donation disclosure threshold for donors to political parties, associated entities and third parties to $5,000 (indexed) per financial year. This will make it consistent with the donation disclosure threshold for political parties, associated entities and third parties which receive donations.

The bill addresses an unintended omission in the recent Statutes Amendment (Vulnerable Witnesses) Act 2015. I mentioned before that there were occasionally omissions; this is one of them. The bill amends the Summary Offences Act 1953 to provide that the new procedure for the audiovisual accounts of vulnerable victims or witnesses (that is, children under the age of 14 or persons with what we now know as a cognitive impairment) to be used as a substitute for a witness's examination in chief at trial applies to cases of murder, manslaughter, the offence under section 14 of the Criminal Law Consolidation Act 1935 of criminal neglect where a child or a vulnerable adult dies or suffers serious harm as a result of an unlawful act, and the offence of intentionally or recklessly causing harm under section 24 of the Criminal Law Consolidation Act 1935.

The bill provides a definition of 'complex communication needs' for when a vulnerable party will be entitled to communication assistance (if reasonably available) in a court context. There will be a supplementary provision included in the forthcoming regulations for a consistent definition of 'complex communication needs' for when a suspect, witness or victim with complex communication needs is similarly entitled to a communication partner (if reasonably available) for outside court. All parties, whether working in or out of court, will be assisted in approaching the Statutes Amendment (Vulnerable Witnesses) Act 2015 with an explicit definition of 'complex communication needs'.

The Hon. T.R. Kenyon interjecting:

The DEPUTY SPEAKER: No; keep going.

The Hon. J.R. RAU: Okay; I was slightly distracted then. A 'complex communication need' in the bill refers to an impairment—this might assist the member for Newland—that significantly affects a person's ability to communicate. It may be due to various causes. It is wider than a cognitive impairment or an intellectual disability but it is not so wide or expansive as to render both the concept of 'complex communication needs' and the communication partner role unworkable. It is not a 'mere' communication need. For example, a mild stutter would not amount to a 'complex' communication need. It is not due to language alone, as this falls within the linked but quite distinct and separate role of section 14 of the Evidence Act of a language interpreter.

The bill clarifies the transitional arrangements for the commencement of the Statutes Amendment (Vulnerable Witnesses) Act 2015 in respect of all offences, and it especially clearly provides for the continued admissibility and use of the audiovisual interviews conducted with

vulnerable victims of sexual offences under the old section 34CA of the Evidence Act 1929 after the Statutes Amendment (Vulnerable Witnesses) Act 2015 comes into operation. The bill makes it clear that these interviews remain admissible after the Statutes Amendment (Vulnerable Witnesses) Act 2015 comes into operation and will be subject to the new statutory criteria, and admissibility will be at the discretion of the court.

The bill amends the Juror's Act 1927, and this is something I know the member for Newland has raised on many occasions—

Ms Chapman interjecting:

The DEPUTY SPEAKER: Actually, a lot of our constituents are very interested in this clause and have been in touch with me this morning saying how much they have welcomed the move, so we shouldn't be treating it lightly.

The Hon. J.R. RAU: No, no.

Ms Chapman interjecting:

The DEPUTY SPEAKER: Okay, I am listening.

The Hon. J.R. RAU: You will like this one. The bill amends the Jurors Act to remove the current maximum age of a juror of 70 and to allow any person to automatically opt out of jury service if summoned after attaining 70 years of age. In other words, you will be invited, but if you do not want to be there, that is fine—but you will not be excluded, which I think is a very positive step forward.

In South Australia, a person aged 70 years or more is presently not eligible to serve as a juror. Many Australian jurisdictions have a system of voluntary excuse which recognises that, while a person who has reached a certain age may not be willing or able to serve as a juror and should, on that basis, be excused if they so indicate, the person should not be automatically deprived of the opportunity to serve as a juror if that is their choice.

These jurisdictions also allow them to claim an exemption from jury service as of right. In each of these jurisdictions the exemption must be claimed in writing to the relevant authority, and on receipt of such written claim (and subsequent verification of age) a person is automatically excused from any future jury service. New South Wales, the Australian Capital Territory, the Northern Territory and Tasmania allow a person over a particular age—and that is between 60 or 70, depending on where you are—to opt out of jury duty. The bill draws on these models.

Persons over the age of 70 who choose not to opt out of jury service may still, if summoned, also apply to be excused for good cause because of illness, mental or physical incapacity (including mobility, hearing or vision impairment), or undue hardship. So, there is plenty of opportunity to not participate if a person wishes not to.

The bill amends the Subordinate Legislation Act 1978 dealing with the expiry of regulations to exclude the prescribed national law scheme regulations by allowing the prescribing of a list of excluded regulations by regulation under the act. That is handy, isn't it? This amendment will promote practical and drafting efficiency—obviously. The bill also makes various technical amendments to the Summary Offences Act 2015 to update the various references to the now outdated term 'video tape'. That is now outdated.

The DEPUTY SPEAKER: Is it like the—

Ms Chapman: No, 'tape' is coming out; 'video' is staying in. It becomes 'video recording'.

The Hon. J.R. RAU: Yes, I think that is right, but I just wanted everyone to note 'video tape' like 'video cassette' and—

Mr Duluk: You still have a VHS, don't you?

The Hon. J.R. RAU: I do. I think I even have a Beta one.

The DEPUTY SPEAKER: No, I don't think you do; I am hoping not.

Mr Pederick: Got an 8-track?

The Hon. J.R. RAU: An 8-track, yes. One of those too. The bill makes various amendments to update the various references to the outdated term 'video tape' with the more modern concept of an audiovisual recording. We are talking about what it is, not what it is made of, or what it is recorded on. That should be a much more durable term, because even if technology changes, those words are still very useful.

The bill finally amends clause 37, Schedule 1, of the Intervention Orders (Prevention of Abuse) Act 2009 to resolve the transitional issue and to make it clear that an intervention order continued in force under this clause that includes a term fixing an expiry date will expire on that date unless the court has varied the order prior to that date.

The DEPUTY SPEAKER: That is pretty clear. That is like a known unknown.

The Hon. J.R. RAU: The way I would summarise that is—

Ms Chapman: Get it in before Vickie's bill goes through.

The Hon. J.R. RAU: Yes. So—

The DEPUTY SPEAKER: Does any of this pick up on the interweb?

The Hon. J.R. RAU: I expect it will be on the interweb later today.

Ms Chapman: An audio recording.

The Hon. J.R. RAU: It will be a form of audiovisual recording and transmission, I think. I was wondering whether members would like me now to go through the whole of the report, because there is some very interesting stuff in there.

The DEPUTY SPEAKER: You could seek leave to insert it in *Hansard* without reading it.

The Hon. J.R. RAU: Well, in that case, with a somewhat heavy heart, I seek leave to have the explanation of clauses inserted without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Child Sex Offenders Registration Act 2006*

4—Amendment of Schedule 1—Class 1 and 2 offences

This clause amends Schedule 1 to—

(a) include in the definition of *sexual offence* an offence against section 51 of the *Criminal Law Consolidation Act 1935* (sexual exploitation of person with a cognitive impairment); and

(b) define an offence against section 51 of the *Criminal Law Consolidation Act 1935* (sexual exploitation of person with a cognitive impairment) involving sexual intercourse if the victim was a child as a Class 1 offence; and

(c) an offence against section 51 of the *Criminal Law Consolidation Act 1935* (sexual exploitation of person with a cognitive impairment) involving indecent contact if the victim was a child as a Class 2 offence.

Part 3—Amendment of *Civil Liability Act 1936*

5—Substitution of Part 9 Division 12

This clause repeals Part 9 Division 12 and substitutes a new Division 12 containing section 75 which provides that an apology made by or on behalf of a person in connection with any matter alleged to have been caused by the person does not constitute an express or implied admission of fault or liability by the person in connection with that matter and is not relevant to the determination of fault or liability in connection with that matter. The new section further

provides that such an apology is not admissible in any civil proceedings as evidence of the fault or liability of the person in connection with that matter.

New section 75 will not apply in relation to the tort of defamation or in relation to civil liability of a kind that is excluded by regulation.

Part 4—Amendment of *Criminal Law Consolidation Act 1935*

6—Amendment of section 5AA—Aggravated offences

This clause amends section 5AA to include a definition of cognitive impairment and substitute that term for 'mental disability'. *Cognitive impairment* is defined to include:

(a)a developmental disability (including, for example, an intellectual disability, Down syndrome, cerebral palsy or an autistic spectrum disorder);(b)an acquired disability as a result of illness or injury (including, for example, dementia, a traumatic brain injury or a neurological disorder);(c)a mental illness.

7—Amendment of section 14—Criminal liability for neglect where death or serious harm results from unlawful act

This clause amends section 14 to include a definition of cognitive impairment and substitute that term for 'mental disability'. *Cognitive impairment* is defined to include:

(a) a developmental disability (including, for example, an intellectual disability, Down syndrome, cerebral palsy or an autistic spectrum disorder);

(b) an acquired disability as a result of illness or injury (including, for example, dementia, a traumatic brain injury or a neurological disorder);

(c) a mental illness.

8—Amendment of section 278—Joinder of charges

This clause amends section 278 to include an offence against section 51 of the *Criminal Law Consolidation Act 1935* (sexual exploitation of person with a cognitive impairment) in the definition of *sexual offence* for the purposes of the section.

9—Amendment of section 353—Determination of appeals in ordinary cases

This clause amends section 353 to change the test for the Full Court, on an appeal against sentence, to quash the sentence and either substitute another sentence or to remit the matter to the court of trial for re-sentencing. Currently, the Full Court is required to think that a different sentence should have been passed. The new test proposed in this clause is that Full Court thinks that the sentence is affected by error such that the defendant should be re-sentenced.

Part 5—Amendment of *Criminal Law (Forensic Procedures) Act 2007*

10—Amendment of section 3—Interpretation

This clause amends section 3 as follows:

(a) a definition of *gun shot residue procedure* is inserted meaning a forensic procedure consisting of the taking of samples by swab or other similar means of the hands and fingers of a person for the purposes of determining the presence of gun shot residue;

(b) for the purposes of the definition of *intrusive forensic procedure*, reference to a forensic procedure involving intrusion into a person's mouth is deleted and substituted with a reference to the taking of a dental impression;

(c) a definition of *simple forensic procedure* is inserted meaning a forensic procedure consisting of a simple identity procedure, a gun shot residue procedure or a forensic procedure prescribed by regulation for the purposes of this definition.

11—Amendment of section 14—Suspects procedures

This clause amends section 14 to substitute the reference to a *simple identity procedure* with reference to a *simple forensic procedure*. This clause proposes that *simple forensic procedure* may be carried out on a person suspected of a serious offence.

12—Amendment of section 20A—Interpretation

This clause amends section 20A to include in the definition of *prescribed employment* for that section, employment as an officer or employee of the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the *Correctional Services Act 1982*.

Section 20A is to be inserted into the principal Act on commencement of the *Criminal Law (Forensic Procedures) (Blood Testing for Diseases) Amendment Act 2015* at which time it is proposed that this clause commence (see clause 2).

13—Amendment of section 41—Commissioner may maintain DNA database system

This clause amends section 41 to substitute a general reference to a national database in the place of references to the NCIDD (the database that is known as the National Criminal Investigation DNA Database and that is managed by the Commonwealth).

This clause also amends section 41 to permit the Minister to enter into an arrangement under the section for the transmission of information recorded in the DNA database system for an additional purpose of any other thing required or authorised to be done under the corresponding law or otherwise authorised by law.

14—Amendment of section 42—Storage of information on DNA database system

This clause amends section 42 to insert a new paragraph permitting the storage of a DNA profile of a database in accordance with directions of the Commissioner of Police for the sole purpose of preserving a backup copy of the DNA profile.

15—Insertion of section 50A

This clause inserts a new section 50A to allow a person authorised by regulation to authorise the release, disclosure and use of forensic material and information obtained under this Act for the validation or development of forensic methodologies and the furtherance of forensic research and methodologies. This will not apply to forensic material or information obtained by carrying out a volunteers and victims procedure if the DNA profile of that person is contained only on a volunteers (limited purposes) index.

Forensic material and information released, disclosed or used under the section may only be released, disclosed or used in a manner such that it is not possible to identify the person from whom the material or information was obtained or to whom the material or information relates.

16—Amendment of section 55—Power to require forensic procedure on deceased person

This clause amends section 55 to broaden the circumstances in which a senior police officer may authorise the carrying out of a forensic procedure on a deceased person. The clause provides that the officer may authorise the procedure if satisfied that the evidence obtained from the carrying out of the procedure is likely to assist in the investigation of a serious offence or in the identification of the deceased person.

Part 6—Amendment of *Criminal Law (Sentencing) Act 1988*

17—Amendment of section 19A—Intervention orders may be issued on finding of guilt or sentencing

This clause amends section 19A to include in the definition of *sexual offence* an offence of sexual exploitation of a person with a cognitive impairment under section 51 of the *Criminal Law Consolidation Act 1935*.

18—Amendment of section 33—Interpretation

This clause amends section 33 to include an offence of sexual exploitation of a person with a cognitive impairment under section 51 of the *Criminal Law Consolidation Act 1935* in the definition of *sexual offence* for the purposes of Part 3 Division 3.

Part 7—Amendment of *District Court Act 1991*

19—Amendment of section 54—Accessibility to Court records

This clause amends section 54 so that a member of the public who wishes to inspect or obtain certain material must apply to the Court for permission to inspect or obtain that material and, on such an application, both the applicant and any party to the proceedings are entitled to be heard in respect of the application.

Part 8—Amendment of *Electoral Act 1985*

20—Amendment of section 130A—Interpretation

This clause expands the definition of *political expenditure* in section 130A.

21—Amendment of section 130ZH—Gifts to relevant entities

This clause makes a number of minor technical amendments to section 130ZH.

Part 9—Amendment of *Evidence Act 1929*

22—Amendment of section 4—Interpretation

This clause amends section 4 to include a definition of *complex communication needs*.

Part 10—Amendment of *Intervention Orders (Prevention of Abuse) Act 2009*

23—Amendment of section 3—Interpretation

This clause amends section 3 to include a definition of *cognitive impairment* which is defined to include:

(a)a developmental disability (including, for example, an intellectual disability, Down syndrome, cerebral palsy or an autistic spectrum disorder);(b)an acquired disability as a result of illness or injury (including, for example, dementia, a traumatic brain injury or a neurological disorder);(c)a mental illness.

24—Amendment of section 29—Special arrangements for evidence and cross-examination

This clause amends section 29 to add to the list of orders that may be made under this section. Firstly, the clause provides that extra allowance be made for breaks during, and time to be given for, the taking of evidence. Secondly, the clause updates reference to mental disability to cognitive impairment and, the case of a person with a cognitive impairment with complex communication needs, includes reference to communication assistance as may be specified by the Court under section 14A of the *Evidence Act 1929*.

25—Amendment of Schedule 1—Transitional provisions

This clause includes amendment of clause 37 in Schedule 1 for clarification of the operation of transitional provisions under that Schedule.

Part 11—Amendment of *Juries Act 1927*

26—Substitution of section 11

This clause substitutes section 11 to effectively delete paragraph (b) which makes persons above the age of 70 years ineligible for jury service.

27—Insertion of section 17

This clause inserts new section 17 to give persons above the age of 70 years a right of exemption from jury service. This right of exemption may be exercised on application to a judge or the Sheriff after summons for jury service.

Part 12—Amendment of *Magistrates Court Act 1991*

28—Amendment of section 51—Accessibility to Court records

This clause amends section 51 so that a member of the public who wishes to inspect or obtain certain material must apply to the Court for permission to inspect or obtain that material and, on such an application, both the applicant and any party to the proceedings are entitled to be heard in respect of the application.

Part 13—Amendment of *Statutes Amendment (Vulnerable Witnesses) Act 2015*

29—Amendment of Schedule 1—Transitional provision

This clause amends Schedule 1 to ensure that there are transitional arrangements in place in relation to the amendments to the *Evidence Act 1929* provided in the Statutes Amendment Act.

Part 14—Amendment of *Subordinate Legislation Act 1978*

30—Amendment of section 16A—Regulations to which this Part applies

This clause amends section 16A to include regulations made pursuant to an agreement for uniform legislation between this State and the Commonwealth or other States or Territories of the Commonwealth and prescribed for the purposes of the section in the list of regulations to which Part 3A (Expiry of Regulations) of the principal Act does not apply.

Part 15—Amendment of *Summary Offences Act 1953*

31—Amendment of section 33—Indecent or offensive material

This clause amends section 33 to substitute a reference to video recording for the current reference to video tape.

32—Amendment of section 74EA—Application and interpretation

This clause amends section 74EA by adding to the list of offences in the definition of *serious offence against the person*.

33—Amendment of section 81—Power to search, examine and take particulars of persons

This clause amends section 81 to substitute references to audio visual recording and audio visual records for the current references to videotape and videotape recordings.

Part 16—Amendment of *Summary Procedure Act 1921*

34—Amendment of section 4—Interpretation

This clause amends section 4 to include a definition of *cognitive impairment* is defined to include:

(a) a developmental disability (including, for example, an intellectual disability, Down syndrome, cerebral palsy or an autistic spectrum disorder);

(b) an acquired disability as a result of illness or injury (including, for example, dementia, a traumatic brain injury or a neurological disorder);

(c) a mental illness.

This clause also amends the definition of *sexual offence* to include an offence of sexual exploitation of a person with a cognitive impairment under section 51 of the *Criminal Law Consolidation Act 1935*.

35—Amendment of section 99AAC—Child protection restraining orders

This clause amends section 99AAC to include in the definition of *child sexual offence* an offence of sexual exploitation of a person with a cognitive impairment under section 51 of the *Criminal Law Consolidation Act 1935* committed against or in relation to a child under 16 years of age.

36—Amendment of section 106—Taking of evidence at preliminary examination

This clause amends section 106 to provide that a the Court must not grant permission to call a person with a cognitive impairment, where that cognitive impairment adversely affects the person's capacity to give a coherent account of the person's experiences or to respond rationally to questions, as a witness for oral examination unless satisfied that the interests of justice cannot be adequately served except by doing so.

Part 17—Amendment of *Supreme Court Act 1935*

37—Amendment of section 131—Accessibility to court records

This clause amends section 131 so that a member of the public who wishes to inspect or obtain certain material must apply to the Court for permission to inspect or obtain that material and, on such an application, both the applicant and any party to the proceedings are entitled to be heard in respect of the application.

Debate adjourned on motion of Mr Pederick.

OCCUPATIONAL LICENSING NATIONAL LAW (SOUTH AUSTRALIA) REPEAL BILL

Second Reading

Adjourned debate on second reading.

(Continued from 11 February 2016.)

Mr PEDERICK (Hammond) (12:32): I reiterate that I am not the lead speaker in regard to this bill but I rise to make a contribution to the Occupational Licensing National Law (South Australia) Repeal Bill 2016. I want to go over some history in regard to the Occupational Licensing National Law. It goes back to 2008 when the COAG agreed to develop a national trade licensing system for multiple occupational trades. Victoria was given the task of lead legislator and South Australia passed the appropriate legislation back in 2011. Our party supported that legislation.

The first wave of occupations that were involved in this were air conditioning and refrigeration mechanics, plumbers, gasfitters, electricians and property agents. If the second wave came about, that was to include land transport, maritime, building, conveyancers and valuers. In December 2013 the COAG by majority vote decided to abandon the National Occupational Licensing Scheme, and the communiqué from COAG noted that most jurisdictions had identified a number of concerns with the proposed model and potential costs. States, therefore, agreed to work together via the Council for the Australian Federation to develop alternative options for minimising licensing impediments to improve labour mobility between the states.

There had been strong opposition to the proposed national model from various real estate industry bodies and the National Electrical Contractors Association (NECA). NECA opposed the model as life threatening and potentially another pink batts debacle waiting to happen. The Real Estate Institute of New South Wales also criticised the model as leading to a reduction in existing standards, as the lowest standard applying in some states would be used for the national model. This gives effect to the COAG decision and this bill will repeal the Occupational Licensing National Law (South Australia) Act 2011 and dissolve the national entities that have been established.

I just want to make a point about some of the nationalised legislation that has come through this place (and some has been to do with the national heavy vehicle regulation). Certainly that is not working very well. Still there are so many different regulations, depending on which state you are travelling through. I am talking in particular with regard to wide loads. It is just not working, and I will

certainly bring this up with the relevant ministers, but there needs to be some reality with what happens with wide loads and also the transport of those trailers back to their base and certainly the effect it is having, for instance in regard to agricultural equipment like field bins.

In South Australia you can only have one field bin on a trailer, when it can cart three, and it just triples the cost of the freight, and at $6 a kilometre it makes it exorbitant to transfer that equipment. There is a lot of work to do with a whole range of the nationalisation of legislation. It would do good for a few people who work on some of these regulations in the background to look at the reality of what goes on out in the real world to see the effect it is having on productivity and profitability on top of that.

With regard to this bill, and looking at some of the clauses in relation to it, the measure will come into operation on the day on which the Occupational Licensing National Law Act 2010 of Victoria is repealed. There is also a clause that works through the interpretation around certain words and expressions to be used in the act, the proposed act and the repeal of the national law act of this jurisdiction, and this clause provides for the repeal of the Occupational Licensing National (South Australia) Act 2011.

Clause 5 deals with the dissolution of the national licensing authority, the national licensing board and advisory committees, and this clause provides for the repeal of the following entities insofar as they are constituted under the South Australian act:

(a) the national occupational licensing authority;

(b) the national occupational licensing board; and

(c) each occupational licence advisory committee.

It is noted that each of those entities were separately established by the Victorian act, the South Australian act and the adoption acts of the other participating states and territories. However, the relevant parliaments adopting the occupational licensing national law declare their intention that the law has the effect of establishing a single national entity. Clause 5 also provides that:

(a) the members of the licensing board or a license advisory committee cease to be members and are not entitled to any remuneration or compensation as a result;

(b) any remaining assets, rights or liabilities, if any, of the dissolved entities become, on their dissolution, the assets, rights or liabilities of the crown in right of the participating states and territories; and

(c) any act, matter or thing that is authorised or required to be done in relation to those assets, rights or liabilities by the dissolved entities is authorised or required to be done by the secretary of the New South Wales Treasury.

Clause 6 deals with the abolition of the national occupational licensing fund, and that fund will be abolished by force of this provision, and any money or property standing in the credit of the fund immediately before its abolition are assets to be dealt with under the previous clause.

Clause 7 deals with an issue around final licensing authority financial statements, which makes provision for any fine or financial statements of the national occupation or licensing authority for the period before its dissolution that have not been prepared, audited and published to be prepared, audited and published after its dissolution by the secretary of the New South Wales Treasury.

Clause 8 transfers certain records for the New South Wales Treasury (so they will go into the custody of the New South Wales Treasury) of the entities dissolved by the proposed act, and provides that the State Records Act 1998 of New South Wales and other laws of New South Wales apply to those records as if they were the records of the New South Wales Treasury.

Clause 9 deals with the appropriate regulations with regard to the bill.

It is interesting to note that nationalisation in this form obviously did not work. There were some serious concerns brought up by the various entities and certainly some of the issues with different tradespeople wanting to operate in a neighbouring state have been brought to my attention

over time, especially when you get places close to a border—whether it be places in our state like Bordertown or Mount Gambier—where people, obviously, I would think, do work across the border.

It does intrigue me a bit that this national licensing scheme has fallen apart. It just shows that, with the nationalisation of some of these programs, there needs to be more work done to make sure the right result is achieved. I note that we are supporting the bill, but there will certainly be some questions asked in committee.

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (12:40): I rise to speak on the Occupational Licensing National Law (South Australia) Repeal Bill 2016 which will be supported by the opposition, and indicate that I will be the lead speaker.

As has been adeptly pointed out by my colleague, the member for Hammond, this is about the dismantling of a national program that was to bring about efficiencies and benefits to various occupations which are required to be licensed and, in particular, to have some uniformity and cutting of the unnecessary obligations to replicate licensing or undertake various different types of training or thresholds to be approved for the purposes of operating in different states.

I can only say, 'How the wheel turns.' We are here today dismantling one of the national programs which had come with great expectation and which was underpinned by great promises. Also, as outlined by my colleague, the national regulation in respect of heavy vehicles would have to be one of the most blistering examples of incompetence, with promises of reform that would be of benefit to truck and transport operators which has ballooned into an expensive, delay-filled and frustrating process for the regulation of that industry now in Queensland.

Still today, we have issues of delay in respect of permits for the purposes of allowing operators to deal with seasonal transport and access to and from facilities (whether they are at a port and going through a town or what is called the first mile/last mile problems associated with accessing rural properties to pick up produce).

It is a disgrace and I lay the entire blame for that with the state governments who signed up to transfer responsibility of this area to a federal body, as I say, set up in Queensland before they had even set up the Queensland operation. We are left with this enormous hiatus and enormous cost of interruption to people's businesses as a result of the total mishandling of that transfer. They promised the world and delivered a nightmare and it is still unresolved.

I would have to say that, fortunately, the nationalising of regulation in respect of rail, which takes place in an Adelaide office, has certainly been better for those who are Adelaide operators, not that we have many of them as they are mostly operated by international companies who swing through South Australia en route to other destinations.

I would have to say that, to the best of my knowledge, the national regulation on marine vessels, which operates out of, curiously, Canberra—it does not have any ocean around it but, nevertheless, they are the headquarters for the national regulation for marine vessels—is also one that is apparently functioning quite well. But it is fair to say that the regulation in that area, again, is not of great capacity or number in South Australia. Our port, it is fair to say, is relatively small compared to, say, Melbourne; however, it is an important part of our transport operation and it ought not be impeded by having to deal with a national structure if it is inefficient. That, as I understand, though, is going along reasonably well.

We have had national regulation in respect of health professionals for all manner of health specialties, across to allied health-type services such as optometry in the time I have been here. I would have to say, that is more expensive in a number of those areas than it was when it was operated entirely under the state regime.

I will give credit to the former minister for health, the Hon. John Hill, who has just written his memoirs, and I see he has featured me on a few pages. He at least fought at the national level to make sure that, when we dealt with optometrists national regulation, we protected principally young women in this state from being able to get access to plano lenses, which were like a little lens you could put in your eye that were coloured or looked like cat's eyes or whatever, and ensured that, according to our South Australian standard, we would insist (notwithstanding the poor standard at the national level) on it being in our regulation, and it is still there today, as best as I understand.

Good on him for ensuring that we do not move to what frequently becomes the lowest common denominator standard for the purposes of these national regulatory structures and the bodies that go with them.

So, we have had a few of them come through this house with promises by this government that the reform is going to provide cheaper, quicker and better regulatory regimes and they have certainly not lived up to their name. When they are hopeless, when they are inadequate, when they are just adding another layer of inefficiency to the occupation or industry that they purport to regulate, then at least some common sense in this bill has prevailed and we are getting rid of it. But there are consequences, and I am going to refer to those more in committee, but I think we do need to have some understanding about what the costs are to dismantle and what is going to happen with the money in the fund. I will be raising some of those issues later.

I will say, though, for the purposes of any minister who is getting excited about another proposed regulatory shift to the national level, that not everything that operates through a national scheme is good. We have given some examples, and those that operate bureaucracies in Canberra or under a federal label can have just as many inefficiencies and can be just as incompetent as any state one.

If I were to give the most significant example that I have witnessed during my time being in here, it would be the time that AQIS (the national body in respect of responsibility for quarantine) let horse flu into this country. The consequences to our equine industry, racing industry and the like were massive. So, they can be equally useless and they can be equally hopeless. The management of those in Canberra, for example through the pink batts disaster, of the implementation of policies that they want to progress as a federal government can be equally disastrous.

In that case, essentially, there was a federal government policy which was purported to support an initiative to get a whole lot of money out into the community in a hurry to offer to provide installation of pink batts in people's homes, and there was an effective bypass of the safety standards and training qualifications for persons who were going to install those initiatives to people's homes.

We saw as a result young men die, houses burned down and a scandalous amount of money then having to be spent on relooking at all the homes that had been fitted under this initiative, including thousands of them here in South Australia owned by the South Australian Housing Trust, which its tenants were not supposed to even get access to but they did. So, we had this massive cost then having to go back and retro-assess properties that had signed up, obviously to ensure that we minimise the risk to householders under that dreadfully incompetent scheme. And how do they get away with it? It was nothing to do with the standards that were imposed by each of the states at the time in respect of the insulation operators that were under state regimes. It was because the federal government of the day wanted to bypass and fast track its initiative and safety was compromised.

So, I am not at all confident that everything that goes to Canberra actually is good, and I think that it is a sobering lesson to understand that even something like this, which every one wanted to sign up to—that is, occupational licensing—was going to be good. So back in 2008 the then Rudd government decided at its COAG meeting, with a majority of other states, that it would have this national trade licensing scheme. They got started. The first wave of occupations was to include these air conditioning and refrigeration mechanics, plumbers, gas fitters, electricians and property agents, and we dealt with our legislation in South Australia to accommodate that back in 2011.

On our side of the house we raised our concerns about national regulatory systems, as we always do, but nevertheless supported the government under the promises which were being presented and the imposition put to us as a parliament, which I still consider an imposition when these leaders at COAG go off and sign up to things and then expect us to rubber stamp them. Anyway, we will not revisit that again, the fact is that we then had a whole lot of other professional parties that were to be licensed through this national scheme.

Fortunately, after the Abbott government was elected in December 2013 it had a COAG led by then prime minister Abbott and common sense prevailed after there had been a litany of identified problems with the national scheme. Then prime minister Abbott, with a majority of states at their COAG, indicated that they would resolve to dismantle the national scheme, that it would be

abandoned and that there would be in its place at least (because clearly it had not reduced barriers to labour mobility and it had not dealt with the inefficiencies that it had promised) at that point an agreement between the states, through their Council for the Australian Federation, to develop alternative options for minimising licensing impediments.

It is fair to say that jurisdictions did try to deal with that, including in South Australia. In 2012 we had looked at legislation to enable the recognition of interstate licences. It is also fair to say that at that stage we had a big problem in South Australia. The Commissioner for Consumer and Business Services was responsible for processing the licensing applications of a number of professions; and at the time in the construction industry there was a massive backlog of over 1,200 applications so some effort needed to be made to ensure that there was a catch-up of that. It was certainly addressed here in the parliament as a problem. I think, by the time the minister (also Attorney-General) brought on some new initiatives by 2013, he claimed that there had been an improvement and we had a department that was processing some 300 at any one time.

Also in 2013, minister Rau, as the Minister for Consumer and Business Services, indicated on 19 June 2013 that he would cut red tape for interstate work under the National Occupational Licensing System. Remember that this was a few months before it was ultimately abandoned by the COAG of December 2013 and he was still singing the praises of the national scheme. I do not know whether he had his head in the sand through all this, because it was an absolute disaster.

The claim that he made was that this new nationally-led system will see a single authority for trade licensing that will develop a consistent set of responsibilities and licence eligibility criteria across state and territory borders. This phase of the National Occupational Licensing System will apply to plumbers, gasfitters, electricians, refrigeration and air-conditioning mechanics, real estate agents and sales representatives. Under the new system, licences for these trades will be recognised in all states and territories, etc.

Remember that, by this stage, there were major problems being identified by the stakeholders which culminated in COAG abandoning this, but three months before the abandonment of it, our minister, the Minister for Business Services and Consumers (also Attorney-General) was still singing its praises. In any event, how the wheel turns. We are here, we are getting rid of it, and the proposal is to dismantle whatever has been going on at the national level and everyone is going to be given their money back.

I was provided a letter from the Attorney yesterday via the Hon. Rob Lucas, who has the carriage of this bill on behalf of the opposition in another place, and it seeks to provide some information as to the dismantling of the scheme. It is wholly inadequate for my purposes so there will be a number of questions in committee on that. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 13:00 to 14:00.

Ministerial Statement

HOSPITAL MANAGEMENT INVESTIGATION

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:01): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.J. SNELLING: Mr Speaker, I have been advised that 13 staff of SA Health have inappropriately accessed a patient's electronic medical record. This inappropriate access was only identified through monitoring of our electronic medical records. This is absolutely inappropriate behaviour from our health staff and is contrary to all SA Health policies related to patient privacy. Staff members who have undertaken this action have been counselled and given formal warnings.

I note the majority of our 31,000 staff do the right thing in our hospitals, and it is disappointing that a small minority have tarnished the reputation of others. Over the past 12 months, in addition to the 13 staff in this case, there have been a further eight SA Health staff who have received formal disciplinary action for inappropriately accessing files. Two of these employees have been dismissed and others have received formal warnings.

Parliamentary Procedure

PAPERS

The following paper was laid on the table:

By the Minister for Education and Child Development (Hon. S.E. Close)—

Murray-Darling Basin Authority—Annual Report 2014-15

Parliamentary Committees

LEGISLATIVE REVIEW COMMITTEE

Mr ODENWALDER (Little Para) (14:02): I bring up the 19th report of the committee, entitled Subordinate Legislation.

Report received.

SELECT COMMITTEE ON E-CIGARETTES

Ms DIGANCE (Elder) (14:03): I bring up the final report of the committee, together with minutes of proceedings and evidence.

Report received.

Question Time

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:03): My question is to the Minister for Health. When did the breaches of patient privacy, first raised by news outlets last night, occur, and when did the minister first become aware of these breaches?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:03): I'm not going to get into any specifics. I have been very careful at all stages not to identify the patient involved. SA Health, at all stages of dealing with this, have done everything we can do to ensure as far as we can the privacy of the patient is protected. The privacy of the patient is paramount, in my view, and I won't be revealing anything in this house that might tend to reveal the privacy of the patient.

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:04): Can the minister inform the house when the breach was brought to his attention?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:04): Well, as I said, I'm not going to do anything that would tend to reveal the—

Members interjecting:

The Hon. J.J. SNELLING: Patient privacy may not be important to the opposition, but it is—

Members interjecting:

The Hon. J.J. SNELLING: It is important—

Members interjecting:

The Hon. J.J. SNELLING: It is important—

Members interjecting:

The SPEAKER: Would the minister be seated. Now I've said that I give the leader great scope as the locomotive of the opposition to interject, but I call him to order, and I wouldn't like to see him depart for the second day running. Minister.

The Hon. J.J. SNELLING: Patient privacy is paramount. Indeed, why I'm so angry about this breach is that it was an invasion of the privacy of a patient and that patient's family. I will not say anything to compound that by providing further information that might tend to identify that patient. I make no apologies; I make no apologies for that. I can say that I am disgusted by the behaviour of these clinicians who—

Members interjecting:

The Hon. J.J. SNELLING: If the—

Mr Marshall interjecting:

The Hon. J.J. SNELLING: I would have thought—

The SPEAKER: The leader is warned.

The Hon. J.J. SNELLING: This is a serious issue, and I would invite the opposition to take it seriously and not attempt to make cheap political points out of it. The simple fact is: I invite the opposition to take this matter as seriously as I do and not try to make cheap political points. I invite the opposition to give these questions the respect they deserve to give this issue the respect it deserves and not scream out—

Members interjecting:

The Hon. J.J. SNELLING: —during questions and try to shout me down. I invite the opposition to do that. People can reflect on the opposition's behaviour and how seriously they take this matter by their behaviour in the chamber today. Mr Speaker—

Members interjecting:

The Hon. J.J. SNELLING: Mr Speaker, I take—

Members interjecting:

The Hon. J.J. SNELLING: I take this matter very, very seriously—even if the opposition doesn't—and the fact is that 13 staff have inappropriately accessed a patient record. In the last 12 months, a further eight have accessed other patient records over the last 12 months, two of whom have been dismissed, which shows the importance and the gravity with which the Department for Health views inappropriate access of patient information. I'm not going to reveal the exact details, but I can say—

Members interjecting:

The Hon. J.J. SNELLING: I can say, however, that the only reason this came to light was because of an audit that the department carried out about who had accessed a certain patient's records, and whether they had done so—

Members interjecting:

The Hon. J.J. SNELLING: —whether they had done so appropriately. When it had been found out that those staff—a certain number of staff—had done so inappropriately, those staff were subject to the appropriate disciplinary procedures.

As to why the department did not make a decision to go public at the time, it is a decision I entirely support. The reason was that to do so at the time would almost certainly have identified the patient involved and been a gross intrusion into the privacy of that patient and that patient's family. Now that to me is an appropriate course of action the department has taken. I entirely support it. I believe, and this side of the house believes, that the privacy of patients should not be cheap political fodder out there in the public.

Members interjecting:

Parliamentary Procedure

VISITORS

The SPEAKER: Before we go to the next question, I welcome to parliament the SA College of English, who are guests of the member of Adelaide, and I call to order the members for Morphett, Hartley, Adelaide, Kavel, Mount Gambier, Morialta and Schubert. I warn for the first time the deputy leader, the leader, the members for Schubert, Mount Gambier, and Hartley, and I warn for the second and final time the deputy leader and the members for Mount Gambier and Hartley. Leader.

Question Time

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:09): My question is to the minister. How does the minister reconcile his refusal to answer our question regarding timing on this case with the fact that his chief executive, David Swan, was openly talking about this case on radio this morning?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:09): Of course, in response to the media request we have had to respond—

Members interjecting:

The Hon. J.J. SNELLING: —but at no time has the chief executive of SA Health, or I, done anything to identify the patient involved. Of course, the media have speculated and I have to say I think it is regrettable that that has happened. Nonetheless, I will not do anything to intrude upon the privacy of the patient. I will not be providing information in a public sphere like the parliament that would tend to identify the patient. I believe patient privacy is paramount, and I am not going to do anything that would infringe or in any way prejudice that patient's privacy.

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:10): I have a supplementary question.

The SPEAKER: Before the supplementary, I call to order the members for Newland and Chaffey, I warn the member for Adelaide and I warn the leader for the second and final time.

Mr MARSHALL: Will the minister be reprimanding or counselling his chief executive for going on the radio to talk about this case then?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:10): No, I won't, for the reasons I have just outlined.

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:10): Were the people who have been identified for unauthorised access to medical records, both in the case that the minister doesn't want to identify, and other cases that he alluded to in his earlier answer, all employees of SA Health?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:11): Yes.

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:11): And can the minister outline whether these people were clinicians who were subject to registration under AHPRA?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:11): Yes, that's my understanding.

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:11): And can the minister outline to the house whether AHPRA has been informed of these breaches which were made by clinicians working within SA Health?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:11): That is a matter that is being handled by the chief executives of the local health networks where these clinicians work. My understanding is that it is still a matter of consideration. I am not sure a decision has been made as yet, but I will happily inform the house on that.

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:11): Can the minister perhaps give us some information as to whether the breaches that were identified in his earlier answer, not subject to the one which he doesn't want to provide us with detailed answers on, have been informed to AHPRA?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:12): I will check, but I can say that all of those eight have been subject to internal disciplinary procedures. Of the eight, two of them have been dismissed and six of them have been warned.

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:12): Can the minister outline why two people have been dismissed, but another six in the earlier cases weren't dismissed, and these 13, subject to this latest indiscretion, have not been dismissed?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:12): I make quite clear that it would be entirely inappropriate for me as minister to provide any direction to the chief executive. In fact, I think it would probably be illegal under the Public Sector Management Act for me to attempt in any way to direct the chief executive as to the disciplinary action taken against staff.

Ms Chapman interjecting:

The Hon. J.J. SNELLING: I know the Deputy Leader of the Opposition has never had an opportunity to serve in government. If she had, she would know that the Public Sector Management Act does forbid ministers from directing chief executives with regard to disciplinary action. That is a fact, and if the opposition does not think that should be the case, they are welcome to come in here and move an amendment to the Public Sector Management Act to change that particular provision. Nonetheless, that is the case at the moment: that is a provision of the act. The reason why, I imagine, two would have been dismissed and others were not, is that other factors would have been taken into consideration which would have warranted—

Members interjecting:

The Hon. J.J. SNELLING: I don't know, because I don't direct the chief executive on these matters, but there would have been other factors relating to these two that didn't pertain to the other six, and hence they received a high penalty.

The SPEAKER: I call to order the member for MacKillop, and I warn the member for Chaffey for the first time. I would say to the deputy leader that really she should have been out already, because I notice that she was called to order before lunch, so she is very close to leaving the chamber. Leader.

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:14): Is there any evidence that any of these breaches were acting at the request of a journalist or a party to any legal proceedings?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:14): Certainly not that I have been made aware of.

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:14): Is the minister confident that information from the file has not been provided to journalists or people involved in any legal proceedings?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:14): I am, because I would certainly expect that, if that was the case, I would have been informed, and I haven't been.

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:14): Earlier, the minister in his ministerial statement said that these matters were only identified through monitoring of our electronic medical records. Can the minister outline to the house whether this was a routine monitoring and whether there are audit procedures which exist or whether this was just peculiar to this particular case?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:15): I think the fact that we have detected another eight instances over the year would suggest that it didn't just happen in this one particular case, but can I publicly warn all SA Health staff that inappropriate access of patient files is viewed very seriously by the department and very seriously by me as minister. There is no excuse for looking inappropriately at a patient's files. Obviously, we have to make patient medical records available to clinical staff because, in treating patients, they do need information as to what previous treatments that patient may have had in our system.

Electronic medical records go a long way to improving the quality of health care, because that information is readily available to our clinicians, but we expect our clinicians to abide not only by the rules of the department but by their own professional ethics which tell them that they should not be intruding on patient privacy and looking, as nosy parkers, into patient records that they have no right to look at. There is absolutely no excuse for that.

I am not going to go into how the department goes about monitoring access to records any more than the police minister would be telling publicly where the random breath testing stations are going to be on Friday night, because to do so would compromise our ability to catch people when they do the wrong thing. I have to say that, while I am extremely angry that these 13 and a further eight have inappropriately accessed patient records, we have over 30,000 people working in SA Health. This is a very rare occurrence, and the South Australian public should have confidence that this happens very rarely and, on the rare occasion when it does happen, these people get caught and appropriate action is taken against them.

Mr van Holst Pellekaan: How do you know who you haven't caught?

The SPEAKER: The member for Stuart is called to order.

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17): Can the minister outline to the house whether the eight earlier breaches were eight separate patient records and eight separate perpetrators?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:17): I will double-check but, yes, that's my understanding.

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:17): Can the minister outline to the house whether he is now satisfied that there are no further breaches because there has been a comprehensive audit or whether it was simply a random audit and there could be many thousands of other unauthorised access opportunities taking place on a regular basis?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:17): I am very confident, number one, because I have confidence that

the overwhelming majority of staff in SA Health do the right thing. I know SA Health staff don't help themselves to the storage cabinet. I know SA Health staff do the right thing overwhelmingly—not just the majority, but almost all of them. There is a tiny minority who, on occasions, do the wrong thing, and that is a fact of any large organisation consisting of thousands of people, as much as I wish it wouldn't be.

What I can say is, the good thing about electronic health records is that, when it does happen, we are able to detect it in a way we never could with paper records, because the simple fact is that, with paper records, anyone could access them. There would be no log of that person having access to that record; there would be no way that we would know they had done it. But with an electronic health record, we are able to monitor access.

We do know when a person has looked at that record, and we are able to question them about why they looked at that record if we consider it was inappropriate and take action in a way that would be basically close to impossible with regard to paper records. I can say that I am very pleased that, while it is very regrettable that this has happened and while I'm very angry that these staff have chosen to do this, nonetheless, it gives one confidence that on the few occasions when it does happen, it is able to be detected in a way it never would have been with paper medical records.

Mr Whetstone interjecting:

The SPEAKER: The member for Chaffey is warned for the second and final time. I can hear him.

Mr Whetstone: Am I hitting a nerve?

The SPEAKER: Sorry?

Mr Whetstone: Am I hitting a nerve, sir?

The SPEAKER: Leader.

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:20): Thank you. For clarity, can the minister just outline to the house whether the audit is an extensive audit of all patient records so that there can be some certainty that there haven't been any breaches beyond the 21, or whether it is a sample audit which still leaves a big question mark about the integrity of medical records here in South Australia?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:20): As I said, I am not about to say how the department goes about monitoring electronic health records any more than the police minister would announce where the random breath testing stations are going to be on Friday night. The simple fact is it's done in such a way so that, when records are accessed inappropriately, then we do know about it.

Mr Wingard interjecting:

The Hon. J.J. SNELLING: We find out about it, and we can take disciplinary action. I can't promise that this won't happen again, because—

Mr Gardner interjecting:

The Hon. J.J. SNELLING: —SA Health is a large organisation with many thousands of people. I cannot guarantee the behaviour of each and every one of the 31,000 staff who work in SA Health at every single minute of the day.

Mr Gardner interjecting:

The Hon. J.J. SNELLING: I can't promise that none of them will ever do anything stupid, because chances are, occasionally, one or two of them will, but when that does happen, as has happened in this case, we will know about it, we will find out about it and we will take appropriate action. Let's be quite clear: the only reason this matter became known is because of the actions SA Health took. SA Health discovered that these people had inappropriately accessed a record and took appropriate action, and it gives me confidence that SA Health have done so.

The SPEAKER: The member for Mitchell is called to order, and I warn the member for Morialta for the first and the second time. Leader.

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:22): What certainty has the minister that no other agencies have access to SA Health records? We have heard about potential breaches from people within SA Health. Do any other agencies have access to this information?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:22): No, I am almost certain that that's not the case. I don't know, in a criminal matter, whether police might on summons but, generally speaking, no, we would not routinely share clinical medical records with any other agency in government. In fact, even the chief executive of the department doesn't have access to medical records. The only people in SA Health who have access to medical records are clinicians who have reason to. Other people don't, going right up to the CE of the department.

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:22): Just for clarity, are there not many contractors working in SA Health, especially IT contractors, who would have direct access to these medical records? Have they and their access been audited?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:23): I wouldn't think so. I imagine there would be firewalls in place to ensure that that didn't happen. In any case—

Members interjecting:

The Hon. J.J. SNELLING: Well, I am more than happy to check that but, certainly, my understanding is the only people who have access to medical records are people who have reason to, so that's principally clinicians. I have no reason to believe that anyone else would have access to those medical records.

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:23): My question is to the Attorney-General. Do these breaches constitute breaches of the State Records Act and, if so, what is the remedy under that act?

The SPEAKER: That seems to be a request for legal advice, and I am ruling it out of order. Leader.

HOSPITAL MANAGEMENT INVESTIGATION

Mr MARSHALL (Dunstan—Leader of the Opposition) (14:24): A further question to the Minister for Health: will the government now initiate an independent judicial inquiry into the privacy and integrity of patient records management by SA Health?

The Hon. J.J. SNELLING (Playford—Minister for Health, Minister for the Arts, Minister for Health Industries) (14:24): No, we won't, because I am completely satisfied both with the integrity of the system and with the actions the department has taken with regard to this matter.

The SPEAKER: The member for Giles.

CENTRAL EYRE IRON PROJECT

Mr HUGHES (Giles) (14:24): Thank you, Mr Speaker. My question is to the Minister for Mineral Resources and Energy. Can the minister inform the house about the progress of consultation on the Central Eyre Iron Project and the government's role in assessing the proposed mine and supporting infrastructure?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:24): Thank you very much, and I thank the member for his question and note the member for Giles' ongoing support for the resources sector, an industry that remains one of this government's key economic priorities. An

extended public consultation period of more than 10 weeks ran from 19 November to 2 February as part of the ongoing assessment of Iron Road's Central Eyre Iron Project. The government wanted to ensure that the local community had sufficient time to work through a large series of documents related to the mining operations, the rail link and the proposed port at Cape Hardy.

This is a major investment on the Eyre Peninsula that is being proposed, so it was only fitting that we provided the community with one of the longest consultation periods for a mining and infrastructure project of this kind. Ten weeks of consultation took into account that the applications for this significant project were lodged during the grain harvest and close to school holidays. These are very busy times for regional communities, and we think that the local community had time to fully consider these important documents, seek advice and raise any concerns with issues, such as the environment, dust, noise, social impacts and a range of other risks that Iron Road will have to demonstrate to the government that it can manage.

The consultation related to both Iron Road's mining lease proposal for a magnetite mine and processing facility near Warramboo on the central Eyre Peninsula and the environmental impact statement for the associated infrastructure, which includes a rail link from the proposed mine to a deep sea port at Cape Hardy. The potential for the impact of shipping movements on the Spencer Gulf marine mammals will also be considered by the commonwealth environment minister under the provisions of the Environment Protection and Biodiversity Conservation Act, and I have great confidence in Greg Hunt to do his job admirably.

To simplify the process for the local community, the state government is running the public consultation for the EIS and the mining proposal in parallel so that people can make comment either about the mine or the associated infrastructure. Public meetings were held across the Eyre Peninsula so that local communities had the opportunity first-hand to find out more about the aspects of the project that have the most relevance to them. Meetings at Port Neill, Cleve and Wudinna used a five-hour open-house format so that people could discuss the project with the company and government agencies and learn how to make a submission.

Over 100 submissions were received from a range of stakeholders, including community members, business and local government. About half the submissions received were submitted online through a dedicated website and relate to a broad range of aspects detailing both concerns and support for the project. These submissions are in the process of being handed over to Iron Road and will then be uploaded to the stand-alone website www.ceipconsultation.sa.gov.au. Unless for legal reasons a submission is not fit for publication, the South Australian community will be able to read online all the views submitted as part of this transparent process.

The company's responses will also be made available to the public and uploaded to the state government website for viewing in due course. Our technical experts within government will also be providing their input into the comprehensive assessment of the project. The applications lodged under the Mining Act and the Development Act, submissions received from the public and Iron Road's responses will then be used to undertake a comprehensive assessment of the project.

The assessment will inform a decision on whether or not to approve the project and, if approved, the terms and conditions to be met by Iron Road. It is an important project but, of course, what is most important are the views of the community on which it will impact the most.

TECHPORT AUSTRALIA

Mr VAN HOLST PELLEKAAN (Stuart) (14:28): My question is for the Premier. Has the government been advised that upgrading the common-user facility at Techport will create shipbuilding opportunities for South Australia and, if so, why has the government not committed to an upgrade?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (14:29): Well, there is a very simple answer to the member's question, and that is because the Liberal Party in Canberra has not yet made its mind up as to where submarines, frigates and offshore patrol vessels will be built. It would not be—

Members interjecting:

The Hon. M.L.J. HAMILTON-SMITH: I am being fairly civil, Mr Speaker. I haven't said anything to upset members opposite, but they are interjecting. If they want me to, I will have quite a bit to say.

Members interjecting:

The Hon. M.L.J. HAMILTON-SMITH: Are you finished? I'm trying to answer the question. Are you finished? Thank you. We have already invested $250 million of the taxpayers' money at Techport which enabled us to win the air warfare destroyer program and build a platform upon which we can then bid for frigates, submarines and offshore patrol vessels. A quarter of a billion dollars is a lot of taxpayers' money already invested. To then go on and spend yet more, without any guarantee that work and deal flow will be put into the shipyard by the Coalition government in Canberra, would be most unwise. Just 18 months ago—

Mr Marshall: If only they'd talked to you.

The Hon. M.L.J. HAMILTON-SMITH: If the Leader of the Opposition has one constructive contribution to make about defence industries, we would like to hear it, because there hasn't been one in four years. I would simply say this, Mr Speaker, that 18 months ago the Coalition in Canberra was within weeks of announcing that there would be eight submarines built in Japan. This has been well canvassed in the media. Billions of dollars worth of work was going to be outsourced to somebody else's country instead of our own.

Only because of the campaign run by this government, with the support of the industry and the unions, has that been stopped. What did members opposite do to stop it? Absolutely nothing. We have done work on expanding the shipyard at Osborne which the taxpayers of South Australia, through this government, own. We will be prepared to talk to the private sector and the commonwealth about further investing in Techport if tomorrow's white paper confirms that submarines and frigates are to be built in this state. But there is a far more important issue.

Mr Marshall interjecting:

The Hon. M.L.J. HAMILTON-SMITH: Did they?

Mr Marshall interjecting:

The Hon. M.L.J. HAMILTON-SMITH: Gentlemen, you really need to get a new leader. You really need to get one with some experience and some business acumen. There are choices. You could have the member for Bragg. She's got her knife into every leader since she's been there.

The SPEAKER: Point of order.

The Hon. M.L.J. HAMILTON-SMITH: You're the one, lady!

Members interjecting:

The SPEAKER: Will the minister be seated, please.

Members interjecting:

The SPEAKER: Point of order. Is there some breach I haven't noticed?

Mr KNOLL: Surely, we have entered into debate, Mr Speaker.

The SPEAKER: Yes, I uphold the point of order. Minister.

The Hon. M.L.J. HAMILTON-SMITH: I don't know what came over me, Mr Speaker. I was having nightmares from the past. I will move on. The government stands ready to talk to the commonwealth and the private sector about new investment in Techport, but it all hinges on this (and this is the key issue to watch for tomorrow): the offshore patrol vessels. I make this prediction: wherever the offshore patrol vessels are built is where the frigates will be built. If the offshore patrol vessels are built in Adelaide, we will get the frigates; if the offshore patrol vessels are built in Perth, they will bid for the frigates and we will be back to where we were years ago in a fight between the states over where this work will go. So, it's back to you.

The SPEAKER: Alas! The minister's time has expired.

The Hon. M.L.J. HAMILTON-SMITH: It's back to the Liberal Party. It's back to the Coalition. Give the work to South Australian businesses and workers.

Mr VAN HOLST PELLEKAAN: Supplementary.

Mr Bell interjecting:

The SPEAKER: Member for Mount Gambier! I always like to help the backbench out. The member for Stuart.

TECHPORT AUSTRALIA

Mr VAN HOLST PELLEKAAN (Stuart) (14:33): Given that the minister in his answer said that it wouldn't be appropriate to make such an investment until the federal government has made its decision, can he advise the house whether he has asked the Premier to make such an investment in advance of the federal government making its decision and, if so, what was the result of that conversation?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (14:34): The shadow minister would know that no minister is going to get up and discuss deliberations of cabinet or private discussions that they are having with each other or within government. It has been so long, I don't think there's anybody over there who has been in government. They've all gone. They've probably forgotten how it works.

I would simply say this: while the opposition was silent, this government was fighting like crikey for jobs and investment in this state. I will tell you this: if it wasn't for the work that the Premier, myself and others on this side, with industry and the unions, put into that campaign, we would already be contracted to build submarines offshore. You—

Members interjecting:

The Hon. M.L.J. HAMILTON-SMITH: For the Leader of the Opposition and members opposite, we had this argument years ago. I asked you to stand by Holden, and you didn't. I asked you to stand by naval shipbuilding, and you didn't. Stand by South Australian workers and industry!

Members interjecting:

The SPEAKER: The minister will be seated. Alas, there are points of order. The member for Florey—can the member for Florey not hear the minister's answer?

Ms BEDFORD: Exactly; I do not know how anyone could have, sir.

Members interjecting:

The SPEAKER: I am not sure that the minister has finished. Has the minister finished?

The Hon. M.L.J. HAMILTON-SMITH: I am still going, sir. I am enjoying myself and I would not want to waste the three minutes that I have remaining. Just to explain to members opposite: for those who have been in business, what happens is you have to be very careful about your capital investments when you are in business to make sure that you have the deal flow to sustain that capital investment.

If you overinvest in your business and the deal flow does not churn up, what you are left with is something that you cannot utilise, and your business goes broke. This is how business works; it is not wok-in-a-box economics—I know you are very good at that over there. It is sensible, measured government investment. That is what we do. We are ready to go at Techport, but first we need your side of politics to guarantee, in tomorrow's white paper, that the patrol vessels will be built in South Australia.

We are getting information to us from Canberra that there is a secret plan over there to build those patrol vessels in Perth. The challenge is whether the Minister for Foreign Affairs and the Minister for Finance in Canberra are out dancing the member for Sturt and Senator Birmingham in Adelaide. Gone are the days of having four solid, experienced ministers from South Australia in the

federal government. Gone are Downer, Vanstone, Hill and Minchin. Our champions now are Christopher Pyne and Simon Birmingham. Well, God help us!

If you do not ensure that your federal colleagues build the patrol vessels here, then the frigates and the patrol vessels may go somewhere else, and the submarine work itself will be at risk. That is how important it is. So, if you are proudly crowing that you have had an influence on this, let's see what is in the white paper, because your own party may write the shipbuilding industry into—

The SPEAKER: Point of order, member for Schubert.

Mr KNOLL: The minister is continually refusing to put his remarks through the Chair.

The SPEAKER: Yes; I would ask the minister to direct his diatribe through the Chair. Member for Stuart.

TECHPORT AUSTRALIA

Mr VAN HOLST PELLEKAAN (Stuart) (14:37): Supplementary, Mr Speaker: given that the minister said, 'We are ready to go at Techport', can the minister advise the house what the estimated costs of upgrading Techport are so that we can attract naval shipbuilding to Adelaide?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (14:38): Because we are very responsible economic managers on this side, I will wait with bated breath for tomorrow's white paper to see whether the Coalition has dudded South Australia, work carefully through the issues, and then we will come forward with a very considered proposal about what we can do to ensure we have the infrastructure in place to build whatever it is they offer us tomorrow. What we won't do is get up in parliament today, before we even know whether we are going to get the work, and start going on about what we plan to do at Techport, because—

Members interjecting:

The Hon. M.L.J. HAMILTON-SMITH: Mr Speaker, I take from the line of questioning—there is $250 billion to be spent over the next 30 years on naval shipbuilding and sustainment. I take it from the question that he thinks if we offer $50,000 to extend Techport, that might tip the decision. I am sure the Coalition will be running at us to sign up. It is a very considered process. It is a very deliberate process. It is the most important decision this state has faced in a manufacturing sense since World War II. It must be the right decision, and I hope the Coalition get there.

Mr PENGILLY: Point of order: sir, can I ask you to rule on whether the minister should be referring to the member for Stuart as 'the member for Stuart' and not as 'he'?

The SPEAKER: No, you are allowed to use pronouns all the time I have been here. Although I haven't warned or called to order any members of the opposition because of the minister's propensity to debate the matter, that doesn't give licence to members of the government to interject. Accordingly, I call to order the Treasurer. The member for Mount Gambier.

FEDERAL MINISTER FOR DEFENCE

Mr BELL (Mount Gambier) (14:40): A supplementary: how many times has the minister personally met with the federal Minister for Defence, Marise Payne?

The Hon. M.L.J. HAMILTON-SMITH (Waite—Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries, Minister for Veterans' Affairs) (14:40): I am very glad that the minister has asked this Dorothy Dixer—

An honourable member: He is not a minister.

The Hon. M.L.J. HAMILTON-SMITH: The member, I am sorry; one day—because I am very pleased to answer it. First of all, it would have been helpful if the current Minister for Defence had come to South Australia more often since her appointment. I don't particularly want to make this an issue, but it would have been helpful if there had been better consultation. But I will tell you that, during one of those two visits, the minister met with the Premier and the CEO of Defence SA I was overseas on a trade mission. I would say this: the state opposition have been involved in a deliberate campaign—

Members interjecting:

The Hon. M.L.J. HAMILTON-SMITH: I am explaining why.

The SPEAKER: The member for Morialta has a point of order.

Mr GARDNER: Yes, it is presumptive, but the minister is imputing improper motive by suggesting the state opposition has been engaged in a deliberate campaign to do anything—

The SPEAKER: Has been engaged in what?

Mr GARDNER: —in relation to this matter, as to why he hasn't met with the defence minister.

The SPEAKER: I am not sure there is any merit in that. The minister.

The Hon. M.L.J. HAMILTON-SMITH: The state opposition, in concert with the member for Sturt, ran a deliberate campaign to encourage Senator Johnston, when he was the minister, not to meet with me. It didn't work; I had lots of meetings with Senator Johnston. They then ran a deliberate campaign with the member for Sturt to have minister Andrews not meet with me; that didn't work either.

The SPEAKER: Point of order.

Mr GARDNER: Debate, imputing improper motive—take your pick.

The SPEAKER: Neither. The minister.

The Hon. M.L.J. HAMILTON-SMITH: That didn't work either; I had quite a number of meetings with minister Andrews. They are now running, I understand, a deliberate campaign to try to get minister Payne not to meet with me.

The SPEAKER: Point of order, member for Mount Gambier.

Mr BELL: It's on relevance, sir. I asked a very specific question: how many times has the minister met with the federal minister?

The SPEAKER: And the minister is answering that question. He may not be answering it the way the member likes, but he is answering it.

The Hon. M.L.J. HAMILTON-SMITH: The answer is: she has only been here twice and I haven't met with her on either visit, and you know that well, because you are—

Members interjecting:

The Hon. M.L.J. HAMILTON-SMITH: I make this point to you: minister Payne will be meeting with me and us very soon. Do you know why? Because there are lots of ways to get your message across to the federal government—lots of ways. Just look at the campaign that has been run over the last 18 months to have that demonstrated for you. So there are two ways for the federal government and the state government to communicate between now and the date of the federal election: one is collegiately, responsibly, through sensible, measured discussions and meetings in the best interest of South Australians; the other way is through megaphone diplomacy in the media, and I would suggest that the first course is by far the best.

Can I also, in answering the question, remind members of the excellent communication that has been in place through the advisory board's Sir Angus Houston and the CEO of Defence SA, Andy Keough, who has commanded two submarines and been in senior management at the ASC.

We could not have better communication at the board and the departmental level, and that we've had. The Premier and I have been in regular contact with the commonwealth on this; but I would suggest to the Liberal Party, because they love this, that you start thinking about South Australia first. For as long as you go round asking federal ministers not to meet with me because I used to be the leader of the Liberal Party, the more pain you will put South Australian workers and industry through—

Members interjecting:

Mr VAN HOLST PELLEKAAN: Point of order, sir.

The SPEAKER: The minister's time has expired. Is that the point of order?

Mr VAN HOLST PELLEKAAN: Yes, sir. I take offence to the minister alleging that we don't think of South Australians first.

The SPEAKER: I think that is common or garden political argy-bargy, not material to be grieved about by standing orders. Member for Unley.

BUS SECURITY SCREENS

Mr PISONI (Unley) (14:45): My question is to the Minister for Transport and Infrastructure. How many driver safety screens have been retrofitted to existing buses since the government's announcement in October 2013—

The Hon. T.R. Kenyon interjecting:

The SPEAKER: The member for Newland is warned.

Mr PISONI: How many driver safety screens have been retrofitted to existing buses since the government's announcement in October 2013 that it would be negotiating with the unions and bus companies to install private safety screens?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:46): I thank the member for Unley for his question. My understanding is that when we procure the new buses as part of our annual bus replacement program, where we buy a number of new buses each year and we retire a corresponding number of older buses each year, we do so with the screens either preinstalled or we install them before putting them into service. The member's question was—

An honourable member interjecting:

The Hon. S.C. MULLIGHAN: That's right—how many were retrofitted. I don't have that figure on me, but I'm happy to seek some advice from the department and come back to him.

ROAD NETWORK INVESTMENT

Ms COOK (Fisher) (14:46): My question is also to the Minister for Transport and Infrastructure. How is the state government continuing to invest into our road network across both regional South Australia and metropolitan Adelaide?

The Hon. S.C. MULLIGHAN (Lee—Minister for Transport and Infrastructure, Minister for Housing and Urban Development) (14:47): I thank the member for Fisher for her question. The state government continues to invest in our road network, both for our regional communities and with major and minor roadworks around metropolitan Adelaide. I am pleased to report to the parliament that the works at the intersection of Marion and Sturt roads, of particular interest to the member for Fisher and other MPs representing southern suburbs, have now been completed.

As the house would be aware, local company York Civil began the upgrade in November last year in preparation for the large $620 million Darlington project. These works are helping to improve capacity and reduce delays, particularly as major construction works for the upgrade begin.

One of five projects to improve traffic flow in advance of major north-south corridor works, the upgrade to this intersection amended the key turning lanes on the southern, eastern and western approaches to improve capacity and traffic flow. This completed project adds to the improvements already achieved at the Richmond Road and Ashwin Parade intersections of South Road, as well as the recently completed additional lane capacity to Park Terrace, Fitzroy Terrace and Torrens Road, as well as the duplication of James Congdon Drive.

In our regional communities as well, the state government continues to invest in the safety and efficiency of our road network for country drivers. I can announce today that sections of seven roads in the Riverland, Murray Mallee and Murray Bridge areas will be resealed to improve safety for regional drivers. Works have already begun on Ridley Road between Sanderson and Mannum.

Funded through various state government programs, including the periodic road maintenance and critical road maintenance programs, over 13 kilometres of resealing works will be

undertaken on Mannum Road, Jervois Road, Mallee Highway, Berri to Loxton Road and the Goyder Highway. This investment of $765,000 will reduce the risk of crashes but also improve the quality of the roads for drivers, reducing the wear and tear that often so many country drivers can face.

In our northern regions, too, I am pleased to report that work is about to begin on the second stage of the Bute to Kulpara upgrade, an upgrade identified by the member for Frome. Following the first stage of works completed in November, the second stage involves the rehabilitation and resealing of approximately nine kilometres of road south of Bute. As the state government continues with this upgrade, benefits will be delivered not only to local motorists, but also to South Australian companies transporting goods through this section of road.

These projects are in addition to other projects in regional areas and communities throughout South Australia. They include the more than $100 million that the state government is investing with the commonwealth on the APY lands access road upgrade, the works that I previously reported to the house on RM Williams Way between Clare and Spalding, the $4 million improvement to the Copper Coast Highway between Kadina and Paskeville, and also the $20 million of what we call 'last mile' projects to improve productivity for the heavy vehicle industry, including B-double access to:

- the Naracoorte Saleyards;
- the Eudunda grain bunker and silos;
- B-double and road train access to the Jamestown Saleyards; and
- road train access to Port Wakefield Road.

We are also upgrading the Meadows to Willunga road—I think that's five kilometres between Meadows and Phillips Road; the Barossa Valley Way, including works within Tanunda; the Berri to Loxton road, between the lock and Mildura (a kilometre of works there) and Loxton to Pinnaroo—particularly 800 metres in the Loxton township.

HILLS LIMITED

Mr TARZIA (Hartley) (14:50): My question is to the Minister for State Development. Given that the minister has now had two weeks to consult his office and the department, can he now confirm that Hills Limited withdrew from the three-year $5 million partnership with the state government in 2015 and, as a consequence, how many jobs will be lost?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:51): I did take the question on notice, and I gave a commitment to the house that I would get back to the member and I will.

Members interjecting:

The SPEAKER: I call the member for Unley to order. Member for Hartley.

HILLS LIMITED

Mr TARZIA (Hartley) (14:51): Supplementary, sir: given that the government's failed partnership with Hills Limited was terminated before its expected completion, how much money has the government spent on the scheme?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:51): True to my word, I'll give a full and detailed answer to the house.

Members interjecting:

The SPEAKER: The member for Unley is warned.

HILLS LIMITED

Mr TARZIA (Hartley) (14:51): Supplementary, sir: has the government approached Hills Limited over this failed partnership to recoup money that the government spent in the venture, as recently reported?

The Hon. A. KOUTSANTONIS (West Torrens—Treasurer, Minister for Finance, Minister for State Development, Minister for Mineral Resources and Energy) (14:51): I think it's fair to say that as Treasurer I've signed off on a number of grants to companies that were signed off last decade and, indeed, in the early 1990s, and I'm sure my other colleagues have seen the number of loans and interest-free loans that the former government signed off to—

Ms Chapman: Down the drain.

The Hon. A. KOUTSANTONIS: The former government signed off—the Deputy Leader of the Opposition says: 'down the drain'—

The Hon. J.J. Snelling: Helpfully.

The Hon. A. KOUTSANTONIS: Yes, helpfully, thank you. But it doesn't mean that they're all failed. It doesn't mean that just because a grant does not arrive to its final conclusion there hasn't been some good that's come out of it. Hills are a great Australian company, and they are a great family business that have grown to do amazing things; they are an iconic Australian company. But the thing about entrepreneurship is that not every venture succeeds. So, I am more than happy—

Members interjecting:

The Hon. A. KOUTSANTONIS: I am more than happy to stand alongside the risk-takers, to stand alongside the people who want to have a go, have a risk—not the ones who sit safely in opposition, comfortable and content, where they are fighting over the scraps of opposition. Those who enjoy the malaise—

Mr VAN HOLST PELLEKAAN: Point of order, sir: distinct debate.

The SPEAKER: I uphold the point of order.

The Hon. A. KOUTSANTONIS: Then I apologise to the house for saying that the members opposite enjoy the malaise rather than that they are fat and happy just where they are.

57 FILMS

Mr KNOLL (Schubert) (14:53): My question is to the Premier. Does the Premier still stand by his statement in relation to the use of 57 Films where he said, 'We obviously use people that we know and trust and do a great job, and I've got no complaints with the current organisation'?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:53): Yes, I stand by that.

57 FILMS

Mr KNOLL (Schubert) (14:54): Supplementary: can the Premier then explain why there has now been a change to the tendering process for the upcoming trip to China and the use of a local film crew for that versus the process that was used on the Paris trip?

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:54): A tender process is routinely used from time to time. Other times—

Members interjecting:

The Hon. J.W. WEATHERILL: Other times—

The SPEAKER: There are many members of the opposition who are on two warnings; it would be unseemly to be ejected at this stage of question time.

The Hon. J.W. WEATHERILL: We reserve the right to have select processes for particular procurements. We will always reserve the right to do that. It depends on the circumstances of the case. What really galls those opposite is that, when we promote South Australia and seek to produce high-quality materials which seek to promote South Australia and talk about the good things that South Australia is producing, it has the tendency to create disappointment in the minds of those opposite. I don't know why they don't rejoice in the successes of South Australia. I don't know why they wait with bated breath every time the unemployment numbers go down, and then their shoulders slump when the unemployment numbers go down. They were warming themselves up—

The Hon. A. Koutsantonis: When the budget was in surplus they nearly had a heart attack.

The Hon. J.W. WEATHERILL: That's right. They get disappointed by South Australian success and when we sing it from the rooftops they get even more distressed.

Mr VAN HOLST PELLEKAAN: Point of order.

The SPEAKER: In the pause created by the point of order, I warn the member for Mitchell and the Treasurer for the first time, and I warn for the second and final time the members for Unley, Adelaide and Mitchell. The member for Stuart, point of order.

Mr VAN HOLST PELLEKAAN: Debate, sir.

The SPEAKER: I will listen carefully to the Premier's answer. The member for Schubert.

57 FILMS

Mr KNOLL (Schubert) (14:56): In the course of his answer, the Premier talked about where circumstances differ they reserve the right to use different processes. Can he explain what is different about the upcoming China trip as versus the Paris trip last year?

The SPEAKER: The Premier's answer will be heard in silence.

The Hon. J.W. WEATHERILL (Cheltenham—Premier) (14:56): Leaving aside the differences of language and geography—

Members interjecting:

The SPEAKER: The Treasurer is warned for the second and final time, and the Minister for Agriculture, Food and Fisheries is called to order.

The Hon. J.W. WEATHERILL: The matter of procuring services for government doesn't fall to government ministers; it doesn't even fall to chief executives. It is very much down in the lower levels of the agency. Decisions are made on a case-by-case basis about what procurement processes should be chosen. We've chosen in the past 57 Films, who have done a fantastic job for us. Whether we choose them in the future will be a matter for the process that I understand is underway. It could very well be that they are chosen again in the future, but that is not a matter for ministers or even chief executives. It's a matter for the individual officers who are responsible for procuring those things.

What I am responsible for is to promote South Australia and represent it to the world. That is what we are doing. We said we would internationalise the economy; we said we would take our stories to the world. We are going to China to celebrate 30 years of a sister-state relationship with the Shandong province—100 million people. When we sent back the material that was produced by 57 Films on the earlier occasion of our student ambassador to promote South Australia as a destination for students to come to, it was published to an audience of 100 million people throughout China.

That is the benefit we're getting through our investment in high-quality video messages about South Australia and what it has to offer. For the foolish remarks that were made by those opposite, that somehow this is about me getting a vote—well, there aren't that many votes in Shandong for me, sadly, although the governor of Shandong did offer to send a million people over here, and if he did you would be in awful trouble.

RECREATIONAL FISHING

Mr PICTON (Kaurna) (14:58): My question is to the Minister for Agriculture, Food and Fisheries. Can you inform the house on how the government is consulting with recreational fishers regarding the recreational fishing management review?

The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing) (14:58): I thank the member for Kaurna for that question and acknowledge the coastline that he has in his electorate and the large amount of fishing that goes on off the jetties, the beaches and the boat ramps in the seat of Kaurna as well.

Earlier this month, we announced three discussion papers and a consultation period lasting until the end of April. So far, we have had 340 submissions to the inquiry. We are looking at boat limits, bag limits, and having a specific look at King George whiting. The reason we are doing a specific look at King George whiting is that every five years we do a survey of recreational fishers. What we found out through last year's survey was that there were 40,000 extra recreational fishers and, between them, they've taken an extra 200,000 King George whiting. That is 400,000 fillets that they've taken out of our coastal waters.

I know from speaking to people involved in fishing right around the state that they all recognise that we can't keep going with a 'business as usual' approach. What we don't know is what the answer will be, so we've put out some discussion papers, because some of the best advice we will get is from people who put in submissions and come along to the community meetings. So far, we've had meetings in Ceduna and Port Lincoln. I know the member for Flinders was there, and thank you very much for your interest in this issue and for getting along to the meeting.

The Hon. A. Koutsantonis: He cares about regional South Australia.

The SPEAKER: The Treasurer is on two warnings.

The Hon. L.W.K. BIGNELL: We've also had meetings in Whyalla and last night in Wallaroo—

Members interjecting:

The Hon. L.W.K. BIGNELL: Yes, I'm about to get to that. The member for Goyder was at the meeting in Wallaroo last night—

Mr Griffiths: I drove to Wallaroo for it—120 people there.

The Hon. L.W.K. BIGNELL: 120 people. As I mentioned before, we've had 360 people turn up to these four meetings, which is terrific. It's great to see this input, and I thank the member for Goyder for that. We have meetings coming up in Adelaide tonight at Glenelg, Renmark tomorrow night, then Millicent next Tuesday night, Victor Harbor on Wednesday night and Kangaroo Island on Thursday night.

We've also added some meetings after some discussions with the member for Goyder and the member for Stuart. We have a meeting in Yorketown and another in Port Augusta coming up in April, and a third meeting—a second metropolitan Adelaide meeting—will be held at Port Noarlunga in April as well. It's been great to have the cooperation of people on the other side, working together and listening to the views of their constituencies to make sure we can reach as many people as possible, because this is a great resource and we need to make sure we protect it for future generations.

Some 277,000 people are involved in recreational fishing each year and, because we only do this review every five years, it takes a while to get all the stats in. We're working constantly with the commercial fisheries and we always know how much fish they are taking, so we can work with them and tweak things each year when we talk about quotas and the amount of fish they can take. Certainly, an increase of 40,000 in the number of people going fishing is a great thing, because it is a fantastic recreational pursuit but, by the same token, taking 200,000 extra fish in that one species, King George whiting, is having an effect.

We only need to talk to our friends who go fishing to know that the days of getting their bag limit and their boat limit don't happen like they used to. People are noticing that there has been a depletion in the stock. We want to work with them, and that is what we are doing through the consultation period, through the public meetings and also by accepting submissions from people involved in fishing or who have an interest in fishing.

EDUCATION GRANTS

The Hon. S.W. KEY (Ashford) (15:03): My question is directed to the Minister for Education and Child Development. Minister, can you advise the house what measures the government is taking to support parents to be actively involved in their children's education?

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:03): I'm delighted to answer this question because, as members may be aware, I am a very strong advocate for parental engagement in education. It is one of the few ways in which parents can influence their children's educational outcomes, as distinct from their income levels or their educational results themselves. In other words, it is one way we can counter translating disadvantage from generation to generation and, therefore, I am a very big advocate for it.

As you may well be aware, we have a program called PIE grants, which are grants to encourage and assist parents in being engaged in their children's education. We have for the first time extended those grants across the three sectors—not just public schools but into the independent and Catholic schools. We have been able to make 70 grants, and they are for programs generated by the sites on what they believe will be useful for engagement. Some are around numeracy (how do you talk to your kids about maths?), literacy (how do you encourage reading?) and specific work on, say, father groups for some where the community believes the fathers are not finding their way and becoming useful parents in their kids' education.

Just very briefly, a couple of examples: Kirinari Community School has the Green Time for Grown Ups program, which focuses on helping parents and carers understand the importance of nature play with an emphasis on green time as opposed to screen time, which I think every parent struggles with at times. St Mary MacKillop School at Wallaroo is going to run a program to help parents build their children's resilience so that they can better navigate the ups and downs of life and build positive behaviours, and also Glandore Community Kindergarten—which I know is within the member for Ashford's electorate and which she is a very strong advocate for—is running a program on numeracy in the early years. I am delighted that not only do we have such a good program but that we have been able to extend it across the three sectors.

Grievance Debate

HOSPITAL MANAGEMENT INVESTIGATION

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:05): There is one thing for sure: as the scandalous saga of the invasion of privacy of patient records unfolds, Mr Brad Crouch, the medical reporter of *The Advertiser*, knows more about what is happening in the Department for Health than the Minister for Health. In the last while, we have received notice today of the scandalous invasion of the clinicians who have accessed the private records of patients, we have heard of the hospital management tampering with patient records, and we have had the disgraceful circumstances of chemotherapy patients receiving the wrong treatment as a result of corrupt patient records.

The reality is that these circumstances expose the not just unhealthy but unacceptable standards which the public can expect when they walk through the door to receive treatment from government agencies. Every man, woman and child in this state deserves to know that, when they walk through the doors of a clinic, a hospital or a health service provider under the regulation or operation of this state, they should be entitled to have their information respected.

Whether they are involved in litigation, whether the disclosure of information might prejudice their employment, whether it might shatter a relationship, whether it might taint the communication between members of a family, all of the things that are in those patient records are sacred and they are entitled to be protected. So important is that that the government, under a cabinet instruction, requires there to be a policy for the protection of public information on records.

There is a list of information privacy principles which every agency, every public servant, is required to adhere to, with some exceptions. The Motor Accident Commission, ICAC and a couple of others are not required to be bound by those, but everyone else is. This is a cabinet circular. This is an obligation that people have, already set out, issued by the edict of this government, that they must comply with.

Furthermore, we find today that the minister comes in here and says, 'There have been another eight examples. I can't tell you when I knew about it. I can't tell you anything about it. I don't know anything about it. I don't want to know anything about it.' This is the head in the sand approach, yet again, the Sergeant Schultz copying minister after minister who just does not want to know.

This is vital for the people of South Australia and every man, woman and child is entitled to know that the information that is in those records is kept secret and, when there is a breach, we do not have some pathetic little ministerial statement saying, 'There has been some inappropriate access to patient records.'

No, what we expect, what South Australians expect, is a minister to come in here and say, 'This was wrong. I have identified the problem. I have dealt with those who have been involved in it. I confess to you that there are another eight who have been found out.' 'Two of them have been sacked,' he says, 'but I don't know anything about the detail of those. I don't know how many times they have offended.'

What does he know about the other six? Where are they? Are they still in charge of patient records? We do not know anything about this. Why? Because not only does the minister not know, we have had not one scintilla of information from him today to say, 'I have referred that matter to the Privacy Committee'—the Privacy Committee of South Australia which is here to advise the government on the protection of information and the correct information in public records. No, we don't know. Do we have any information from the Attorney that he has looked into it? No. Do we have any information from the Premier or reassurance from him that it is not going to happen again? No.

We have this pathetic contribution from the Minister for Health who has been caught out failing to protect the records and interests of patients time after time after time. I do not know how anyone in South Australia can possibly understand how the patients feel who had the chemotherapy administered to them as a result of inaccurate recordkeeping.

That is bad enough, but today we find exposed and finally admitted to after it has been on the front page of the paper this disgraceful history of failure on the part of the department to not only keep those records sacred and safe but furthermore the failure to even act on them and to provide any disclosure. What pathetic excuse would they have for not coming in and telling us about the other eight that have been identified? None. Yet again people have been let down in South Australia.

Time expired.

MODBURY HIGH SCHOOL

Ms BEDFORD (Florey) (15:10): This year's SACE results have been outstanding and nowhere more so than Modbury High, and this school's results need to be highlighted not only because it is located within the seat of Florey, nor because it is a public school but because of the depth of achievement of the class of 2015.

This follows on from the remarkable results achieved by Tajwar Tahabub who received a score of 99.95, one of the state's top students in 2014. All this points to great teachers and great leadership, and I am indebted to Martin Rumsby, the current principal, for the following information:

> Students at Modbury High this year produced the best ever set of results and we are very proud of their efforts. Over 99 per cent of the students obtained their SACE and 98 per cent of all grades were passing grades (C- or above). Many students obtained strong tertiary achievement ranks and most have successfully transitioned to tertiary courses or employment. These outcomes reflect positively on the dedication and skill of the students, the expertise and commitment of their teachers, not just in year 12 but throughout their schooling and [of course] the support received from home.

Mrs Kiri McWaters was and continues to be the SACE Coordinator and Mr Glen McKie is the year 12 Manager. The school community formally recognised the outstanding achievement of many students from the 2015 year 12 class at the Celebration and Achievement Ceremony on Thursday 18 February, which I was very proud to attend, along with the Mayor of Tea Tree Gully who himself this week received a 98.1 per cent for one-year-olds vaccinated in his council area, which was the second best result in the nation. Congratulations go to him and team leader Sherie Cooper who all thanked their great providers and the service that they give to mothers and new babies in the Tea Tree Gully area.

Getting back to Modbury High, the ceremony at the school followed the ceremony at Government House on 9 February, where His Excellency Hieu Van Le invited all students who obtained perfect scores in at least one stage 2 subject to receive their awards at Government House. A total of 13 A+ with merits were awarded to eight Modbury High Students: Alyssia Baker, William

Dent, Geena Ho, Dylan Morris, Nicole Muscat, Nicholas Phillips, Jessica Scriven and Hope Stahl. Hope had the special distinction of receiving the Governor of South Australia's Commendation by receiving an A+ with merits in her five subjects, and also received the Campbell Award for Overall Excellence, which is given to the highest-achieving public school student.

The extensive list of awards is a reflection of the students' dedication towards their studies, the support and encouragement given to them by their families and the high-quality instruction given to them by all of their teachers throughout their five years at Modbury High School, and this a continuous theme at Modbury High.

It is worth noting that Hope was the only public school student to be in the elite group of top students. It is vital that funding is maintained to ensure that public schools remain able to provide the quality education they do and that we expect of them and to provide every opportunity for every student to achieve their potential. This is something that Modbury High has done, built on solid foundations, and seems well placed to maintain its level of excellence well into the future.

This year, along with the students that were named at Government House, we should also mention Gemma Burvill, Aaron Stewart, Matthew Rega, Russell Woodcock, Joshua Lamb, Christine Tran, Hayden Hayward, Loughlin Garrihy, Douglas Penny, Jack Bollmeyer, Aaron Tieu, Isiah McMillan and the other Dent twin, Joshua Dent. So, I dare say there is a great deal of competition in their house.

Our congratulations go to them all and to all other students who worked very hard to achieve their results, which collectively makes Modbury High School such a special place of learning. Modbury High has also achieved outstandingly great results in the research project. This learning develops good skills for students into the future, and the leader of that area is Ms Angela Stamati who, along with her colleagues, makes sure that students are well prepared for what turns out to be, in most of their cases, further education.

At Modbury High this year, 98 per cent of students who did their SACE were given tertiary offers, which is 89 students at university level and 14 at TAFE level. This is a marvellous, outstanding result for the school. We are very proud of all the school students and all the teachers who work so very hard to give them the best opportunities. We thank the teachers, along with the parents, for supporting the students in this very important year of their lives. We know it is not the only result they can be measured by, but it certainly puts them in good stead to go on to future education opportunities and employment into the future.

GOVERNMENT ADVERTISING

Mr KNOLL (Schubert) (15:15): I rise today to talk about the government advertising campaign for Transforming Health. Transforming Health advertising has been a subject in this place and a subject of much speculation out in the broader community. Indeed, the Auditor-General has brought down a report in relation to government advertising campaigns having a slightly political nature. I have recently come across concerns raised by the Premier's own Communications Advisory Group when it comes to the Transforming Health ad campaigns and their various stages, and they raise a number of concerns that need to be aired.

The first thing they talk about is the relationship between the Transforming Health campaign and the federal budget cuts campaign, a campaign that was shown by the Auditor-General to have political connotations and, certainly, a reasonable person may consider that advertising to be of a political nature. It is interesting why they would be discussing the relationship between Transforming Health and the federal budget cuts campaign. Indeed, I believe that they are discussing the political nature of the Transforming Health campaign and, indeed, they wanted to make sure that the advertising schedules for the two campaigns did not coincide.

They then go on to talk about some mundane process oriented issues with the campaign. The first is that the campaigns did not have an explicit enough call to action, also that the campaigns had a lack of focus on the benefits to the citizen, the value for money and risk of perception to the community of having four separate mail-outs and the fact that the benchmarks were set really low. It was noted that the campaign overachieved, but it overachieved because the benchmarks were set so low that they could achieve it. That was an issue for the Premier's Communications Advisory Group.

There was a lack of internal messaging and staff could have been utilised as champions for the message. There was a lack of community focus and a lack of thanks to the community for contributing. Those sorts of issues with the practicalities of the campaign surely highlight that this was not a good use of taxpayer funds; indeed, that this was a campaign that was not well thought through and was not well executed and had a whole raft of issues. Certainly, from my reading of the work of the Premier's Communications Advisory Group, this was the campaign that came in for most scrutiny and had the most number of issues.

The real crux of the issue that I have found is in relation to the second phase of the campaign. The second phase of the campaign was, according to documents, that SA Health advised that 'recent developments in the health reforms have led to the necessity to commence a second phase of the campaign'. This was not originally envisaged, but it came as a result of community acceptance at that point in time. That basically says to me that the Transforming Health reforms were not going down well. I imagine that at any time you try to cut hospital bed numbers in a community these things are not going to do well. SA Health came back and realised that they needed to ramp up the ad spend to try to change community perceptions.

The reason this is quite interesting and where I find that there are some real issues with this campaign is that PCAG (Premier's Communications Advisory Group) questioned the use of the wording 'media misinterpretation' and how it is not the right language to be using in the submission. 'SA Health noted this.' The submission they were talking about is the submission that SA Health put to PCAG, which sits within Department of the Premier and Cabinet in relation to phase 2 of the campaign.

What PCAG is essentially saying there is, 'Just because the media did not take your point of view in relation to the reforms is not a good enough excuse for ramping up the ad campaign.' They are basically saying that this campaign was taking on a political nature and was purely trying to change public perception around a series of very difficult reforms about cutting into health expenditure.

Also, it is recognition that, no matter how hard you try to ram these changes down people's throats, no amount of advertising is going to be able to cover off on that, and people are going to see them for what they are. This is a case where one government department is belling the cat on another government department, and it is a very clear indication that the community sees these health reforms as nothing more than cuts to our health system.

The DEPUTY SPEAKER: The member's time has expired.

LIGHT ELECTORATE

The Hon. A. PICCOLO (Light) (15:20): I rise today to discuss a few matters which relate to the electorate of Light and to also put on the record some of the good work being undertaken in the electorate by a number of individuals.

Firstly, I would just like to bring to the house's attention the 10th anniversary of the Gawler Community Gallery. Come Friday, the Gawler Community Gallery will be celebrating its 10th birthday. I was fortunate enough to be mayor at the time, and officially opened the gallery on 26 February 2006. The gallery came about as a result of hard work by a number of local artists, who saw the lack of a gallery or exhibition space inhibiting the work of local artists and wanted to promote local art.

These artists got together and formed an organisation called Arts Action, and that group was the vanguard to lobby both the local government and others to establish the Gawler Community Gallery in the old station house at the Gawler railway station. The art gallery has been going for 10 years, and it is doing very well; it has proven all its critics wrong. Now is the time for a larger, more accessible and central gallery in the town. I understand that some preliminary discussions are taking place between the gallery and the council in that regard.

This is not the first gallery we have had in the Gawler community. Formal art (or European art), as distinct from Aboriginal art, goes back to 1889, when the Adelaide School of Design and Painting opened its first branch in Gawler. Classes were held in the Museum Room of the Gawler Institute, with 81 students, and other things were added on later. Records indicate that students

displayed or exhibited their work in the institute's Subscriber Room, which then became the town's first unofficial local art gallery.

I would just like to put on record the work of the Gawler Art Society since their inception in 1967, and other groups who have supported the art industry in the community. Under the leadership of Judy Gillet Ferguson as president, and David Arandle as secretary, Arts Action worked very hard to promote a new gallery, and I happy to say that they are now celebrating their 10th year.

Something else making a return to Gawler is the market. The Adelaide Farmers' Market have opened a market in Pioneer Park in the town's centre. I attended the official launch of the new market with Mayor Karen Redman on 30 January 2016, along with over 2,000 people. I understand the numbers are very strong and continue to grow.

Markets are not new to Gawler. They have held markets in the centre of town for many years, such as the old stock markets, the old sundry markets, etc., but they made way for new developments. This farmers' market, supported by the Adelaide Farmers' Market, will bring both sellers and buyers to the centre of town, keenly awaited by the people of Gawler in their regional numbers.

Farmers' markets provide a vibrant place where farmers and producers representing many regions of the state bring seasonal produce to sell direct to the public. Buyers benefit from fresh produce and products, and sellers benefit from dealing directly with the buyer and cutting out the middleman.

Farmers' markets are also very educational. People understand the product, and often the seller will spend time talking to the purchaser about where the product comes from, how it is formed, etc., so it is very important, and I wish the market every success. There is produce, obviously, from the nearby Adelaide Plains and Adelaide Hills, and fruit and other products come from as far as the Riverland and the Clare Valley. We are blessed in this state to be able to offer premium food and wine from our very clean environment.

I would also like to put on record my congratulations for the work performed by my church and other faith groups in the community. I attended a forum on Friday with the groups and I heard about the work they are doing in supporting families affected by the Pinery fires. They also do a lot of other work in counselling families and supporting families in our community, and they play an important role in our community.

ADELAIDE SYMPHONY ORCHESTRA

Mr DULUK (Davenport) (15:25): On Saturday 13 February, the Adelaide Symphony Orchestra had their opening night of the 2016 year, which was also the beginning of their 80th birthday celebrations. That night, the orchestra was under the baton of Nicholas Carter, a young 30 year old and the first Australian to be appointed as head of a major city orchestra since Stuart Challender was chief conductor of the SSO back in 1987.

The ASO is a vital part of our state's artistic repertoire. In addition to their own hectic program every year, they routinely provide orchestral support for the State Opera and The Australian Ballet. These important support roles are in addition to them headlining the Adelaide Festival year after year, as well as performing their regular season. In recent years, our Symphony Orchestra has performed in Carnegie Hall in New York but, unfortunately, it does not have a place to call its own. There is that old-fashioned saying that great cities have great orchestras. Indeed, we do have a great orchestra, but we have a great orchestra that does not have a home.

Last week, Adelaide city councillor, Sandy Verschoor, tabled a motion in the city council to explore the option of the Adelaide Town Hall becoming the permanent venue for the ASO. Further to that, the ASO managing director wrote in an op-ed recently that many issues would need to be considered in any exploration of the viability of the Adelaide Town Hall becoming a permanent venue. However, he noted that it would be the Holy Grail for the ASO if it were to acquire a dedicated, purpose-built concert hall.

The Adelaide Town Hall does provide a wonderful location for a permanent home but, in my view, we must and we should do a lot better than just this. In the quest to find a new home, I would like to delve a bit into the history of the ASO and its homes. The ASO had its first rehearsal at the

ABC's Hindmarsh studios in 1936, and it has called 91 Hindley Street home since 2002, a time when many shared a vision that this section of Adelaide's most notorious strip would be transformed into a cultural boulevard of sorts.

Arts South Australia, the Adelaide Festival of Arts and the Adelaide Fringe have all moved out of this Hindley Street location, leaving the ASO as the only main artistic organisation in Hindley Street. The ASO would love to have its own dedicated, purpose-built concert hall, with state-of-the-art box office, foyers, bars, lifts, backstage facilities and parking. The Sydney Symphony Orchestra has a home in the Opera House, the Melbourne Symphony Orchestra has Hamer Hall and the Arts Centre Melbourne, the Queensland Symphony Orchestra has QPAC in South Bank, the West Australian Symphony Orchestra has the Perth Concert Hall and, even in Hobart, the Tasmanian Symphony Orchestra has a beautiful 1,000-seat auditorium overlooking Constitution Dock.

I believe we can and must do better here in South Australia. What better opportunity than to make the old Royal Adelaide Hospital site a cultural precinct for this state and home to the Adelaide Symphony Orchestra? Acoustics permitting, perhaps we could build a glass auditorium overlooking the Botanic Gardens. This is a much better option than having property developers selling apartments and retail space on our Parklands, which are meant to be held in public trust.

Wouldn't it be wonderful to see the old RAH site become a cultural hub for the arts and North Terrace being a cultural and academic boulevard from the Botanic Gardens to the Casino? We keep hearing the buzz word about vibrancy from this old, tired Labor government. Well, here is an opportunity. After sitting on the old RAH site for seven years now, there is an opportunity for them to come to the public with a beautiful home for our ASO; and I do not know how anyone could disagree.

It is not just the ASO who need a new home and new love, it is also the whole art sector that needs love. This government yesterday announced—and it was not denied by the minister—that it is going to cut $1 million from the Adelaide Festival of Arts—$1 million cut, put on the table in the week of the launch of the Adelaide Festival. It is an absolute shame.

We saw some typical spin from the Minister for Art's former chief of staff, now Executive Director of Arts South Australia, Peter Louca, who said, 'Yes, there is funding for this year, but for the following year it is a different matter.' It is an absolute disgrace that this government wants to cut our funding when we know that art and our cultural centres are such an important part of South Australia. The arts community does not need spin from our pollies: it needs secure and reliable funding, and our ASO needs a home.

NORTH ADELAIDE BASKETBALL CLUB

Ms WORTLEY (Torrens) (15:30): On Sunday afternoon I attended the North Adelaide Basketball Club fun day at their stadium on North East Road in my electorate of Torrens. It was a wonderful example of the difference sporting clubs can make to a community, as it involved not only players as young as five but also many members of their family. Short, fun on-court games were played involving juniors and seniors on the same team, with the added entertainment of the club dance team the Rockets.

North Adelaide Basketball Club is the only club to have its own dance team, who perform intermittently throughout the games. Keeping it in the family, girls ranging from five to 15 years, coached by Mackenzie Price, the daughter of a coach, perform their dance routines up to 20 times in a game to their chosen music, looking every part professionals, in step, and in their theatrical attire. Mackenzie is assisted by Sarah Sterry, the sister of one of the players.

The club has around 120 regular volunteers and an additional 30 who give willingly of their time as required. Many of these were present on Sunday, busy working, serving food and drinks, umpiring and commentating. Vice-President David Durant said that the purpose of the fun day was to give back to the wonderful community that is the North Adelaide Basketball Club, especially the children who form such a large part of the club. It also served as a platform to present the club's premier league playing groups to the sporting community.

With 50 teams, 10 senior teams, including the elite premier league men and women, and 40 junior teams, North Adelaide Basketball Club has a strong support base. The juniors have up to eight teams in an age group and they play two seasons each year. Seniors are similar, with the

division 5 women's team, which David coaches, winning nine of 11 grand finals over several years. In premier league since 1957, the club has won five premierships in men's and 19 in women's, including a national league championship.

The club is working towards establishing a second tier of competition to promote the sport, engage more children and transition them, where appropriate, to elite level teams. Formed in 1939 as the Panthers Basketball Club, there was a name change to North Adelaide Basketball Club in 1951, and at some point later they became known as the Roosters. In 1982 this was changed to the Rockets, and today this is a very comfortable fit.

The North Adelaide Basketball Club has a proud history as one of South Australia's leading clubs with a great reputation as a centre for excellence for young players. It has also been the breeding ground for Olympic medallists and national stars who have played in Australia and overseas at the highest level. It's long history includes several families who have successive generations, where parents played and are now coaching and their children playing. David's family's playing history began with his aunt and uncle, then him, followed by his children and now his grandchildren, who I had the pleasure of meeting on Sunday.

The North Adelaide Basketball Club's contribution to our community was acknowledged at the Port Adelaide Enfield Council Australia Day Awards and citizenship ceremony in January this year, when the club was presented with a Service to the Community Award. The award, conducted in conjunction with the Australia Day Council of South Australia, recognised the service, commitment, effort and achievements of those who work tirelessly at the North Adelaide Basketball Club. President Wayne Schild and Vice-President David Durant accepted the award on behalf of the club, and I had the pleasure of being there on the day and congratulating them in person. On its communicator online publication, Scott Kelly, a committee member, summed up the spirit of the North Adelaide Basketball Club when he wrote:

> NABC has (and has had) many people involved creating the club that we all love today. This starts with players, coaches, managers and committees putting in so many volunteer hours for many years to enjoy the game we love…This award is for all of us for all that we do.

Bills

DOG FENCE (PAYMENTS AND RATES) AMENDMENT BILL

Introduction and First Reading

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:35): Obtained leave and introduced a bill for an act to amend the Dog Fence Act 1946. Read a first time.

Second Reading

The Hon. S.E. CLOSE (Port Adelaide—Minister for Education and Child Development, Minister for Higher Education and Skills) (15:36): I move:

> That this bill be now read a second time.

This amendment bill is about ensuring that there are sufficient resources available to maintain the dog fence into the future. The dog fence protects the sheep industry from stock losses by preventing the entry of wild dogs into southern pastoral areas. The South Australian Dog Fence is 2,171 kilometres long, from near Fowlers Bay to the New South Wales border. The Dog Fence Act 1946 focuses exclusively on the management of dog-proof fences and destruction of wild dogs in the vicinity. The broader issue of wild dog management in South Australia is addressed through the Natural Resources Management Act 2004.

The Dog Fence Board administers the act and is responsible for ensuring that the dog fence is maintained in a dog-proof condition. The board does not own the dog fence. Ownership remains with the landholder, or may be vested in local dog fence boards. The owners are responsible for the inspection and maintenance of the fence, with funding provided by the board. Two private owners manage sections of the dog fence on their properties. However, most of the dog fence has been vested in six local dog fence boards that employ contractors to inspect and maintain their sections of fence.

The board is responsible for collecting rates from ratepayers and making payments to owners to cover the cost of inspecting and maintaining the dog fence. The Dog Fence Fund receives rates collected from ratepayers, and a government contribution to defray the cost of maintaining and upgrading dog fences. Rates are collected from owners of the rateable land, which are holdings of more than 10 square kilometres inside the fence. The current act caps the maximum amount that ratepayers can be levied at $1.20 per square kilometre. This cap was last reviewed in 2005.

Each year, the board reviews its financial requirements and agrees on a rate that will be levied. For several years, the board has been levying rateable land at the maximum amount allowed by the act as the cap prevented it from increasing rates with inflation. Failure to increase the financial caps will result in a funding shortfall. With the existing cap, the board collects approximately $508,000 from ratepayers, which is then matched by the government. This bill lifts the cap on the maximum amount that can be levied on rateable land to $2 per square kilometre. This will allow the board to increase rates in line with inflation for some time into the future, or until the act is next reviewed.

The act also sets a cap on the maximum amount that the board can pay to fence owners to maintain the fence. This cap is currently set at $250 per kilometre of fence. This bill also raises the cap on the amount payable to fence owners for maintaining the fence to $400 per kilometre. This will allow the board to adjust the payments to fence owners to reflect inflationary changes to the cost of labour and materials.

No issues were raised on these proposed amendments during consultation with key stakeholders in December 2014. The board is committed to ensuring that rates increases are responsibly managed to meet the cost of maintaining the fence, and in line with inflation. The bill also includes a minor technical amendment to remove a reference to the 'South Australian Farmers Federation Inc.', and replace it with 'Livestock SA Incorporated'. The South Australian Farmers Federation no longer exists, and Livestock SA is now the most appropriate representative body for ratepayers into the Dog Fence Fund. This bill will ensure that the dog fence is adequately resourced, and continues to be maintained in a dog-proof condition into the future. I commend the bill to the house, and seek leave to have the explanation of clauses inserted without my reading them.

[Leave granted.]

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Dog Fence Act 1946*

3—Amendment of section 24—Payments to owners of dog fences

This clause amends section 24 to increase the maximum amount payable by the Dog Fence Board each financial year to owners of dog fences for maintaining and inspecting the fences, and for destroying wild dogs in the vicinity of the fences, to $400 per kilometre of fencing.

4—Amendment of section 25—Imposition of rates on ratable land

This clause amends section 25 to increase the maximum amount of the rate that the Board can levy on ratable land to $2.00 per square kilometre.

5—Amendment of section 28—Charge to be payable by occupiers of land outside dog fence

This clause updates a reference to the organisation that must be consulted when the Board conducts its five yearly reviews of the prescribed rate that the Board is empowered to levy from occupiers of ratable land.

Debate adjourned on motion of Ms Chapman.

STATUTES AMENDMENT (GENDER IDENTITY AND EQUITY) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 10 February 2016.)

Ms CHAPMAN (Bragg—Deputy Leader of the Opposition) (15:40): It is with pleasure that I rise to speak on the Statutes Amendment (Gender Identity and Equity) Bill 2016. I indicate that I will be the lead speaker for the opposition, although that would seem a little unusual, given that I confirm that the opposition does not have a joint party position on this paper, and indeed all members will be, as they are always on our side of the house, encouraged to make a contribution to the debate and vote according to their conscience.

The bill itself was introduced by the Premier on 10 February this year after laying a draft on the table on 1 December last year. Until then, this area of reform was commonly known as the LGBTIQ review/reform, and the government had made a commitment to look at our laws, both legislation and regulation, to ensure that there would be some review by the South Australian Law Reform Institute to consider and identify occasions when an individual or family were discriminated against on the grounds of sexual orientation, gender, gender identity or intersex status.

The South Australian Law Reform Institute has done that and is continuing to undertake further work in respect of this area of reform. The initial report, which was prepared in September last year, was titled 'Discrimination on the grounds of sexual orientation, gender, gender identity and intersex status in South Australian legislation'. The chair of that board, Professor Williams, has met with me and, obviously, the government and the Attorney, in respect of advancing reform pursuant to their recommendations.

The report of September 2015 identified about 40 acts or regulations in which discrimination had been identified, and this bill essentially incorporates the remedying of that. I will come in a moment to a substantial body of work that has been done by the institute and others in respect of other aspects of reform in this same arena.

LGBTIQ stands for 'lesbian, gay, bisexual, transgender, intersex and queer'. They are each descriptors which have been in common or uncommon usage. Some are words that now, like some other words in our language, attract a certain connotation, sometimes in a derogatory way. I always remember the word 'juvenile', which was frequently used as a descriptor, quite an appropriate descriptor, of the age of somebody in pre-adulthood, or in fact other animals in the kingdom, but because of its association with the criminal conduct of young people, it attracted a certain connotation, meaning someone who was juvenile was immediately perceived to be someone who was a bit of a ratbag at a young age. Words can colour or be coloured or stained, even, after common usage.

I understand, both from Professor Williams and from reading the report, that persons who are in these categories have given their blessing to the continued use of these descriptors that comprise the LGBTIQ group of identifications. My initial question when I was looking at this was: is the word 'queer' acceptable to those who wish to be identified as 'queer'? The answer to that question, I am advised, is yes. There are certain people in the community who would by preference wish to be called by that descriptor.

Others want to be more specific and hence will use lesbian, gay, bisexual, transgender or intersex. I am ready to admit that I did not at first understand exactly what someone who described themselves as intersex was, but I have since been given some information on that. I thought I was clear on transgender, but that has been made more clear. There are very helpful definitions and descriptors in the report that I have referred to.

I think it is fair to say that when someone is, in their eyes at least, neither male nor female, nor someone who wishes to be identified as man or woman in terms of gender identity or an equitable situation, they wish to be recognised and they wish to have that recognition in our legislation to the extent that they are not excluded. In essence, this bill proposes amendments to all of the laws that have some binary notion in their context. They describe a male or a female or, in respect of gender, a man or a woman, so we take those out and we have substitutes including 'a person', 'a party' or 'they', rather than he or she etc.

It is not unique; it is not a new approach. We have done this before in legislation and I think we can accommodate and support it. I will be supporting this bill for the very reason that it does not attract a new set of entitlements or obligations. What it does, though, is remove words that have the

effect of excluding others—in this case minorities, as they may be, but they are people and they can be considered.

Instead of having 'he or she' or 'male or female', the person who might self identify as intersex or transgender or queer or wanted themselves to be described as bisexual, gay or lesbian—whatever they want themselves to be known as and present themselves to others as—are not excluded. They are not a nothing when it comes to looking at the legislation. I think that is reasonable and the provisions that will prevail as a result of this bill passing will ensure that those who are intersex or transgender will be recognised as a person.

The amendments also remove the interpretive language in legislation that has the potential to discriminate against a person based on their relationship status. Again, this is to ensure that we include those. We have we done this before. We did it back in 1960 when we changed the constitution in the Playford era to ensure that when the constitution referred to 'a person', it was a he or a she. We did that as a result of a Full Court decision of the Supreme Court when a person had challenged the election of Joyce Steele and Dr Jessie Cooper in 1959 as not being 'a person'.

The question was essentially: when is a woman not a person? 'When she wants to stand for parliament,' was the answer. The Full Court said, 'This is a bit too difficult for us. We think the parliament should deal with it.' So, after the election, successful for those two women, the constitution of South Australia was changed to ensure that we had a descriptor which was inclusive. It was to be absolutely abundantly clear, according to Mr Playford and the leader of the opposition at that time who was Don Dunstan, who both committed to ensuring that that legislation would be supported by their respective parties.

We then had a tranche of legislation to recognise those who are not living in a marriage in accordance with the rules of the federal Marriage Act but may be cohabitating as domestic partners, which is sometimes known as a de facto marriage, common law marriage and the like, and we have gone through our legislation, in the time I have been here, to again ensure that persons who may be cohabiting, either heterosexual or homosexual in that sense, can be recognised. We have removed situations where someone might be a partner of a deceased person and would otherwise have no entitlement or opportunity to be involved in the arrangements for the funeral or burial of the person they have loved. We have made sure that we have gone through our legislation to fix that.

In my view, this legislation does the same thing. We clearly now acknowledge and welcome those in the community who identify in a different manner, other than being a male or female. Certainly, they may have been born and identified on the birth certificate as having been identified medically as someone of a male or female gender but, over the age of 18 years, they may self-determine a status and descriptor that they are comfortable with. For whatever reason, that usually is consistent with their sexual orientation or, indeed, their emotional commitment, sometimes, to change into another gender.

I applaud the work of the institute to audit the laws that we have and to recognise the diverse ways in which a person may identify their gender or intersex status. The report also highlights a number of other areas of research which are currently underway, and they relate to consideration of the amendment of the Births, Deaths and Marriages Act to recognise sex and general reassignment laws. We have actually passed legislation in this house, and there is consideration to be given to recognising those subject to reassignment laws in our Births, Deaths and Marriages Act.

There is to be consideration of exemptions under the Equal Opportunity Act and areas of surrogacy which, of course, sometimes come to the fore in our media, usually when there is some tragic circumstance. I think the most recent was a Western Australian couple who provided for the surrogate birth of a child. The mother, living overseas, had two children. One suffered a disability and, at least from the media records, was abandoned, and the mother was left with this child to raise, with the other sibling being brought back to Australia.

When these things hit the headlines, they make us look at how we better deal with these circumstances—in this instance, where a person is asked to carry a child on behalf of others, with or without the donor egg. We need to sort out these issues, obviously, because, whilst paid surrogacy in a number of areas in Australia is illegal, we need to sort of consider this.

Obviously, where women might be in disadvantageous financial circumstances—living overseas and desperate for some financial support—they are vulnerable to being exploited, and we need to ensure that we are not perpetuating a situation which actually supports that. We also, as best we ethically can, need to have guidelines and rules to allow people who are not able to have children to have a child through surrogacy.

The law in relation to provocation is also an important area of reform that needs to be looked at, and there has been a Legislative Review Committee of inquiry. There has been a recent case to the High Court, a case called Lindsay, which at the moment is awaiting retrial in South Australia. It is a South Australian case in respect of the use of provocation as a defence to murder, and that is all still pending.

Then we have this question of what we do in relation to recognition of people who are cohabiting, who are not lawfully married and who have cohabited for less than three years—unless there is a child of the relationship, and where it is a heterosexual relationship that certainly can have occurred. However, at present there are a number of people who are cohabiting and whose status as a domestic partner is not recognised in any way until it crystallises upon the three years of cohabitation.

Certain responsibilities and entitlements flow at that point, but it is not recognised before. So, the question of whether we should have a relationships register is also an area of consideration by the institute. Certainly, Victoria has looked at that, and as I understand it is progressing law reform there which allows for the registration of couples where they would not otherwise be eligible to be recognised at law.

As I understand it, Victoria's proposed model is to make available to Victorian residents, if they were married overseas, for example, an opportunity to go on a register in Victoria, provided that marriage was in certain jurisdictions. In Victoria's case I think it is looking at the United States, the United Kingdom and one or two other jurisdictions.

Can I just say for members who might be at all interested in this area of reform, it will be interesting to have a look at, but at present we do not recognise in Australia an overseas marriage as a lawful union unless it is marriage in a circumstance which is similar to the rules that apply in Australia. So, in essence, if a 14-year-old girl marries a 25-year-old boy in Libya, and it may be lawful in the country of Libya and recognised in that jurisdiction, we would not recognise it because we do not allow people to marry at age 14.

So, it is not just a question of whether it is a man and a woman, and so on: they have got to comply with the fundamentals for us. We do not let brothers and sisters get married, and we do not let children marry between the ages of 16 and 18. Of course, they can have parental consent or a court order, but there are certain age limits, etc. We do not let people have more than one spouse. I do not know who would ever want more than one husband at any one time, frankly, but—

Mr Pederick: There are some countries in the commonwealth.

Ms CHAPMAN: —nevertheless—

Mr Pederick interjecting:

Ms CHAPMAN: That is a novel thought from the member for Hammond. Thank you. Polygamy is not something that we allow under our Marriage Act in Australia, and so if someone comes to Australia with three legitimate wives from their country of origin, then only the first lawful wife—a marriage to the first person—would be recognised as a lawful marriage in Australia, but the other two who may be other co-tenants or resident in the house with him or her we do not give that marital status.

And so one of the things that Victoria has done is to say, 'Well, look, if somebody goes to the United Kingdom and marries, then we will recognise that under a register.' In that instance, it could be a marriage between two parties of the same sex, and that can be recognised.

We will see how that pans out and how it develops, but some more work is being done by the institute on that. I understand we could have something as early as April this year in that area

and, similarly, with surrogacy. In respect of the provocation law, of course, we are waiting for the Lindsay case to be retried before anyone is prepared to re-look at this question.

In relation to the laws relating to sexual reassignment and its registration in our births, deaths and marriages act, I understand a paper has now been completed and is available on the institute's website and, similarly, under our Equal Opportunity Act amendments there are further exceptions. An issues paper has been released and is available for people to make a contribution.

Some of these will be a challenge for members as to ultimately what recommendations are brought here to the parliament, and I think it is important that each of us looks carefully at them as to how they better advance and protect those in our community in a respectful manner and, certainly, that is the way I will approach it.

Can I say that in this area, though, the one thing that has very much disappointed me is that, on the same day as laying this on the table on 10 February, the Premier made a ministerial statement outlining the circumstances of Marco Bulmer-Rizzi's, in his words, 'mistreatment' by the state as a basis for highlighting the importance of the reforms that we are now considering. He introduces this bill but, separately, he gives a ministerial statement about this case.

Members might remember reading, over the summer break, about the circumstance in January when Mr Bulmer-Rizzi was visiting Adelaide from the United Kingdom with his husband David. Their marriage was a lawful marriage in the United Kingdom and, as we do not have same-sex marriage in Australia, on his death certificate (on which our births, deaths and marriages law requires that the deceased's marital status is recorded) his marital status was apparently to be recorded as 'never married'. We read in the paper, of course, how offensive, disturbing and distressing that was to Mr Rizzi, because he in every way understood himself to be the lawful husband of this person.

They were very sad circumstances and I do not wish to in any way diminish the importance of us trying to work through how we deal with those circumstances and how we can be respectful of someone in that situation without being offensive. One way may be that the Registrar of Births, Deaths and Marriages would have some discretion in not recording such information if the information was of distress to the partner in that situation. That is one option.

It seemed a situation, frankly, where, on the face of it, the Premier himself, the great white knight, came to the rescue in this case. If you were to read through what was presented by the Premier, he was the great saviour and acted to ensure that the recording on the marriage certificate was not 'never married' but ultimately something along the lines of 'marriage not recognised in this jurisdiction', or 'this state', or something of that nature. I cannot remember the exact words provided to me as to what had occurred, but I think it was probably recorded in a way to try to minimise the offence to the relevant party, and to also comply with the current law. A bit of tiptoeing had to be done around that to work it out.

I would certainly hope that the Premier was not involved in any direction to the Registrar of Births, Deaths and Marriages, because that would be an offence under the act. In any event, I think, on the face of it, we can accept that there was an attempt made by good men and true to make sure that there was some respectful recording completed.

My point is this: he makes this statement on the basis of the reform that he then introduces, and this bill has nothing to do with that. This bill has absolutely nothing to do with that. It may be, at some later date, that we look at reform which deals with addressing the births, deaths and marriages act, but it is not in this bill. I just find it a bit churlish at best for the Premier to come in and try to pretend that, in some way, he is actually making things better for the people who find themselves in the circumstances of the Rizzis.

Let me get back to the bill and what it is really about. In the summary that I have prepared, the areas of concern include allowing a person self-identifying as a man or woman to be nominated for a board. I must say I think that could cause a few little problems, but I have had a look at it and will ask some questions about that in committee.

Essentially, if someone is transgender or intersex and, for example, is identifying themselves as a woman although they had been born as a male, and there had not been a sex change at that

point but they are seeking to be recognised as a female, it raises questions of eligibility to government boards and so on. I have questions as to whether they can change, or go back and forth, or take up a spot and those sorts of things. In any event, I think I understand the gist of where we are going, and so I am supportive of the principle of what is trying to be achieved.

Another area is to allow self-identity when searched as a prisoner or for a forensic procedure, and this is quite reasonable. I am just going to refer to a current case in Western Australia, which I suppose is a living, breathing contemporary example of what can happen when we do not have a system that allows for some flexibility in this area and for some accommodation of the recognition of someone's self-identity.

In Western Australia, as we speak, there is a person known legally as Clayton James Palmer, aged 38, who is currently charged with grievous bodily harm; in particular, for having unprotected sex with another person last year. He has been charged and is currently being held at a male prison. The complication comes as this person—legally 'he' at this point—is a sex worker who advertises and presents in the advertising material as Sienna Fox, and provides services. There is an alleged victim of HIV, which is why this person has been charged.

Here is the complication: Mr Palmer, or Ms Fox—let us recognise the fact that this person calls herself Sienna Fox and wants to be known as a female, and for the purpose of this exercise I will refer to her as such—has been in court in the last 24 hours, applied for bail, was rejected, and was sent back to the male prison. Ms Fox asked that she be accommodated in the female prison; however, that has been rejected.

How do we deal with that situation? Is it appropriate that, because somebody self-identifies as being female, lives their life and their working life as a female, and presents to the public as a female, they should be able to say, 'I want access to the female prison'? If that person was no longer genetically male, if I can describe it that way, then is there any harm in allowing her to be in a women's prison? Probably not.

However, if she is still genetically male and is capable of presenting as a male, would it be appropriate that she is allowed in a women's prison? Would that be difficult for other women prisoners, especially if they were in a shared bathing situation, for example? These are the sorts of things we have to really think about.

It is one thing to say, 'Let us give recognition to somebody in accordance with how they, of sound mind and over the age of 18 years, want to be known and identify with,' but we have to consider the complications of living in the real world. We have to address that issue. At least this bill says that, if you self-identify, you are entitled to have access to searches by a person of the same gender or, similarly, forensic procedures by someone of the same gender as your self-identified gender, so that covers that.

The third area relates to abortions, that is, terminations of children in utero. At present, most of you would know that it is illegal to either abort yourself post a certain term or, secondly, to assist in an abortion. In fact, there is a maximum penalty of life imprisonment. The law currently, under our Criminal Law Consolidation Act, covers a person who is biologically a woman, but does not deal with someone who self-identifies as a male.

What do we do with people who are genetically female who of course are capable of carrying a baby, but who self-identify as a man? They are still a person who is capable of having a baby. As unusual as that might sound, that has occurred, where a person has had a desire to present as a male, still had the genetic capacity to actually carry a child, and subsequently gave birth to a child. I am not raising this in any way in terms of dealing with an abortion matter, but I make the point that it can happen. We will therefore amend this law to recognise a person who is biologically a woman but who self-identifies as a man.

It may seem strange when you read the amendment, which changes the word from 'woman' to 'someone who is pregnant'. You might read it and think, 'Well, who else could be pregnant other than a woman? That would be a bit unusual', but that is the circumstance, and it can occur. So that is the explanation. Similarly, we have changed provisions to cover a medical termination of a pregnancy, from 'woman' to 'patient'.

We have gone from language of 'chosen gender' to 'gender identity'. Some of that is obviously to become more contemporary. I do not think the bill is entirely consistent. I think we do need to look at some way of trying to keep some consistency here. At some points in the bill we change the wording from 'woman' to 'patient', 'person' or 'someone who is pregnant', which I think adds a bit more confusion.

I would rather us look at a situation where we as much as possible identify whether we are dealing with the removal of 'man' or 'woman' or 'male' or 'female', that we identify it as a 'person' rather than using words such as 'patient' or someone who is pregnant. It just seems to be absurd. I think we can tidy that up a bit.

If the Attorney has a little look at that he might be able to work on it. I think the member for Reynell has the carriage of this bill, and she might have a look at that at some stage during the debate on this matter. It is only a small point. I am not usually a big grammar Nazi, but I just make that point. We are trying to make this more simple for the average person out there to implement, enforce, etc., so let's try to make their job as easy as possible.

It is fair to say that there has been comprehensive consultation on what is being proposed here. It is consistent what we have been doing, in my lifetime, bringing to contemporary language our laws, and I will support it. I will look as carefully as I can at the proposals as they come one by one from the SA Law Reform Institute. I thank them for their work to date, and I expect there will be continued work.

I wish to acknowledge and thank, for advice on this matter and prompt attention to information sought, Mr David Pearson from the Premier's office and Alison Lloyd-Wright from the Department of Premier and Cabinet. She was ably assisted by Lachlan Cibich in providing advice and also Ms Newman from the member for Reynell's office. I thank them for their advice in progressing this bill.

I look forward to hearing other people's contribution on the debate. I should also thank the government for giving advice to provide a briefing on this matter yesterday, which I understand took place for all members to be available. I support the bill.

Ms HILDYARD (Reynell) (16:17): I rise today to also speak in support of this very important bill. I want to thank the member for Bragg for her very detailed contribution. I very much look forward to further discussion with her and other members about its content.

This is a bill that goes to the heart of achieving equality in our laws and in our state. Our state has a long and proud history of leading the way in removing discrimination and in achieving equality with and for all of its citizens. As we rightly celebrated late last year, we were the first Australian state to decriminalise homosexuality and we were the first place in the world to give women the vote. We are a state with many firsts of this type, with a strong, deep and proven commitment to social justice and to inclusion.

Through the leadership of our Premier and our government's request in early 2015 to the SA Law Reform Institute to inquire into and report on any South Australian laws that discriminate against particular members of our community, the institute handed down initial recommendations.

This bill aims to implement the majority of those recommendations. As our Governor His Excellency Hieu Van Le said in his speech when opening this parliament, it is our government's desire to remove discrimination on the grounds of sexual orientation, gender, gender identity and intersex, and this bill is an enormous step towards this and to our commitment to our community to remove discrimination from all of our laws.

This bill demonstrates our government's deep commitment to ensuring all South Australians are included in every aspect of South Australian life, and this is the first in a series of bills that will ensure that our laws include, and reflect, all members of our community. I hope that as others stand here and speak about these matters today and no doubt in days to come, and that as this bill progresses, that we bring hope to South Australians who have not felt like they belonged, who have felt excluded from particular parts of community life, and who have not had access to the same rights as other citizens.

This Statutes Amendment (Gender Identify and Equity) Bill is an important piece of legislation that will bring surety to many South Australians who have been excluded through particular parts of our laws. It is focused on changing the language around our laws so that it is respectful and not discriminatory towards any South Australian.

This bill encapsulates most of what the South Australian Law Reform Institute has identified as requiring immediate action. The power of language is quite something as has been evidenced throughout this process, with many subtle and not-so subtle ways in which the language in our laws can and has discriminated against community members coming to light.

To ensure that we are encapsulating the views of all South Australians through this work, the Law Reform Institute has consulted widely, and has extensively invited public input on the issues raised through this bill. As I always am, I have been heartened by the work of the many advocates for our LGBTIQ community and many others, and their commitment to speaking up and standing up with and for those who have been excluded, and their work towards equality. I am proud that through our consultation on this bill and the bringing of this bill, we are demonstrating that we are prepared to listen with compassion, and we are prepared to act.

This work has uncovered over 100 pieces of legislation that are discriminatory, potentially discriminatory, or, in fact, archaic. For instance, I understand some of my parliamentary colleagues were intrigued to learn that clause 37 of this bill removes from the Landlord and Tenant Act 1936 the right of a woman to retain their mangle should she be unable to pay her rent on her property. A mangle, I have discovered, is, of course, a mechanical laundry aid which has been obsolete for some time.

Ms Chapman: We know what they are!

Mr Pederick: They aren't in some places yet.

Ms HILDYARD: Indeed. A right for women that presupposes, in 2016, that women would require such an item or something similar, including a typewriter, to continue to find employment, is intriguing indeed and, in fact, somewhat bizarre. In our briefing yesterday, one of my parliamentary colleagues did comment that he would be in significant trouble with his lovely wife if she knew that this outdated clause was still in our legislation, let alone if he allowed it to stay there. In my own house, my very kind—

The Hon. S.W. Key: I've 'wrung' her!

Ms HILDYARD: Okay, very good, she knows now. In my own house, my very kind and ruthlessly efficient husband who organises many, many things in our home, including often our laundry, was also surprised to hear that this clause was still in existence. He was, of course, on discovering it, left with no hope that I would ever intimately get to know my mangle or, indeed, any other domestic appliance any time soon.

Whilst these clauses would have been incredibly important in ensuring that women at one stage of our state's history were not left destitute or without the tools of their trade, they are now something we simply must confine to our history books as relics of the past, not our law books of today. Changes like this are a demonstration of what is at the heart of this bill, respecting that as time passes, the needs of our state and, indeed, of our community members, rightly change.

Many of these changes are extremely small and, in fact, for most South Australians, will not in any way affect the day-to-day operations of their lives. Many South Australians will not even realise that these laws have changed, but for those whom they will affect these changes will have a profound impact. In an overarching sense, this bill's passing will demonstrate that South Australia is an inclusive place for everyone; a place that does not discriminate, but values, respects and includes.

Currently, our laws do not recognise the fluidity and diversity of sex, gender and sexuality. The presumption of heterosexuality in our laws, which is compounded by a federal government still shamefully and embarrassingly refusing to allow marriage equality, has ensured that some people in our state face significant discrimination and deal with a lack of rights including around forced divorce, an inability to pursue action if dismissed from their working place and, sadly, many other consequences.

The Guardian last week demonstrated the progress of LGBTIQ legislative reform around our nation. It was sad to see that South Australia, once the leader in social reform, is now considered one of the less progressive states. Through this bill, we are working to change that, to make South Australia the welcoming place that we all know that it is and can be. I look forward to the day when we are again seen to be the leaders in this space.

Just as many years ago our parliaments rightly fought to make language inclusive for women, as the member for Bragg has rightly spoken about, now we must seek to make language inclusive for all. Whilst I understand that a few of my parliamentary colleagues may find some of these changes confronting, we can rest assured that our work here today will better the lives of many South Australians. It will certainly not remove or compromise the rights of any South Australians. Indeed, it will be unlikely to be noticed by many who are not directly affected. It is these small subtle changes that will make an enormous difference in the lives of our fellow South Australians in accessing health services and procedures, at work, and in so many other ways.

I look forward to the ongoing work of our parliament in eliminating all discrimination from our laws. In particular, I look forward to being involved in the progression of other South Australian Law Reform Institute bills this year. It is quite confronting to be presented with a list of all the ways that as a state we discriminate against people, and I look forward to being part of removing all the clauses that do so from wherever they may appear.

Discrimination hurts our fellow South Australians, and I look forward to making it disappear. I am proud to stand with our Premier and publicly state that we will not allow any members of our community to feel alienated by our laws. All campaigns with progressive outcomes take time and, as I mentioned, the changes we are making this year are as a result of years, and indeed decades, of activists and community members actively working together to make change. I pay tribute to the work of the LGBTIQ community and supporters, and deeply thank them for their enduring leadership and commitment over so many years.

I also pay tribute to the work of John Williams and his dedicated team. The work that has been done on this report and others is comprehensive, extraordinary and speaks to the depth of passion for removing inequality that so many in our legal sector have. As I also mentioned, the Law Reform Institute consulted broadly, and in calling for public submissions also allowed commentary on the YourSAy website. I thoroughly enjoyed reading these, and I want to share one comment with the house today. Community member Lincoln Shultz said:

> Let me put this simply. I am a white forty something male and I believe that no-one should have more or less rights than I enjoy—anything less is discrimination.

It really is as simple as that. All South Australians deserve access to the same rights, and I will certainly continue to fight to progress these issues, and with further collective work we will, and we must, see movement in other areas this year, in particular in marriage equality, amongst others. As activist Sam Killermann said:

> If you can do nothing else, do whatever is in your power to make the people in your life feel completely unashamed of who they are.

Through this bill, we can use our power to ensure every South Australian can feel proud of who they are and respected and valued by their fellow South Australians. I look forward to using our power in this way and indeed it is incumbent upon us to do so.

Mr PEDERICK (Hammond) (16:28): I rise to speak to the Statutes Amendment (Gender Identity and Equity) Bill 2016, which is a bill for an act to amend various acts to remove discrimination against lesbian, gay, bisexual, transgender, intersex and queer South Australians. People may not be surprised that I will not be supporting this piece of legislation. I come from a Christian upbringing in a very conservative area in a conservative electorate, and even from hearing just the first couple of presentations today, I am wondering if this is just one step closer to legalising gay marriage by the back door.

Ms Hildyard: You just want the mangle to stay, don't you? Bring back the mangle!

Mr PEDERICK: You've had your go. I appreciate the briefing that the member for Reynell offered to members. I do not know about being happy to go along, but I was interested. Before I went

to the briefing, I was probably going to give a fairly short appraisal of this bill, but now that I have been to the briefing, whether I am confused or confronted or both, I do appreciate the opportunity to ask questions and try to get some answers.

The legislation deals with changing 'a woman' to 'a person' in relation to giving birth, which I find confronting, I will be frank, and I will go into that further. Where it deals with gender self-identification, I think a whole gamut of issues will come up in the future. There have already been issues in the past between different genders in the sporting field. My wife was an under-19 state hockey player and there was a woman who played in another team who had to have a doctor's certificate to prove she was a woman. That is fine; that cleared it up, but I think there is going to be a fair bit of confusion when someone who is clearly male turns up and wants to be part of the hockey team or the women's soccer team and says, 'Well, I'm a girl, let's go.'

What sanctions are in place? Hopefully, I can find out when we go into committee, but I think this raises a lot of questions. Olympic committees would have looked at this as have other sporting bodies, but that is just one field where I think there are a lot of questions about how this will really work in the real world. Quite frankly, I do not believe you can just self identify. One thing I was intrigued to learn was about men being able to have babies. If this legislation goes through, the wording in the appropriate bill will change from 'a woman' to 'a person'. I was intrigued, so we did a bit of googling.

Members interjecting:

Mr PEDERICK: Google, google, google. Google's answer to 'Can a man have a baby?' says:

An unidentified man is the first in Europe to give birth to a baby after becoming pregnant through a sperm donor—

but here is the catch—

The unidentified man who was born a woman delivered the baby boy at home with a midwife in the poor Neukoelin district of Berlin.

I want to talk more about men allegedly having babies. An article in *The Daily Telegraph* states:

Men have given birth to 54 babies in Australia over the past year according to official Medicare statistics which now allow patients to nominate their own gender.

In an echo of the case of Thomas Beatie, a transgender man who preserved his female organs—

note that—

and was billed as the world's first pregnant man in 2007, Aussie men are now also having babies, C-sections and abortions. The surprising statistics have been confirmed by Australia's Health Department.

According to the Medicare data, there were 16 men who gave birth in [New South Wales] last year, 22 men in Perth, seven in Victoria, one in Tasmania and two [right here] in South Australia.

No men gave birth to babies in the Northern Territory—

I am assuming with all the crocodiles up there, they are real men.

The men involved are likely to be people who were born female or with female sex organs who identified as male, or commenced gender reassignment surgery, but retained the physical capacity to give birth.

That is interesting. The article continues:

The men were mostly aged 24-36, with 32 of the babies being born from males in that age group. One man aged 55-64 also had a child. No male births were recorded in the Australian Capital Territory or the Northern Territory—

as I indicated before—

according to the Medicare statistics.

The Australian Department of Health, as I said, confirmed these statistics to News Corp, and the department is aware of cases of persons identifying themselves as male having pregnancy-related treatment which can be claimed under Medicare. 'Previously these items could not be paid to male patients,' a health department spokeswoman told the *Herald Sun*. In addition to men giving birth,

they have also been accessing abortions, although exact figures on this are unclear as they are tallied under the same code as a dilatation and curettage.

Transgender Victoria spokeswoman Sally Goldman told the *Daily Mail Australia* the statistics do not come as a surprise, and she supported the decision by Medicare to allow people to record their own gender. She comments:

> People need to be their true self in relationship to gender identity and gender expression…I'm not really surprised.

As for whether she believes this will be something we see more often in the future, Ms Goldman predicted that we will see the number of transgender males giving birth increase: 'I think it will…people are saying well we've got a right for life, so yes it will increase.' She added that, while she understands that while people's relationships with their body and gender identity run deep and may differ, people have the right to simply be themselves. 'We're not just two groups of three and a half billion each, we are all different people,' Ms Goldman said.

I think we are getting onto very dangerous ground. In a 2012 *New York Times* op-ed, biologist Greg Hampikian declared that: 'Women are both necessary and sufficient for reproduction, and men are neither,' which is an interesting quote. The provocative title was 'Men, who needs them?' but, in light of a new discovery from Cambridge researchers that sperm and eggs could potentially be created from skin cells, there is no telling what human reproduction will look like by the end of the century or how gender will matter, if at all. I am just quoting this piece:

> Forget everything you know about making babies. In the far future, gay male couples could be having biological offspring without a surrogate and women could be having children in old age.

As *The Guardian* reports, a team of researchers led by Azim Surani at The Gurdon Institute in Cambridge developed primitive forms of artificial sperm and eggs known as primordial germ cells out of skin tissue. These PGCs are genetically matched to the tissue donor, which would hypothetically allow couples suffering from fertility issues to have their own biological offspring instead of resorting to the use of a sperm or egg donor.

One comment about the declaration by Hampikian that men are irrelevant to reproduction is that it may have been decidedly premature. Surani tells *The Guardian* that women's skin cells can only produce eggs because they typically lack a Y chromosome, but that skin tissue from men, who have both X and Y chromosomes, could hypothetically produce both eggs and sperm, although such an outcome seems unlikely at present.

I just want to talk about something a bit further fetched, if we can keep going down this path. Complete male reproductive independence would also hinge on artificial womb technology—and I became aware of this technology yesterday—also made headlines in 2014. Ectogenesis—the technical term for the artificial womb—has been in development for over a decade, and futurist Zoltan Istvan predicts that it will be available and used widely within 30 years. In an email to *The Daily Beast*, Istvan added that:

> It's very possible that natural birthing will start disappearing over the next 25 to 50 years because of advancing technology.

So far, goat embryos have been carried to term in these artificial wombs, but human embryos have only been grown for 10 days due to current restrictions on human cloning. If it turns out that viable sperm and eggs can be produced from male skin tissue, the existence of artificial wombs could hypothetically allow two men to create both kinds of sex cells from their skin, fertilise the egg with the sperm in vitro and grow the resulting embryo outside of a human womb. No women would have to be involved at any point. So, we have had both sides of the argument, and one argument says that we do not need men and the other is saying that we do not need women. I guess that we might need a person though.

Mr Duluk interjecting:

Mr PEDERICK: Indeed. For the first time in human history reproduction could become a boys' club. Surani cautions that it is far too early to imagine it happening any time soon. He told *The Daily Beast*:

I should stress that this work is at a very early stage and there is much basic work needed first before even contemplating that possibility.

It is interesting because there has been some work done with mice, and still such an outcome would not be unprecedented in mammals. *The Daily Beast* article further states:

Male and female mice with two biological fathers have already been produced and the process will not work the same with humans, of course. However, Surani's team may have just taken a very early step toward allowing gay men to reproduce without having to rely on a donor or a surrogate.

I think that we are starting to go down a very slippery slope. If I thought I was confused and confronted at the briefing, I was confused and confronted when I got this information off Google, I can assure you.

An honourable member interjecting:

Mr PEDERICK: No, fair enough. This highlights another issue which has come up recently in regard to the Safe Schools program which is managed at a federal level. It was a federal Labor issue that the Coalition has been looking at, and thankfully yesterday Prime Minister Malcolm Turnbull requested an investigation into a taxpayer-funded program aimed at helping lesbian, gay, bisexual, trans and/or intersex school students. The Safe Schools education program is set to be reviewed following fierce criticism from some Coalition backbenchers.

According to its website, the Safe Schools Coalition offers resources and support to equip staff and students with skills, practical ideas and greater confidence to create a safe and inclusive environment for same-sex attracted, intersex and gender diverse students, staff and families, but some Coalition MPs have been agitating against the program saying that it raises several issues that are inappropriate for teenagers and young children.

Education minister Senator Simon Birmingham has written to state and territory education ministers asking them to confirm that parents are being consulted before schools introduce the scheme. The review of the program's material and its use is expected to be completed by mid March, little more than a year before its funding agreement with the commonwealth expires. In a statement Senator Birmingham said that homophobia 'should be no more tolerated than racism, especially in the school environment'. Then he states:

However, it is essential that all material is age appropriate and that parents have confidence in any resources used in a school to support the right of all students, staff and families to feel safe at school.

Then we come to my good friend Senator Cory Bernardi and his comments in regard to this program. 'The program is indoctrinating children', Bernardi says. Senator Cory Bernardi told the ABC that the program was seeing children 'being bullied and intimidated into complying with a radical program'. He has called on the government to withdraw funding for the program saying:

It's not about gender, it's is not about sexuality. It makes everyone fall into line with a political agenda. Our schools should be places of learning not indoctrination.

As I indicated earlier, the program's federal funding was allocated by the federal Labor government in 2013 when an $8 million investment was announced for the program convenor, Foundation for Young Australians. It also received some state funding, with the Victorian government allocating $1.04 million in its 2015-16 budget. The Safe Schools Coalition Australia's government website described the program as follows:

…the first funded by the Australian government aimed at creating safe and supportive school environments for same-sex attracted, intersex and gender diverse people by reducing homophobic and transphobic bullying and discrimination in schools.

I just want to read a few comments from my good friend Senator Cory Bernardi. I am quoting from an article he has written:

This morning the media asked for my thoughts on a story on the front page of *The Australian* about a taxpayer-funded 'gay manual' introduced to schools.

The program, written by homosexual activists and supported to the tune of $8m by the federal government, encourages children as young as 11 to become advocates for the homosexual cause.

The course materials make all manner of ridiculous claims. They insist that asking about the gender of a newborn reinforces a 'heteronormative worldview' and promotes homophobia. To utilise the same terminology against these fools; they are clearly being heterophobic!

Further, the producers of this propaganda claim that ten per cent of people are same-sex attracted and a further 4 per cent are transgender. These figures stem from the discredited research of Alfred Kinsey in the 1940s and are not supported by either US or Australian statistics.

In fact, they overstate the truth by many multiples. Like so many other 'causes du jour', the truth matters little to the advocates.

The program also isolates students in front of the entire class if they don't comply with the mantra demanded of the homosexual activists. This is bullying on a grand scale and the fact it is in any way sanctioned through federal funding is a disgrace.

The government has hidden behind the claim it's an optional program but that statement conveniently ignores the fact that the Victorian government has made it mandatory for their schools from 2018.

Perhaps the most alarming aspect of the program is the part where 11-year-old children are asked to imagine themselves as a 16-year-old going out with someone of the same gender that 'they are really into'. What sort of an education system asks that of pre-teen children?

At a time when too many of our schools are failing to maintain teaching standards, when the literacy and numeracy rates of students are falling, when demands for school funds climb ever higher, why would any government even contemplate supporting such a desperate political agenda targeting our schoolchildren?

The homosexual lobby demand tolerance and truth but their actions, including by virtue of this school program, demonstrate the polar opposite.

Not satisfied with pursuing religious figures through the legal system over their support for traditional marriage, activists are now seeking to co-opt innocent children into their agenda of intolerance.

Of course, like every other Australian, homosexual activists are free to pursue their cause among the adult community in whatever manner they like, within the bounds of the law. But they should have the decency to leave our children and our education system out of it.

That is the end of the quote from Senator Bernardi. I am concerned. I happen to have an 11-year old child at school and I have not heard of this happening at his school but, if I do, there will be a couple of phone calls being made fairly quickly, because I do not believe that children aged 11 should be taught about chest binding or hiding your penis. I think it is absolutely outrageous and there is no way it is something the education system should tackle. In regard to a constituent enquiry about the Safe Schools issue, I quote:

Dear Mr Pederick

I am horrified at the content of the Safe Schools Programme: chest binding for girls, unisex toilets, cross-dressing, gay and lesbian sexual techniques etc.

Apparently its intent is to stop bulling but if that was the case all forms would be addressed, not just the harassment of gay/lesbian students. Bullying based on race, appearance and disability is far more prevalent than that of sexual preference.

With deep concern

I have deep concern, too, and I will certainly be voting against this legislation because I think we are on a very, very slippery slide.

The Hon. S.W. KEY (Ashford) (16:48): I rise to support the Statutes Amendment (Gender Identity and Equity) Bill 2016, an act to amend various acts to remove discrimination against lesbian, gay, bisexual, transgender, intersex and queer South Australians. In February last year, as part of his speech at the opening of Parliament, His Excellency the Hon. Hieu Van Le AO said:

My government will invite the South Australian Law Reform Institute to review legislative or regulatory discrimination against individuals and families on the grounds of sexual orientation, gender, gender identity, or intersex status.

Their recommendations will then be considered in the South Australian parliament.

In researching the matter of gender identity and equity, I was overwhelmed by, I must say, the fairly recent information and research that is available. Having left home and lived independently as a teenager, I lived in a share house and got to meet other young people who had been born male but identified as female. I remember my dear father in particular telling me how lovely he thought my

friend Rene was, and how he was impressed by her work in the emergency area as a matron nurse at the Royal Adelaide Hospital. He just assumed—and I think quite rightly—that Rene was as she identified and presented as: a woman.

Sadly, it took many years for the change from Rick to Rene. We are talking about very early medical intervention, and then the extensive paperwork journey. One of the interesting points that Rene raised with me later in life was that, as a woman, she was told that she would not have the same access to promotions within the health sector, and also that she should not worry about superannuation, because basically women in the public sector in those days really did not take it up. So, that was an interesting point for Rene to come to terms with, along with other ways in which women are discriminated against just by being women.

My whole time in this place has been dedicated to trying to make sure that South Australia lives up to its reputation as not supporting discrimination, and aiming for an equal community. This, to me, is just another part of that plan, and is certainly part of my agenda. I would just like to compliment the work that is being done. A whole team of people have been working on these changes, and it is particularly heartening to read the reports that have been put together by the institute, under the guidance of Professor John Williams. I thank them for that work.

As I said, I have been researching this area, and I must say I was overwhelmed by a lot of the information, from *Scientific American* right through to a number of different journals. One that really caught my attention was a report from the Zoe Belle Gender Centre looking at how many people are gender diverse in Victoria. It says:

> There is little data on the percentage of people in Victoria whose gender identity does not conform to binary sex and/or gender expectations.
>
> This lack of data is due to factors such as the:
>
> - limited amount of available research
> - difficulties collecting accurate data across a broadly-defined population
> - barriers such as social stigma and expense that prevent many gender diverse people from accessing services where they might be counted
> - reluctance to disclose one's gender identity
> - lack of support and referral services (who might collect such data) available for gender diverse people in Victoria.

One of the reasons I have raised this report in particular is that, as the member for Reynell has told us, there has been extensive consultation with the community in South Australia to try to work out what sort of profile we have and what changes are needed. Again, I compliment the work being done. The article goes on to mention that there are:

> Many studies [that cite] a low prevalence of gender diverse people [because they] use data such as the number of people presenting to legal entities to receive a gender recognition certificate or the number of people who present to clinics to receive medical treatments such as hormones or surgery.
>
> Studies citing a higher prevalence either use survey data of the population or estimates calculated from other prevalence data using broader definitions of sex and gender diversity, including people who cross-dress and people who identify as gender diverse and who do not seek medical interventions.

There was some research conducted by Professor Lynn Conway at the University of Michigan in 2002, and the paper was produced—I do not know whether Lynn is a he or a she, so I will just say Professor Conway—with calculations of the prevalence of gender-diverse people. The report continues:

> Conway used a broad definition of gender diversity including people who identify as transsexual, transgendered, cross-dressing, and people who might have transgender feelings but who would not seek to transition.
>
> Conway estimated that as many as 1 in 20 men might cross-dress at some point in their lives—

that would be an interesting statistic in this house, for example—

> 1 in 50 people might have strong feelings about identifying as a gender other than their birth gender, 1 in 150 people might have intense feelings about identifying as a gender other than their birth gender, 1 in 200 might transition without undertaking surgery and 1 in 500 might transition with surgery. Using these estimates:

- 8.4 per cent of the population could be identified as gender diverse
- 1.9 million people in Australia could be defined as gender diverse
- 466,000 people in Victoria could be identified as gender diverse

The article goes on to say:

However, Conway's figures are higher than the often-quoted prevalence of 1-2% by advocacy groups and much higher than the figures presented in sources that use medical transition only as their definition.

The articles goes on with a whole lot of different statistics. For instance:

…the American Psychiatric Association estimated that 1 in 30,000 adults transition from male to female and 1 per 100,000 adults transition from female-to-male…

These statistics are now widely regarded as out of date.

A more recent paper published in 2010 by the Australian Research Centre in Sex, Health & Society at La Trobe University in Melbourne cites a statistic that 1 in 11,900 adults transition from male-to-female and 1 in 30,400 adults transition from female-to-male…

In 2009, the National Health Service (NHS) in the UK funded the Gender Research and Education Society to study the prevalence of people with gender dysphoria in the UK…They found that:

- The number of people presenting for treatment of gender dysphoria in 2008 was 20 per 100,000 people, or 10,000 people in the UK, of whom 6,000 underwent medical transition
- The true prevalence of people presenting for treatment of gender dysphoria is likely to be around 0.24% of the UK population.

As I said, there is a lot more recent information that is available talking about the need for us to make sure that people in our community are not discriminated against. To me, this particular bill should be the least offensive of a whole agenda of discriminations that we want to deal with in this place where we are actually making sure that we have inclusive language. By using this inclusive language we are trying to make sure that people do feel part of the South Australian community. I commend this bill and congratulate all those who have been involved in bringing it forward today.

Mr KNOLL (Schubert) (16:58): I rise today to make a contribution to this gender identity and equity bill. I want to state two things from the outset. First, I applaud the intent of this bill and the idea that our laws need to be more complete and inclusive so that all South Australians feel that they have ownership in our society. Areas where we can remove discrimination or make sure that our laws encompass all South Australians is a very good thing and a very worthwhile endeavour.

On the other side of the coin, as a committed conservative, I am also the voice against the unintended consequence, and there are some issues that I would like to delve into in this bill. However, having said that, I want to put on the record first and foremost that I am supportive of what this bill intends to do.

People who have to deal with gender identity issues face a difficult path. Hetero-normative views (a term that I have seen a little bit more recently, in the last few weeks) are probably views held by the vast majority of Australians; in fact, up to 97 per cent of people are heterosexual and identify as a man or woman. Some of the statistics that the member for Ashford talked about showed that the numbers of people who have gender identity issues or undertake transgender operations or sexual reassignment operations are small, but it is still important for us to include them in our society. They are valid and worthy members and they need to be recognised, but they do fight a difficult path.

We live in a society that has fundamentally been male-female and, to a certain degree, as that is the overwhelming majority of the population, there is primacy for that understanding, but that is not to say that we cannot encompass gender identity in a more holistic way. In this instance, I do not think the law should make it harder for people who struggle with gender identity issues. Certainly, I can understand that growing up without having a firm understanding of where you think you belong, looking at children and teenagers around you and their confidence in understanding who they are, having insecurities or a lack of firm understanding of where you fit in the scheme of society can be difficult.

We need to do what we can in order to make sure that we are an inclusive society. It is a fundamental tenet of the Liberal Party that we believe in freedom and the rights of the individual. I believe that this bill is about ensuring the rights of each individual rather than, say, 99 per cent of individuals. On that score, I applaud it, and if we can do anything to help people who are struggling with difficult issues around coming to a conclusion on who they are, how they express themselves and how they fit within our diverse society, then I think we as lawmakers should be doing that.

We have been through the clauses in a briefing that the member for Reynell put on yesterday. A lot of what we are seeking to change is fundamental and straightforward, and a large part of this bill is quite straightforward. By its very nature it is law, and it is fundamental and it is not specific. I think that what will happen as a result of this bill, if it is enacted, is that it will spark a whole series of questions in a whole series of areas; and I would like to go through some of the issues.

The changes sought in this legislation do not necessarily provide for these but, having said that, the changes that we are looking to make I think will lead to conversations that organisations within our community are going to have. The first of those is sporting organisations, and the member for Hammond talked about that. Sporting organisations will need to make sure that they sit down, have a chat and deal with the issues around self-identified sex and create policies for how they are going to deal with them as they arise. We certainly want to make sure that we are inclusive, but we do not want to increase areas where there can be litigation against sporting organisations because of the complexities that we are seeking to introduce.

Sporting organisations of all colour and stripe will have to start to deal with how we involve gender diverse and intersex people within single sex sporting environments. I assume that these things are happening now, that we have gender diverse people involved in either male-only or female-only sport. As we give rise to these issues, as we give this parliament's megaphone to these issues, I think that they are going to become more prevalent, and we need to have a greater understanding of how we deal with these things.

I know that yesterday we had some discussions around the policies that police and corrections officers have, but I think that is a very live issue. For me, probably one of the fundamental questions with this legislation is: how are we going to deal with a situation where a gender diverse or intersex person says, 'I only want to be searched by someone of my own gender', and police and corrections do not have the ability to provide somebody of that same gender to be able to accommodate that. I think that is a fundamental issue that we are going to have to deal with.

Is it a case where we are going to ensure that we employ intersex or gender diverse corrections officers and police officers to deal with these situations? What is the practicality of that? What is the practicality of that in rural areas, especially where numbers of these sorts of staff are lower, meaning that we do not necessarily have the critical mass when we are dealing with a smaller section of the population?

One issue we talked about yesterday was around the provision of toilet facilities and around whether or not we now need to have a discussion about having not just male and female and disabled toilets, but whether we need to provide for intersex or gender-diverse toilets. Is that something that we are going to see happen down the track? It is not something that is necessarily insurmountable at all: it is just a conversation that our community increasingly is going to have to need to have.

As I said from the outset, as a committed conservative, I am the keeper of the unintended consequence, and yesterday it was remarked upon that my imagination sparked a few scenarios that I suppose were a little bit out of the box, and I would like to come through to those. In doing so, I just wanted to deal with clause 9 and changes to specific references to a woman, or the pregnancy of a woman. It updates the language to essentially say that it is no longer a woman who is going to be pregnant but that 'someone who is pregnant' is the terminology that is going to be used.

I have long, tongue in cheek, suggested that I feel discriminated against as a man because I have been unable to understand the joys and the pains of childbirth, and of being pregnant. Indeed, my wife is pregnant at the moment, about 6½ months, and she is getting to the harder end of pregnancy where you are carrying around this thing that ruins your centre of gravity and does not allow you to sleep properly, and kicks at all stages of the day and night.

It is also at the stage of the pregnancy where, if I am sitting on the couch next to Amy watching television, she will smile to herself because she can feel the baby moving inside of her, kicking around, and there is a bond she has with that child. We will get to see him or her very soon, but there is a bond that they have that I feel a little bit jealous of, because I will never understand that connection.

I suppose the other side of the coin is that when I make these sorts of remarks, my wife pipes back: 'Men are too weak to have children; you guys wouldn't be able to survive the pain.' I often say, 'Well, if I could get pregnant and I could gestate a foetus and give birth, then I would be happy to do that'—knowing full well that I am never going to have to do that. But as I found out yesterday it may be in the future that my bluff is called, because there is an ability for an artificial womb to be inserted into me.

So, that is going to be a bit of a difficult conversation when I get home. I am not sure whether we are going to go beyond two children, but that is a discussion I now have to have with my wife. As the member for Hammond pointed out, we are grappling with some of these issues that were abstract or futuristic, and we are now actually having to have a discussion around them.

The spirit of these changes is positive, and they are designed to empower those who do not identify as male or female based on their birth certificate, but I would hate to see these laws and these changes used by people to circumvent the law, and I want to give a few scenarios. The first scenario is this: we have a man and he is perverted. He is a perverted man, and he decides that he will identify as a woman for the purposes of being able to enter female toilets or female change rooms saying that he now has the ability to self-identify his gender, and he is going to use that to give himself access to places he otherwise would not have. I think that that is an unintended consequence that I would hate to see legalised as an outcome of this bill. It is something that I think that we need to grapple with as lawmakers.

I know we discussed this yesterday, but I would hate to see a scenario in which potential criminals use this. An example I would use is if a young man who has quantities of illicit drugs on his person is being pursued by police. The police catch up to him and they have reasonable grounds to search him, but he turns around and says, 'Well actually no, I am identifying myself as an intersex person and I refuse to be searched by anyone who is not of the same gender identity as me,' and does that in order to evade detection.

Assuming the police have policies to be able to deal with that, I think that is an issue that can be overcome, but having said that, it does create difficulties for our police force. I know we are grappling at the moment with whether or not people can refuse blood tests or mouth swabs, or blood alcohol or drug tests. I would hate to see a situation where, for instance, somebody stalling for time to help them sober up or get over the few joints of marijuana they smoked last night, uses self identifying as a separate gender—as intersex or gender diverse—as a way to evade detection. Again, I would hate to see these positive and good-spirited changes being used as a way to obfuscate the law. I think that that is something that we need to look at.

This gets to the crux of the issue that I have, and it is one that I would seek to improve as part of this bill. This bill does not seek to change the way that people declare their gender, and I think that that is a flaw. I think that there should be a way for us to be able to protect the good that is in this bill and the good that is seeking to be done, and empower people to be able to choose their own identity, whilst at the same time safeguarding against those who would seek to use these changes for their otherwise nefarious purposes.

I think that does come down to how we declare gender. I think that if we are going to allow people the ability to self identify—and I think that that is a good thing—we should ensure that the process for doing so is rigorous. For instance, accepting people's gender based on what is on their birth certificate, and them having the ability to state whatever gender they want on their birth certificate, might not be a bad way to be able to deal with this issue, so that you cannot just, when it suits your purpose, decide on a different gender.

If you are going to make that decision, and you have come to a decision, whether male, female, intersex or gender diverse—or indeed not have a sex at all recorded on your birth certificate, which may or may not be something that we can do now—we should use that process in order to

protect those whom we are seeking to empower and who take that very deliberate and serious step, whilst stopping those who would seek to use this bill for other purposes from doing so.

I am just flagging now that that is an issue that I am going to raise and that I am hopefully going to help improve this bill during committee through that; I still have some work to do. It seems to me at this moment that it is the desire of this parliament to deal with this bill quite quickly, that we indeed do that. I think that there is a whole heap of consequences that we are not able to fully understand now. I know that we are not going to be able to understand all of them, but we should do our very best to understand most of them.

The question I asked yesterday, and again the member for Hammond talked about it, was whether or not there is an ability if two men who want to get married—which is obviously not legal in Australia—for one of them to identify as a woman for the purposes of seeking to be married, and then post marriage seek to identify as a man, as a way to be able to circumvent the current law. Perhaps that is an issue that is made easier because of the passage of this bill.

I think there is good intent and good spirit here that we need to encapsulate, but we need to ensure that we know what we are doing and that we are doing this with our eyes wide open. What I would hate to see is this bill passed and enacted and the unintended consequences that we do not think of allow situations that undermine the support for this piece of legislation in the community.

I would hate to see instances where this legislation is used for nefarious purposes, with the result that the public says, 'Well, hang on, our parliamentarians couldn't think of this? Our parliamentarians couldn't understand that this is what they were going to do?' and support for these changes is diminished. That is not what I want to see and therefore I want to make sure that we get this right here and now, to make sure that our community moves forward in such a way that the majority can support what we are seeking to do and we ensure that those who need to be empowered are and those who do not will not be.

The Hon. P. CAICA (Colton) (17:16): I rise today to support the Statutes Amendment (Gender Identity and Equity) Bill. To me, to a very great extent, it has been a long time coming and I am very pleased that it is now here. You would also be pleased to know, Deputy Speaker, that I will not use my full 20 minutes. When the Premier introduced the bill, he spoke about our celebrated history here in South Australia. It has been a pleasure of mine to sit here for over 14 years and look at the tapestry of our suffragettes over the other side of the chamber, which recognises the role those women played in making sure that South Australia was among the first jurisdictions in the world to give women the right to vote.

In introducing the bill, the Premier also said—and I am old enough to remember this—that we are celebrating 40 years since the removal of discrimination against homosexuality and I am very pleased that that is the case. I am also old enough to remember the homophobia that existed at and around that time and the tragic circumstance of the death of George Duncan. If I borrow from my short contribution on the presumptive parenting bill, my conscience tells me that to do anything other than to support this bill is the wrong thing, and not the right thing, to do.

We have within our community a number of people who identify in different ways with respect to their sexuality and we have a responsibility as legislators to make sure that the statutes currently in place which do not recognise these people—and which, in fact, by not recognising them, discriminate against them—are properly addressed by this parliament, so I will obviously be supporting this bill.

I do not want to reflect poorly on any of the previous speakers and I will not do that. I respect their right to hold their views, even though I disagree strongly with some of the views that have been expressed. It seems to me, in referring to the member for Hammond's contribution, I would add that, in my view, he has followed in the footsteps of previous members for Hammond who have made very colourful contributions to this parliament.

Mr Pederick interjecting:

The Hon. P. CAICA: Well, you did channel Cory Bernardi, so you might as well channel the Hon. Peter Lewis. I make no apologies for that and I am not having a crack at you, but—

The DEPUTY SPEAKER: This may be where you need my protection, member for Hammond. I am throwing myself between him and you.

The Hon. P. CAICA: Anyway, I found it a very interesting contribution, but the point that I wish to make is that the member for Hammond talked about a slippery slope. The slippery slope in these existing circumstances is a slippery slope for South Australia if we do not recognise the diversity that exists within our community and the responsibility of this parliament to ensure that those people are recognised under statute and afforded not only the recognition but the protection from discrimination that that recognition provides. That needs to be done, and I am confident this parliament will vote that way. The other point I would make is it is probably too strong to say I have a lot of time for some of my colleagues on the other side of the chamber—

The Hon. T.R. Kenyon: You have some time.

The Hon. P. CAICA: —but I have some time for colleagues on the other side of the chamber. They refer to themselves as Liberals. I think every one of you over there identifies yourself as liberal. It is fine for you to be liberal when it comes to certain aspects of people having the right to choose what they do with respect to the economy, or what they want to do in regard to a whole host of other issues, but when it comes to people identifying who they are and what they want to be identified as, when it comes to people being able to be treated equally under the law, you want to interfere with that. You want to continue to prevent people from being able to be recognised—

Mr KNOLL: Point of order, Ms Deputy Speaker: did the member for Colton address his remarks through you?

The DEPUTY SPEAKER: He is addressing his remarks to me because he is looking at me while he is talking.

The Hon. P. CAICA: Looking straight at you.

Mr KNOLL: He is saying that you—

The DEPUTY SPEAKER: I understand him better; sit down.

The Hon. P. CAICA: If you are shocked and offended by the fact that there are certain circumstances when you prefer to be—

The DEPUTY SPEAKER: Member for Colton; looking at me.

The Hon. P. CAICA: Sorry, Deputy Speaker. When members of the opposition wish to identify as Liberals but, on other occasions, when they—

Mr Pederick: It's a conscience vote.

The Hon. P. CAICA: Yes.

The DEPUTY SPEAKER: Order!

The Hon. P. CAICA: I am talking about, Deputy Speaker, what appears to be a breach of the Liberal ethos. Notwithstanding all that—

Mr Knoll: Why don't you just debate the issue instead of attacking everybody else who disagrees with you?

The DEPUTY SPEAKER: Order, member for Schubert!

Mr Knoll: Why is that always a feature of the left?

The DEPUTY SPEAKER: Order!

The Hon. P. CAICA: The member for Schubert should go onto the computer and do what you do well.

The DEPUTY SPEAKER: 131, and you are not to respond to interjections.

The Hon. P. CAICA: No, I won't. They are both as bad as each other, interjecting and responding to them, Deputy Speaker. I am looking you straight in the eye. I just think that we have a collective responsibility to address the things that need to be addressed in regard to the recognition

of diversity within our community and to make sure that that recognition equates to equality for those people—it is as simple as that.

I am really pleased that this bill is before us. I, too, like the previous speakers, want to congratulate John Williams and his team on the work that they have done. John Williams is an outstanding South Australian, and he has surrounded himself, by all appearances with respect to the advice that has been received here, with equally outstanding South Australians who have done some very good work in providing advice and recommendations to this parliament. I put on the record my congratulations for the work that they have done. As I said, I am not going to hold up the chamber for very long. My view on these things is to get the vote over and done with. Let's fix it.

An honourable member: Bring it on.

The Hon. P. CAICA: Bring it on, just do it, and let's get it on. I will finish off with this point: the member for Hammond, in his contribution, again talked about Safe Schools. It appears that the member for Hammond may be a victim of some of the misinformation that has been passed around about what the purpose of that program is.

I am very pleased and proud to say that I support a true Liberal, Simon Birmingham, who has been in the media and made his statements about the importance of this particular program, the reason it should be delivered and how it should be appropriate to age in respect to its delivery. We all agree with that, and I think he is being a very good minister in this regard.

I am very disappointed that the Prime Minister has, it seems, succumbed to some of the more radical views that exist within the conservative wing of his party in requesting a review of that particular program. I think that is a mistake. I am hoping that it is just to satisfy for a short period of time those people who have requested that review, and that this program will continue to be implemented and continue to be conducted in our schools here in South Australia and beyond.

In conclusion, I certainly support this bill. I urge the house to support it. I want to see a speedy conclusion, if you like, to the debate so that we can get on with this vote and, in turn, in future months, address those other areas with respect to the recommendations that have been made by John Williams in his review committee and get on with that work as well.

The Hon. T.R. KENYON (Newland) (17:25): I will try not to delay the house unduly, maybe just for five more minutes but not too long. Just to go through a few of the thoughts that I have on this bill, and to indicate a couple of areas where I will certainly be asking questions and possibly seeking to make some changes to the bill. Firstly, let me say at the outset—and it probably goes to some of the questions raised by the member for Hammond around the Safe Schools program—that people should not have to suffer because of who they perceive themselves to be, because of the way they view themselves and the way they feel about themselves, and given that I can understand the intent of something like the Safe Schools Coalition and those sorts of things.

No-one wants to see, for instance, a return to the attitude of, 'Yeah, let's go and bash some poofters', or whatever else. No-one should be bullied, no-one should be physically harmed, no-one should be threatened, no-one should be intimidated and no-one should be damaged whether that is physically or mentally because of who they are, because sometimes life can be difficult enough without having to suffer that pressure from the outside.

I can therefore understand the intent of that Safe Schools Coalition, but there are some genuine concerns about that and I accept that, and people have concerns about the way in which their children are educated about matters, and that is entirely relevant. That has to be respected because when you hand over your children to the school every day for how ever many days it is a year—too few, Minister for Education; if you can extend that out so that the children are there pretty much, I don't know, 345 days of the year, that would be good for me—you cease to be the biggest influence in their life at that point.

When they are five years old and they walk into school, as a parent you become decidedly less relevant to the way in which they see the world. That is not unusual because they are suddenly encountering a whole lot of people and that is a difficult transition for some people, especially for those of us who have more conservative beliefs or religious beliefs.

Especially if your children are going to a state school, for instance, you are handing them over to an organisation that does not share those beliefs and it makes no pretention that it does. It certainly does not. You are inherently cautious about what is being told to them. So, I can understand that there are some concerns about that program. No doubt that will be brought out publicly over the next few months with a review and everything else that is going on, but, having said that, I agree that people should not feel intimidated. It is not right for kids to grow up feeling that it is okay to intimidate people or to put them down for the way they are. In so far as it is an attempt to do that then that is a reasonable thing. More specifically on the bill, there are a few things, having quickly flicked through it. Even for someone as conservative as me, it does not appear to be an entirely unreasonable bill, but—

Mr Picton interjecting:

The Hon. T.R. KENYON: I know, I am getting mellow in my old age, it's terrible. I do have some concerns with it. While most of the bill is entirely reasonable in many ways, there is one clause that seems to me to descend into high farce, and that is the clause around the pregnancy. I am reminded of one of my favourite movies. I must admit that one of my favourite movies is Monty Python's *Life of Brian* and seeing the Popular Front for the Liberation of Palestine deliberating about Loretta's right to have a baby.

The Hon. S.W. Key: Judean People's Front.

The Hon. T.R. KENYON: Judean People's Front. Sorry: I forgot they were splitters. That's right.

The Hon. S.E. Close interjecting:

The Hon. T.R. KENYON: Splitters over there: that's right. I did not mean to inspire the house to degenerate into a series of Monty Python quotes but it is certainly my view that the idea that it is a female, a woman, who gives birth to children is so intertwined with the definition of what it is to be female that it is just too much for my brain to comprehend. I apologise to those people who are very comfortable with it. I am not, and I will be giving some thought to that particular clause.

The second point is more practical. As the member for Schubert pointed out in his speech, there will be, no doubt, some practical implications of what we are doing in changing the law. This has been reviewed by a group of eminent people such as the Law Society and jurists, and whoever else, and no doubt has been thought through very thoroughly, but I will give an example.

If I owned a gym, in the ordinary course of events I would have a female change room and a male change room and I would have, as the owner of that gym, a duty of care to my customers to make sure that they are safe and protected. Let us say, just for the sake of the argument, that some of the blokes from the footy club, having seen the act (as it will become), decided it would be a great laugh to go down to the gym and say, 'I am intersex and I insist on going into the female toilets,' the intent of which was only to be in the female toilets to look at women naked and all of that sort of thing, which would be pretty reprehensible behaviour, in my view.

If you have people exploiting the definitions contained in this act to those ends, there needs to be some protection. I will be thinking over the next week or so about how we might introduce some protections, particularly for women but for everybody, against exploitation of these definitions which do precisely what the definitions are designed to prevent—the intimidation, the harming or the belittling of people. I will be giving some thought to that and how we might strengthen the act to prevent those sorts of things.

The Hon. S.W. Key: Another amendment.

The Hon. T.R. KENYON: Yes, another amendment, as the member for Ashford has uttered up the back there. It is not unusual that I would get something wrong but it may be that my grasp of the legislation is not sufficient enough and it is not needed, but I will certainly be considering that over the course of the next week before we come to the committee stage of the bill.

I am fighting myself here because I am not sure whether I will be supporting it or not at this point; but I, certainly, like the member for Schubert, acknowledge its good intentions. Many times we have seen in this parliament people have diametrically opposed views on a number of issues—

economic, social or whatever it is—and, in my experience, people come into this place with good intentions—in fact, only the best of intentions. I am sure that is the case with this bill, and I acknowledge that it is. In fact, it is the same for me: any opposition or amendments I may have to it are with the best of intentions as well. That is where I am coming from. I will await the judgement of the house and look forward to the committee stage.

Debate adjourned on motion of Mr Picton.

At 17:35 the house adjourned until Thursday 25 February 2016 at 10:30.