HOUSE OF ASSEMBLY

Tuesday, 19 June 2018

The SPEAKER (Hon. V.A. Tarzia) took the chair at 11:00 and read prayers.

The SPEAKER: Honourable members, I respectfully acknowledge the traditional owners of this land upon which this parliament is assembled and the custodians of the sacred lands of our state.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today the member for Burnett, Stephen Bennett MP, and also the member for Buderim, Brent Mickelberg MP, both from Queensland. Welcome, gentlemen. I trust you will enjoy your stay in South Australia.

Bills

LIMITATION OF ACTIONS (CHILD SEXUAL ABUSE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 June 2018.)

Ms LUETHEN (King) (11:02): I rise to support the Limitation of Actions (Child Sexual Abuse) Amendment Bill 2018, which amends the Limitation of Actions Act 1936 and abolishes the limitation period for claims for compensation made by victims of child sexual abuse. I support this bill because the truth must come out and the social and personal impacts of child sexual abuse must be recognised, acknowledged and compensated.

When humans are young, their world revolves around their parents, who are their primary caregivers. Parents or caregivers are the primary source of safety, security, love, understanding nurturance and support. Child abuse violates the trust at the core of a child's relationship with the world. When the primary relationship is one of betrayal, a negative schema or set of beliefs develops. This negative core schema often affects an individual's capacity to establish and sustain significant attachment throughout their life.

Again, as I said in my maiden speech, I apologise if this topic makes you feel uncomfortable. I understand that because this criminal activity can make a child feel uncomfortable for their lifetime. I would like to share an excerpt from a survivor, Corin Linch, who has shared a poem on the Blue Knot Foundation website:

> He warned me to be silent or else I would die,
>
> Was that the day a young child, lost the ability to cry?
>
> The threat was real; my child's mind imagined death,
>
> As in silence I cowered, trying to catch my breath.
>
> But my innocence was stolen, by more than one man,
>
> Now nearly half a century later I think it's time I took a stand,
>
> Because for all that time I've lived with shame and disgust,
>
> Built a wall around me because I felt there was no one I could trust.

Let me be clear, I am not talking about bad parenting or creepy people. I am talking about a criminal activity impacting too many children in our community.

The bill addresses observations made in the Royal Commission into Institutional Responses to Child Sexual Abuse's Redress and Civil Litigation Report released in September 2015. The royal

commission found that the existence of a limitation period creates significant barriers for survivors of child sexual abuse and operates unreasonably to deny victims access to justice. The Limitation of Actions Act 1936 currently sets a limitation period of three years for bringing a common-law action in personal injury. For a person who suffered abuse as a child, this means that an action must be commenced by his or her 21st birthday.

This imperative piece of legislation takes into account all victims of child sexual abuse, not just those who have fallen victim to the predatory behaviour in government and non-government institutions. The royal commission into child abuse uncovered a culture of abuse, cover-up and complacency. It helped expose paedophiles and led real change. Prime Minister Malcolm Turnbull deserves great credit for his government's response. A national redress scheme for victims has now been agreed to, laws have been changed in response to recommendations and victims finally have access to justice.

I am proud and grateful that this new Marshall Liberal government announced in May 2018 that South Australia will join the National Redress Scheme to provide financial and therapeutic support for people who were sexually abused as children in government institutions. Joining the National Redress Scheme is an important step in the state government taking responsibility for and helping to heal the pain caused by the sexual abuse of children in government institutions. I agree with Premier Steven Marshall's comments on this decision:

> Nothing can undo the inexcusable abuse that survivors experienced as children, but we can acknowledge what they have been through and provide financial compensation and emotional support.

Today, the bill asks us to show understanding, care and compassion for every victim of child sexual abuse. I ask that we reflect again on the unacceptable rates of child sexual abuse in Australia. The statistics estimate that one in five children is a victim of child sexual abuse. Picture in your mind a typical local year 4 classroom with 27 children sitting on the mat in front of their teacher. Statistics suggest that five of these innocent children are being sexually abused, most by someone they know and trust.

When I am at school assemblies, I look for the sad faces and I am always thinking that I want to make the world safer for each of these children. In 70 to 80 per cent of child sexual abuse cases there is a familial relationship between the victim and the offender. In other words, the offender is most often the father, the stepfather, the uncle, the neighbour or the family friend. Although parents often fear that strangers will abuse their children, it has been well documented that most child sex offenders are known to their victims.

Just last week, parents in my electorate were alarmed that strangers threatened the safety of children in our streets and it caused much discussion online. I was worried for my community, too. However, I am deeply concerned every day knowing that abuse of children, by people they know and trust, is happening in our neighbourhoods.

The royal commission made important recommendations that we must fix the variation of policies and laws in Australia to better protect children's rights. It called for nationally consistent laws to protect children, their best interests and their rights. The Liberal Party in opposition previously introduced this bill in 2016, following the Nyland royal commission. This bill, under the previous government, was never debated and had no support from the Labor Party. I am proud that this new caring, people-focused state government is acting swiftly to put victims first and ensure that they have the appropriate mechanisms to seek justice and compensation for horrendous, unacceptable crimes committed against them.

Last week, there was a report in the paper about the levels of mental health issues we are seeing in our community. Researchers argue that the state government would need to boost its clinical mental health budget by $100 million and grow the trained workforce by more than 950 community and mental health professionals to ensure children being impacted by these issues are receiving the best level of care.

The research paints a disturbing picture of children's mental health in South Australia. Child abuse and neglect make it very difficult for children to make sense of the world, and their brains do not fully develop. Dr Segal said in this report that the consequences of children having poor mental health was dire and could lead to a cycle of damage and powerlessness from school failure, self-

harm, alcohol abuse, suicide or involvement in crime. She said that the cycle of mental illness was also impacted by the fact that people who had experienced trauma during childhood had the tendency to replicate their parents' behaviour when they raised their own children.

Every parent wants to do the best for their child, but often their own trauma or history gets in the way because children with a trauma history struggle to parent themselves, perpetuating the situation. It has been well documented that the sexual abuse of children has a range of very serious consequences for victims. Reports list depression, post-traumatic stress disorder, antisocial behaviours, suicidality, eating disorders, alcohol and drug misuse, postpartum depression, parenting difficulties, sexual revictimisation and sexual dysfunction as some of the manifestations of child sexual abuse amongst victims.

Survivors of child sexual abuse are 18 times more likely to take their own lives than the general population, and they are 49 times more likely to die from an accidental drug overdose. Furthermore, child sexual abuse has been found to be a key factor in youth homelessness, with between 50 and 70 per cent of young people within supported accommodation assistance programs having experienced child sexual assault. A survivor of child sexual abuse recently wrote:

> I tried suicide many times and failed. Now he is in custody awaiting sentencing I am finally finding some peace.

The abolishment of the limitation period is so important because there are so many reasons victims may not speak up for a very long time, including that they might not know that what is happening to them is not normal, they might not have the knowledge or language to speak up, they might not have a safe person to speak up to, they might not be believed, they might have been threatened not to speak up, they fear the abuse will happen to their other siblings if they speak up or they might be simply too ashamed to speak up.

One of my friends did not speak up until her 40s because, she said, she grew up in a country town and she thought that if she ever told anyone in the town everyone would find out. As a young girl, she was raped every time her older brother's friend slept over. Two of my friends started having terrible dreams in their 40s and, through counselling, discovered they were victims of incest. They have told me how hard their families fought to deny and cover up the abuse and discredit these individuals who spoke up. Victims may never feel the courage or motivation to come forward against a perpetrator, let alone at the young age of 21.

As I shared in my maiden speech, I met adult survivors of child sexual abuse who told me their stories, and none of them had personally prosecuted their perpetrators. For the survivors brave enough to speak up, to take action, to hold their abuser accountable and to seek compensation, I ask everyone here for your support for them. In the Royal Commission into Institutional Responses to Child Sexual Abuse it was found that very often a person who was the subject of abuse as a child does not disclose or even recognise the significance of the abuse until they are well into their adulthood.

Sadly, what can happen, particularly in circumstances of child sexual abuse, is that the memory and recall can be suppressed or not really dealt with or acknowledged. There are so many reasons that children keep this secret to themselves. We know that it is not right and we know that the abuse should not occur in the first place. We know that they should feel free and comfortable to be able to tell someone, and we know they should have relief and protection. In South Australia, we can give children a voice earlier to help them have a healthier future.

I am proud that South Australia has an internationally recognised Keeping Safe: Child Protection Curriculum, a curriculum which reflects contemporary child safety topics, such as cyber safety, problematic sexual behaviour, domestic violence and gender equality. This curriculum is available for teachers, early childhood staff and other educators to help children and young people in an age-appropriate way to recognise abuse and tell a trusted adult and learn strategies to keep themselves safe. This curriculum was first delivered in 2008, and it is my understanding that it is mandated across South Australia. I have seen firsthand this curriculum effectively embedded and being taught at the Golden Grove Primary School, headed by an outstanding principal, Wendy Moore.

Sadly, I am not convinced it is embedded effectively across our state, but I am going to seek the support of our colleagues to explore this opportunity further. I have discussed this implementation with the Minister for Education, because I have been asking for many years now whether we are teaching it effectively and whether there is evidence of compliance and, alarmingly, I have not received answers that give me confidence in its effective implementation. However, it is a great opportunity to help kids speak up earlier. The child protection curriculum strengthens the likelihood of children and young people speaking out to protect themselves and others and helps us break the cycle of abuse that we have today.

Another key issue today is that a very small percentage of child sexual offenders are convicted. That means that, when we screen community members to identify who is safe to work or volunteer with our children, we are omitting so many offenders in this screening process. Low sentencing rates put our children at constant risk. Child sexual abuse is a social problem with huge social and economic costs. It is not just an issue of the past, because it casts a shadow on people's lives which affect adult life and can affect the children of victims as well. The truth must come out and offenders must be held accountable if we are to break this cycle of abuse.

I wish today to acknowledge the daily work of child protection advocates across Australia who seek to create awareness and lobby for change and a safer community. A special mention to Cristina's House of Hope, Safe4Kids, *Some Secrets Should Never Be Kept*, Bravehearts and Fighters Against Child Abuse Australia for all the work they do every day. I congratulate my Liberal colleagues, because this is a commitment our previous Liberal opposition made to South Australia.

We committed to introducing legislation to remove the limitation period for victims of institutional child sexual abuse within the first 100 days in government, and this is what we are doing. This bill achieves this result but applies to all victims of child sexual abuse, not just those who suffered abuse in institutional settings, as I previously mentioned. As recognised by the royal commission into institutional responses, it is critical that survivors have the opportunity to come forward into adulthood and seek some redress where appropriate. This is a right that should not be denied to them.

I commend the Attorney-General for her recent comments. This government, in stark contrast to the former, is implementing decisive change and we are proud to do so. We want to ensure that victims do not need to beg to the court to hear their story when they are ready to tell. Brave survivors who speak up deserve a bold government to make laws which hold offenders accountable. If not us, then whom? If not now, then when?

Let's be the bold government that child victims and adult survivors need. Let's break the cycles of abuse and create cycles of opportunity. The limitation of actions amendment bill is an important step towards addressing decades of injustice and indifference shown to victims, both institutional and otherwise. Put simply, I support this bill because the truth must come out and survivors must be supported so that they can live their best life possible. I congratulate the Attorney-General on presenting this bill and I commend the bill to members.

Ms STINSON (Badcoe) (11:21): I rise to support this—

The SPEAKER: Is the member the lead speaker?

Ms STINSON: Yes, I am the lead speaker, sir. I rise to support this bill and indicate Labor's support for this bill. I want to make a few reflections before going to the substance of the bill that has been put forward. Obviously, to be a victim of crime is an incredibly harrowing experience. It is devastating at the time and then it is also devastating as the years go on. The emotional turmoil certainly manifests over many years, and if not addressed and proper disclosures are not made and counselling is not sought, then that emotional distress can be very devastating for people who have suffered any crime and become a victim.

As a journalist, covering the court system for more than a decade, I have had what I think is the great privilege to be trusted to tell the stories of hundreds, if not thousands, of victims over that time, in South Australia, the Northern Territory, Western Australia, and overseas in Cambodia where I was lucky enough to cover the war crimes tribunals for independent Cambodian radio for some time. It is a huge responsibility as a journalist to speak with victims of crime, to listen to their stories, and I suppose to be the carrier of those stories and to have the responsibility of telling those stories

in a full and frank way but also a sensitive way, respecting the very high emotions of the experience of abuse, whatever type of abuse that might be. I have always taken that responsibility very seriously.

It is a really big thing to talk to a relative stranger about such a personal experience as being a victim of crime and it is a really big step to take to seek out a journalist or to agree to speak to them about that experience that you have had. Victims do it for a wide range of reasons. It can obviously be quite cathartic and therapeutic to tell your story and it can be healing to feel like you are being listened to. In the work that I have done with victims, I have found that a great many times victims just want to be heard. It is probably one of the most essential things to people when they have been a victim of any crime to feel like they have been heard by members of the public, by their peers but also by people in authority who maybe can make some change.

The other reason why victims come forward is also to have that sense of empowerment, to share their story with the objective of getting the attention of decision-makers such as all of us who are lucky enough to be in this chamber, to get that attention and to be able to seek some sort of change, whether that is legislative, whether it is the practices of departments or government bodies or whether it is a change in community attitudes that those of us in this room have the power to influence. People also come forward and tell their stories because they want to warn other members of the public and other potential victims about the experience that they have had and ensure that other people do not go through the terrible experiences that they have had to endure.

To share your experiences as a victim of crime as a child is a particularly big thing to do. Generally, when people get to the point of sharing their stories as an adult, they have had many years, sometimes many decades, to think about what happened to them. A lot of the time those feelings have not been resolved and people have not sought professional help. Sometimes, people are actually telling you, as a journalist, for the first time. They are speaking out about what happened to them as a child for the very first time, which is an incredible, emotional thing to observe as a journalist. You can only imagine the pain, turmoil and conflict that a person is going through when they are telling you this story.

I really admire the people who have shared their stories with me and with many other journalists because I think it does make a difference. I think it makes a huge difference to the person to be able to personally share their story, to be able to feel like people are listening to them, sometimes for the first time, to be able to reveal something that has happened to them, to their families and their friends, and to be able to be free of that secret that they have been holding onto, sometimes for many decades. It is a really brave thing to do and people are very vulnerable in those moments when they are revealing what happened to them as a child.

In particular, I reflect upon speaking with victims of the former magistrate, Peter Liddy. I remember quite vividly, as a fairly young journalist, sitting in a cafe in the southern suburbs with one particular victim. He was in his 50s and came to me wanting to talk about the experience that he had had at the hands of the now convicted Mr Liddy. As he went through the detail of what had happened to him as a child, he explained the incredible experience of not even realising or knowing whether something wrong was happening to him, being so young as not to understand that a crime was being committed against him and that this was a huge violation.

It was not for many years, until he grew up, that he understood the depravity of what happened to him and, in time, also became aware that he was not the only one and that many others had fallen victim as well. He conveyed a great sense of isolation; he thought he was the only one. He had a great fear of disclosing the abuse, of the retribution that may have come, especially from a person in a position of huge power, and what it might mean for him and his family if he were to disclose the abuse that had happened to him once he got older and realised that he had been abused and that crimes had been committed against him.

I felt a great sense of responsibility when he told me his story. I think we were in the cafe for about two hours. Tears were streaming down this man's face—and he was a big guy. He was a big, tough-looking guy, and you would not have thought anything in the world would have bothered him, but it turns out that he had been a victim of sexual and physical abuse as a child. Now, all these decades later, he was seeking someone to hear his story. The reason he did it was to encourage other victims to come forward and to let people, especially children, know that they are not alone and

that wherever possible they should report abuse and not wait, like he did, several decades before disclosing what happened.

Obviously, we know that a lot of children either do not recognise the abuse being committed against them or do not have, or feel like they have, the support to be able to disclose abuse. This is one of the reasons why I support this bill. It is not reasonable to think that by the age of 21 people who are victims of abuse—sexual, physical, or otherwise—will necessarily be able to articulate that a crime has happened to them, will have the support around them to be able to make a disclosure, or will have the understanding of what that disclosure means. So I fully support removing that limitation, particularly for child victims of crime.

I would also like to take the opportunity to speak about the great work of the victims of crime commissioner, Michael O'Connell. He was often a conduit for me, as a reporter, to be able to speak with victims, understand their stories, sometimes arrange interviews and speak with people on terms that were comfortable and sensitive to their experiences. I would like to commend the great work that Michael O'Connell has done during his role as the victims of crime commissioner and also before that, in working with victims of crime over many, many years.

He is a remarkable man, both in terms of the grassroots work he does to support victims and be their advocate in court, and offer them information about how to navigate very complicated legal systems as well as the complicated world of media. It can be really confronting to want to tell your story and engage with the media but not know how to do that and what the consequences will be for you if you do go and talk to the media about your story. Michael O'Connell has always been a very honest broker in that process and has assisted journalists and, more importantly, victims to be able to consider whether they want to talk with representatives of the media, how they will do that, what their rights are and, ultimately, whether they want to go ahead with doing an interview or speaking with journalists at all.

It is different for each person. Not all victims of crime want to speak to the media, nor should they, but for those who want to take that path or look at disclosing publicly their abuse and telling their story to a wider public, Michael O'Connell has been a great force for good in assisting them to make those really tough decisions. It is a relatively small decision in the scheme of the many decisions the victims of crime and victims of crime as a child need to make in the journey through the justice system, but an important one nonetheless.

Michael O'Connell has also assisted victims in the court. I have had the great pleasure of working with him as a board member and then as chair of the Victim Support Service. There is a massive degree of respect for this man in how he conducts himself and always puts the interests of victims first. I really enjoyed working with him, as a reporter and then as an advocate for victims myself. I think he will be sorely missed. The degree of professionalism with which he approaches things and the calmness of his demeanour are things that are not always prevalent in the criminal justice system, nor the considered nature of his deliberations about what is best for victims when it comes to advocating in relation to government or even non-government policies.

He is also an academic. He is a world leader in terms of victimology. His views, and indeed his presence, are sought all over the world, over and over again each year, because people respect the depth of knowledge that Michael O'Connell has about the victim experience, policy development and advocating for the rights of victims. I think it will be an absolutely huge loss with him no longer being the victims of crime commissioner.

I do hope he finds a place somewhere else in our state's justice system because I think his wealth of information, knowledge and experience and the depth of his understanding of the victim experience really need to be utilised somewhere in our justice system to ensure that the rights of victims are still kept at the forefront of the development of justice policy and, indeed, how we actually exercise justice in this state. So I would like to recognise the role that he plays in terms of advocating for victims and particularly those victims who are making important decisions about disclosing crimes against them as a child.

This bill currently looks simply at victims of crime, as children, of a sexual nature. I would like to indicate that Labor will move amendments in the other place to strengthen this bill and to ensure a broader range of victims of childhood abuse are able to seek remedy before our civil courts. Lots

of victims experience multiple forms of harm—sexual harm but also physical, emotional, mental harm, sometimes financial harm and also neglect. There is also another area of harm which is being discussed more and more, which is that of cultural abuse.

This bill obviously seeks to amend the Limitation of Actions Act 1936 to specify that an action for damages resulting from the sexual abuse of the person when the person was a child may be brought at any time and is not subject to any time imitation. Currently, as we have heard from the member for King, a person who is abused as a child (under the age of 18) has three years from their 18th birthday to take civil action in relation to a matter. However, as I have canvassed, it is well known that in the child protection and justice sectors, many child abuse victims do not come to terms with their abuse or disclose it to third parties until well into adulthood.

There are, of course, complex and multiple reasons for that delay, and those are very personal and individual. Reasons can include feelings of shame and embarrassment, of denial and fear of retribution, as in the case that I outlined in relation to the offender Mr Liddy. Family circumstances can be a reason. Distrust of authorities is quite a big one, especially for young people who are abused in state or institutional care and have concerns about interacting with the justice system. Everyone knows that it is a big deal to go through court. It takes many years, and some victims of a range of crimes decide not to proceed to court because they know the financial and emotional toll the court process will take on them.

All those reasons are perfectly understandable, but they should not pose a barrier to an adult seeking redress for crimes committed against them as a child. For many victims and their families, being heard through court or other processes and attaining some degree of justice against their abuser or, for that matter, the institutions employing their abuser, is highly therapeutic. It allows them to be able to move on with their lives.

The Royal Commission into Institutional Responses to Child Sexual Abuse recommended the removal of time limits for civil action against government and non-government institutions in recommendations 85 to 88 of its Redress and Civil Litigation Report. This bill, of course, proposes to remove any limitation on the period within which an action may be brought for damages relating to the death of or personal injury to a person resulting from the sexual abuse of the person when they were a child.

It is important to note that victims are already able to seek ex gratia payment from the scheme established after the Mullighan inquiry, as a recommendation of that inquiry, or indeed under the victims of crime compensation scheme. Victims soon will also be able to seek payments from the National Redress Scheme. I understand that damages payments, where the defendant is the state at least, will be paid from SAicorp funds, which the Attorney has advised me is sufficiently resourced to meet any demand, although the Attorney has not been able to give exact figures of how many cases are expected to arise from this bill or indeed what the cost of those is expected to be.

New South Wales, Victoria and, of course, more recently Queensland have abolished time limits for civil actions in relation to child sexual abuse, and South Australia, it seems, now as well. In relation to the amendments that Labor proposes to move in the upper house, we will move those amendments to expand the bill to cover physical, financial, emotional or mental abuse of a child or the neglect of a child. We are seeking to do this in order to reflect the serious harm caused by non-sexual forms of abuse, including physical abuse and torture. Devastatingly, there have been cases before our courts in the last five to 10 years of systematic torture of children, including a family of children in one particular instance.

It will also recognise the mental and emotional abuse that occurs at the time and as a consequence of other forms of abuse. If a person is sexually or physically abused as a child, that can absolutely and always does manifest in mental health issues later in life, and that of course should be recognised by any court. Financial abuse may seem a funny issue to raise, but we see in cases of domestic violence that finances can be used as a tool of abuse. Control over money and resources can happen and can have devastating effects on children and adults.

Neglect and the failure to provide the essentials of life is another form of abuse. Unfortunately, in recent years there have been many cases of very serious neglect, and we have seen them in our courts. I also mentioned cultural abuse, which is basically a forced separation from

one's cultural identity and practices. That could be in terms of people who have Aboriginal heritage or, indeed, who come from other ethnic backgrounds.

I raise the matter of costings in relation to this bill. The number of expected new cases as a result of this amendment is unknown. No estimates have been provided to me by the Attorney-General's office. I have requested them, but the Attorney-General's staff have responded that it is difficult to quantify what the result of that will be. Obviously, some people will use redress schemes rather than the civil process.

It would be good to be able to get a bit more of an idea of what the consequences of the bill might be because, without knowing the cases, the budget ramifications of this bill are also unknown and uncosted, though, as I mentioned before, I have been assured that there are sufficient funds in the SAicorp funds to cover any damages that the state may have to pay out. Of course, we know that in the past the removal of time limitations has resulted in sudden and heavy burdens on criminal and civil courts.

In the wake of the Mullighan inquiry, and the removal of time limits, we saw a great many cases and hundreds if not thousands of people coming forward, people who had always wanted to take legal action but who were prevented from doing so due to the time limitation enshrined in law. That was obviously a really positive thing that the previous Labor government did to make sure that people who had historical cases could have their day in court.

Not all those cases were successful, but talking to victims who had been through that process—even victims whose cases did not result in findings in their favour, or in damages being awarded—many were still glad to be able to tell their story and to have a public forum where they could air what had happened to them and shine a light on some of the depravities that had happened to children over the decades. It is an important process for people to have that option, even though with the passage of time a fair trial is often not possible for a defendant, as a defendant may have passed away or there may be other reasons that prevent a trial from proceeding. Sometimes, indeed, the health of the victim and other witnesses prevents a matter from going forward.

As I mentioned, this bill does not remove the time limitation for physical, financial, emotional or mental abuse or neglect, and we seek to make amendments to remedy that. It is well known in the child protection sector that these forms of abuse are prevalent and have damaging impacts upon the development of children. Sometimes victims tell me that the impact of that physical abuse is as devastating for them as the impact of sexual abuse.

Obviously, each victim is different in their experience, but I do not think that we should be saying that people who experience a particular type of abuse should have more rights and more freedoms to take an action later in their life than victims who experience a different type of abuse. To me, abusing a child is abusing a child. It is a crime, whether that abuse is sexual, physical, mental, emotional or any other kind of abuse. That is why we seek to put forward these amendments, and we hope those opposite will support them.

I would like to finish by recognising that this bill expands upon the private member's bill that the now Attorney put forward in 2016. That bill was restricted to government and non-government organisations, whereas this bill is wider and looks at abuse of a child by any party. I welcome that and commend the government for expanding the bill to include it. As I mentioned before, there should not be different classes of victims; victims who experience child abuse in any setting should be recognised, and I am encouraged that this bill seeks to recognise all victims of child sexual abuse and, I hope, other forms of abuse as well.

I would also like to recognise the work that is ongoing in both the Department for Child Protection and other agencies as well as in the non-government sector, which works with victims of historical child abuse and, unfortunately, victims who have been more recently abused. Their work is remarkable. It is emotionally taxing, but they perform an incredibly important role in assisting victims of crime who, at any stage, want to come forward and disclose a crime that has been committed against them, particularly those who may come in later in life to disclose abuse. They do very important work. They are not recompensed to the degree they probably should be to reflect the gravity of the work they do, but I want to recognise them.

I also want to recognise all those people who were abused as children in state care, in institutions or indeed in other places by other people. It is an experience that many of us cannot even fathom. We look at our own children and at the children in our lives and cannot imagine that anyone would harm a child in any way—yet, of course, there are people in our community who, over many decades, have abused children.

We must do all we can to offer every opportunity to people who have been victims to be able to seek the redress they need in whatever form that may be and, through our redress schemes, through our criminal system, and of course—as this bill relates to—through our civil system. I support the bill, and commend the government for bringing it forward. I hope the government will support the amendments we will move to ensure that the abuse of children in any form is recognised and that remedies are made available through the civil system.

Mr TEAGUE (Heysen) (11:48): I rise to support the bill and, in doing so, recognise the contribution the member for King made earlier this morning as well as that of the member for Badcoe as lead speaker for the opposition. Both have spoken from the heart and from personal experience of their engagement with victims of abuse, and I have listened carefully to their contributions. I welcome the opposition's indication that it will support the bill.

What does the Limitation of Actions (Child Sexual Abuse) Amendment Bill 2018 do? It has the effect of removing altogether the limitation period that would otherwise apply. It is an up-front insertion of a new part 1A and a new section 3A that will provide that no limitation period applies to actions the subject of that section. Those are actions for 'damages relating to the death of or personal injury to a person resulting from the sexual abuse of the person when the person was a child'. That is the effect of the bill. I welcome it. It removes a limitation period that has previously existed.

Some context is relevant and appropriate in this sense because, over generations past, South Australia has been at the forefront of this sort of remedial provision, this sort of remedial process that ameliorates the heavy effect that limitation periods have had on victims. We go back to 1975, and by act No. 21 of that year, in the Dunstan period, section 48 of our Limitation of Actions Act was introduced.

Section 48, as honourable members will be aware, has long provided for plaintiffs, those who would bring an action, to be relieved of the otherwise harsh effects of a limitation period in circumstances where a new fact came to the plaintiff's attention or in circumstances where the conduct of the defendant had contributed to the action not being brought and gave the court discretion to extend time where the interests of justice meant that an extension should be granted.

That is a provision in a regime that has applied in this state for generations. For a long time, it was a remedial provision that led the way in this country to leaving the door open, leaving the possibility open, for a plaintiff to seek relief notwithstanding the fact that the limitation period might otherwise have expired. It was a regime that was introduced for that very purpose. In South Australia, when we do the comparative analysis state to state and federally, we have a legacy of a longstanding approach that is relatively ameliorative when it comes to the possibility for relief.

Indeed, this was observed by His Honour Chief Justice King, for whom the seat of King was recently renamed, in the case of Robinson v Craven, a 1994 decision of the Full Court. The purpose of section 48, he said, on page 269 of S.A. State Reports, Volume 63:

> …is to relieve plaintiffs whose actions are out of time, of the hardship resulting from time limitations. Its purpose is ameliorative. It would not accord with that purpose to construe the section as extinguishing causes of action which would not otherwise be extinguished.

So we have for a long time in this state had a regime in place that has provided a means for the extension of time. It is further relevant at this point to make it clear that limitation periods apply so as to bar the remedy. They do not extinguish the cause of action. Importantly, it has always been and remains a matter for the defendant to take the point as to whether or not the limitation period is to be pleaded.

Over the period since the introduction of section 48, until the introduction now of this bill in this state, we have had a situation in which there is a way forward for a plaintiff who wishes to pursue a remedy otherwise out of time, and there is a question for a defendant as to whether or not to take

the point and to plead the limitation. So, it is a procedural issue. If the defendant does not take the point, then the substantive cause of action might be pursued and that has been the case for a long period of time.

We have had a situation in South Australia where, on the one hand, from 1975 onwards we have been at the forefront of reforms for relieving would-be plaintiffs of potentially harsh circumstances of time limitations and, secondly, we have been in an environment in which defendants have had a difficult choice to consider as to whether or not to take the point. To draw one further observation in this context from Robinson v Craven, a 1994 decision of our Full Court of then Chief Justice King, Justice Millhouse and Justice Perry, in relation to that question of whether or not the defendant would take the point as to time, Justice Millhouse observed:

> A defendant does not have to take the point, he does not have to plead that the plaintiff is out of time. Indeed when I was a student and a young practitioner it was regarded as bad form to take the point: one took specific instructions from a client to do so before pleading the Statute of Limitations.

An ameliorative regime has been in place in South Australia. We have had observations of longstanding of our Full Court in relation to the need for the defendant to take the point if the time limitation is to be pleaded, and remarks about the appropriateness of taking the point in circumstances that are before the court and before the litigants. In those circumstances, we come to the Nyland royal commission and the Nyland royal commission's recommendations, and it is fast forward to that time, and we had then further the results of the Royal Commission into Institutional Responses to Child Sexual Abuse as well.

Over the course of now recent years, each of the other states—at least most of them—have introduced the removal of limitations so far as actions by victims of child sexual abuse are concerned. It started in Victoria. Victoria was the first to do so, their legislation being introduced in 2015, followed by New South Wales, Queensland, ACT and recently Western Australia.

The member for Badcoe indicated welcoming the broadening of this legislation to apply to all actions against all defendants. I make the observation that when the equivalent legislation was introduced in Queensland by the Labor government in that case, it was originally presented as applying only to abuse in institutions. That was amended in the course of debate by the LNP to be extended to apply to all victims, as does the legislation that is presently before the house.

We have seen over recent years the steady introduction of similar removals of limitations in cases involving the sexual abuse of children, but not so in this state. I listened carefully to the member for Badcoe rising in support of this bill. It is important to note that the previous government, which is very quick to claim the legacy of Dunstan and be on the side of reform and so on, took no action in this regard. It took no action over a sustained period and, moreover, when it had an opportunity, steadfastly refused to introduce legislation of this kind.

As recently as February of this year, the previous attorney is reported as having written to a survivor and would-be claimant about the previous government's steadfast opposition to change when called upon to introduce this reforming legislation. On 3 February, *The Australian* newspaper reported that, in January of this year, the attorney wrote to a practitioner representing an abuse victim indicating that the then government had no plans to abolish existing limits for victims of child sexual abuse. Further, he is reported as having written:

> My view is that the law in its present form, and as currently applied by the courts, appropriately allows for justice to be served.

I welcome the opposition's support now of the new government's introduction of this legislation, but I want to say that it was there for years. Not just for a short period of time but for an extended period of time, there was an opportunity for a government of long standing in this state, a government that claims a proud heritage of reform going back a long way, to introduce this very change, yet not only did it do nothing but it steadfastly refused to take any action.

Further, in the context of the former attorney's remarks, there is more to be done. The former attorney was quick to claim the legacy of 1975 and say, 'In South Australia, we have section 48, and we are not as harsh as other states have been over the journey,' but compare that with what the federal government did in its response in 2016. On 4 May 2016, then attorney-general, minister Brandis, issued a directive that commonwealth agencies for which he was responsible would not

take the point in matters otherwise involving a time bar. I go back to my remarks about the way the law operates and, indeed, the regime that section 48 operated under. The federal response was yet another way of dealing with that very situation: 'We won't take the point as a defendant.' Alright, well that possibility was open.

The states went about what they were urged to do by commissions, state and federal, and introduced the kind of removal of time limit that this bill removes. However, the former government in this state, which is very quick to rely on the proud heritage of the Dunstan years and reforms introduced at another time, had the opportunity very easily in at least one of two ways to take steps to reform access to justice for victims in this area and chose not to do so, so I am glad that we are all on the same page.

Sometimes it takes an election and a fresh government with a new agenda to clear out what is old and bring in what is new and move on into the future, but here we are. We now have the opportunity to introduce this legislation, which will remove the time limit for civil action in this state. Unlike in 1975, we are coming last where we have a legacy of coming first. We are doing this at the first opportunity as a new government in this state, and I commend the government for moving so quickly.

In the short time I still have available to me today, I would make an observation in line with the remarks of my friends the member for King and the member for Badcoe about the personal circumstances of victims and how difficult it is for victims to both air and take action to seek redress for what they have suffered. That indeed is a very hard road, and I would not for a moment wish to leave this house with any false notion that somehow the introduction of legislation of this kind sweeps away all the barriers and makes things now immediately possible to seek perfect redress.

In my observations and experience, I am afraid that that is not always possible and, while we can make civil remedies easier to pursue and we can remove some barriers for victims, as we ought where we can, this will remain a difficult road for victims and our hearts go out to them. We must do all we can to continue to share their journey, feel their pain and, where possible, make reforms so as to ensure that justice is available for all victims. I commend the bill to the house.

Mr BOYER (Wright) (12:08): I, too, rise to say a few short remarks in support of the bill that is before us now. I am very pleased that the new Labor opposition has chosen to support this bill. In response to some of the points raised a moment ago by the member for Heysen, I was privy to many of the conversations in a former role around whether or not we as a government would support the previous bill.

Although it was always explained to me that applications to set aside a statute of limitations were normally, or almost always, approved, my own opinion is that that is no reason not to support abolishing the statute completely, because I think our role as a government and as lawmakers is not to put more hurdles in the way of victims of any kind of abuse. Even if it was in some respects a moot point about whether or not the limitation was set aside, it is, in my view, not really the point.

The member for Badcoe, our shadow child protection minister, has indicated that we will, of course, support the bill but has reserved our right to move amendments in the other place. Any amendments that we seek will be to strengthen this bill and to ensure that a broader range of victims of childhood abuse are able to seek remedy before a civil court. The bill before us seeks to amend the current act and will allow for a person to seek damages resulting from sexual abuse that they were subjected to as a child at any time, and is not subject to any time limitation. Currently, a person who was abused as a child under 18 years of age has three years from their 18th birthday to take civil legal action in relation to that matter.

The commonwealth Royal Commission into Institutional Responses to Child Sexual Abuse recommended the removal of time limits for civil actions against government and non-government institutions. We know that the existence of a limitation period creates a significant barrier for those abused and, for those childhood victims, the realisation may well be after their 21st birthday. In fact, we heard earlier the member for King who spoke about some cases where the victim was far older than 21 years of age and into their later years in life before possibly they realised that they had been abused as a child.

However, it is not always just a matter of realising or remembering what happened; in many cases, it is gaining the courage to raise it, which can be very difficult, particularly when so many cases of child sexual abuse happen in family settings and the perpetrator of that abuse is someone known very well to the victim. In so many cases, that can make it even harder to have the significant courage—and I personally cannot imagine how much courage it would take—to stand up and tell other family members and the police that you have been sexually abused by a family member or someone very close to you.

I am also pleased to see that New South Wales, Victoria and, more recently, Queensland have already moved to abolish time limitations for civil actions in relation to child sexual abuse. The current Limitation of Actions Act 1936 specifies that action can be brought following sexual abuse but, of course, we know that victims can suffer much more than just sexual abuse. Earlier, we heard the member for Badcoe outline the nature of the amendments that we will be tabling in the other place to expand the bill to cover physical, financial, emotional or mental abuse of a child or the neglect of a child.

I think these are very appropriate amendments to this bill, and it is timely in the sense that we have an opportunity here at the start of a new parliament to thoroughly discuss these issues and make the most of the political capital that we have in this place to offer as many protections and avenues for redress as we possibly can to victims of not just child sexual abuse but also other forms of abuse.

We also need to acknowledge the failure to provide the essentials of life and the abuse that has been pushed onto our Indigenous and ethnic communities through cultural abuse, which the member for Badcoe mentioned as well, including the forced separation from cultural identity. We have heard many stories in recent years about the effect that this has had. In much the same way as the lasting effect of sexual abuse, there is also a lasting effect of cultural abuse or forced separation upon people as well.

Before I finish, I would like to take the opportunity to echo some of the words of thanks and praise to the outgoing Commissioner for Victims' Rights, Mr Michael O'Connell, who I had a great deal to do with in my previous role working for different ministers for child protection. He is an incredibly honourable man. He has a quite unique skill set, in my opinion. In my former roles, I was a very close party to a couple of significant royal commissions regarding matters around child sexual abuse and the handling of child sexual abuse matters in South Australia—namely, what we know as the Debelle and McCoole royal commissions.

In my capacity as a staff member to ministers for child protection during those royal commissions, I had cause on many occasions to seek the guidance and assistance of Mr O'Connell. There are some things I will never forget from that time: sitting down in the kitchen at the dining table with the parents of children who had been abused by an out-of-school hours carer in what was known as the Debelle royal commission, and also during the royal commission conducted by Justice Nyland. It was a very harrowing experience, I must say, sitting down and looking into the eyes of parents of children who were sexually abused by someone who had been tasked with caring for that child and accepting that we had failed them completely.

In the Debelle matter, it was not just a case of us having failed those children in the sense that they were sexually abused whilst in the care of a government employee, but also there were failures following that in terms of communicating with the broader school community around what had happened. In the case of Shannon McCoole, children who had been completely and utterly let down by their biological parents to the point where they were put into state care for their own wellbeing and protection, you might say, were only to be abused by a state government carer.

I give these examples to make clear to this place how important the role of the victims of crime commissioner is, because that unique skill set of Michael O'Connell, to which I referred earlier, included the ability to make sure that the parents of victims or victims themselves were actually listened to, which is what he did so well. The feedback that I always received from parents and from victims themselves after having spoken to Mr O'Connell was that they felt listened to.

Mr O'Connell is a talker. I remember that, whenever I got him on the phone, I had to set aside 10 or 15 minutes for a very long conversation, but it was the fact that he listened so well that was so

appreciated by victims, and I think he will be very sorely missed, although I wish the new commissioner, Bronwyn Killmier, all the best. I have had reason to work with Ms Killmier in her role in SAPOL as an assistant commissioner, and I know she is a very hardworking and uncompromising person, as was Mr O'Connell.

Ms HABIB (Elder) (12:16): As a community, one of the darkest and most horrific situations we have had to face is the occurrence of child sexual abuse. Imagine victims of child sexual abuse not only having to live through such an horrific experience but also having to disclose afterwards what has occurred. For many victims of abuse, such disclosure does not happen until well into adulthood. The memory and recall can be suppressed or not really dealt with or acknowledged.

There are many reasons why children keep this secret to themselves. That being the case, where a victim does not disclose sexual child abuse until well into adulthood, victims would be unable to access compensation under the current law known as the Limitation of Actions Act 1936, which limits the time period a victim of child sexual abuse can make a claim for the abuse to three years.

For a person who has suffered abuse as a child, this means that an action must be commenced by his or her 21st birthday. This limitation is unlike other states, which have accepted their role in serving justice to children. Removing this limitation was a key recommendation of the Royal Commission into Institutional Responses to Child Sexual Abuse. As highlighted by the commissioner, three years is not an appropriate amount of time for victims to seek legal assistance and make a claim against their abuser to receive compensation.

Proper compensation and full access to justice, regardless of how long ago the abuse was committed, should be a high priority for any government. I stand proud, knowing that it is for us on this side of the chamber, the Marshall Liberal government. In fact, in opposition we brought a similar version of this bill to the house in 2016, and today, less than 100 days from the day we were elected, we are bringing this issue back to the house to be rectified.

It is worth noting that South Australia is the last state or territory to remove the time limits for this type of abuse and personal injury. The one major difference between the former private member's bill and the bill currently before the house is that this government bill takes into account all victims of child sexual abuse, not just those who have fallen victim to predatory behaviour in our government and non-government institutions.

For South Australia to properly recognise the harms caused in our institutions, this bill is an absolute necessity. This will add to the schemes currently in place, and, in the future, add to the options available under the National Redress Scheme. The Marshall Liberal government is taking responsibility for, and helping to heal the pain caused by, sexual abuse of children in government and non-government institutions.

I hope to see this bill pass through both houses quickly to ensure that we do not have a situation where parliamentary delays provide injustice to victims of child sexual abuse whose claims would be precluded. The Limitation of Actions (Child Sexual Abuse) Amendment Bill 2018 is an important step towards addressing decades of injustice and indifference shown to victims, both institutional and otherwise. I commend this bill to the house.

Ms HILDYARD (Reynell) (12:20): I rise to speak in support of the Limitation of Actions (Child Sexual Abuse) Amendment Bill. I am pleased that, as an opposition, we support it. I want to acknowledge all who have spoken in support of this bill for their compassion and their understanding of the changes we can bring about to people's lives through this bill.

I understand that the member for Badcoe has rightly developed a number of amendments to strengthen this bill, to deepen its effect by ensuring that a larger number of victims of childhood abuse are able to seek court remedies for the terrible pain and suffering they have experienced. I also speak in advance in support of those amendments. It is our fellow community members who have gone through abuse that we stand up and speak out for and alongside and that we seek to secure better rights for through this bill, community members whom we want to have the best possible access to appropriate remedies, remedies that might just open the door in a way that helps them to move forward.

However, it is also our children we stand up for through our support for this bill. Our children should always feel safe and secure and never have to experience child sexual abuse or indeed any form of abuse or neglect. They should be able to grow and thrive from a safe and secure base, surrounded by people whom they love and whom they can trust. Like others in this house, I have both close friends and local community members who have confided in me about the heartbreaking abuse they experienced as children.

In sharing their experiences, it is clear that it has been a heartbreaking and incredibly difficult journey that they have taken to reach a point where they have courageously spoken about what has happened to them. It is a journey that has deeply impacted their lives, their relationships and sense of trust, a journey that, in many cases, has taken years, and continues.

In every one of those conversations, those who have been victims have articulated feelings of shame, embarrassment and isolation, fear of retribution, both to themselves and members of their family, and a sense of not knowing who to talk to or, in some cases, whether they were allowed to. This is particularly so in circumstances where abuse happened at the hands of those in positions of power and authority over them, or by someone who was deeply esteemed by our community at large.

My brother, sisters and I were actively involved in lifesaving for years as children and we know just a little about the devastation that Peter Liddy wreaked upon people our family knew. I have also heard from local community members about how hard their journey became when they did not think they would be believed, or whether they should even speak up when they knew how well regarded the person who had committed the crime against them seemed to be by so many.

This difficult, heartbreaking journey that an individual may have to traverse for years or decades before speaking up should never pose a barrier to an adult bravely seeking redress for crimes committed against them as a child. For community members who were abused as a child, speaking up and being truly heard can be an important part of their harrowing journey, where they finally feel some small sense of justice, some small sense that they can trust someone in authority, that there is someone who will understand and will act and to have some sense of hope that they can move forward with their lives, having finally shone a light onto the terrible darkness that comes with child sexual abuse.

The bill seeks to amend the Limitations of Actions Act 1936 to specify that an action for damages resulting from the sexual abuse of the person when the person was a child may be brought at any time and is not subject to any time limitation. As the member for Badcoe has outlined, we will also move amendments to expand the bill to cover physical, financial, emotional or mental abuse of a child or the neglect of a child. We know the dreadful harm caused by any form of abuse. I look forward to the passage of these amendments.

Speaking in support of the bill and the impending amendments, I confirm my commitment to do everything I can to ensure that people are heard, respected and understood when they speak out that they were abused. Together with the many hardworking people in community organisations and groups, in government agencies and, indeed, all my colleagues in this place, I confirm my commitment to prevent child abuse in any form so that children can live a full and active life, surrounded by love, where they always feel safe and secure in their home, at school, in care, in sporting activities and in every activity that they engage in, and with the innocence that should always be a sacred part of anyone's childhood.

Ms COOK (Hurtle Vale) (12:26): I was blessed to grow up in a loving home. We had very few arguments and I wanted for very few essential items. My biggest worries were getting hold of the latest Barbie doll and getting the latest edition of the book, whatever it was, in the series that I was reading at the time. Life was very good in the Cook household.

I have spoken about this in this place before, but at the age of 28 I found out that I was adopted. It was a huge surprise to me and something that changed my life forever in terms of my perspective of my childhood. I was very lucky that I was adopted at about 10 days old into a family whose mission was to adopt another child because my mother could not have any more children. I was treated to the luxury of having older siblings and parents who loved me dearly and who did everything they could to protect me, including to protect me from the knowledge that I was not actually born into their family.

Whether that is right or wrong, it led me to many adventures as a young child and teenager, looking through family albums trying to find the person I looked like—when we went on holidays, looking up the nostrils of many adults to see if I could find those nostrils that looked like mine, the hair and the face. It may be no surprise to people, but there were very few people who were like me. I certainly did not find anybody I looked like.

I resolved that I was the height I was and the way I was because my family moved out here from the oppressive, awful darkness of England to a place where people grew to bigger sizes and were stronger. That was how I reconciled the fact that I was four sizes bigger than my sister in height and size, with very long arms, that I loved sport and found it quite taxing to be sitting in front of a book, studying. My childhood was one of luck and blessings, although my father worked hard for everything. I do not recall the year, but we had a colour television very late in life.

When I met my birth family, one of the first things they asked me was, 'Were you treated well?' I cannot imagine the thoughts and heartbreak of parents who have made that really tough decision to give up a child into care, and the worry they must have about that child and what that child is experiencing. Now, with the knowledge we have over the years of the treatment and the terrible abuse of children in care, I know there must be many people around our country who are worried that one of their children they gave up has experienced such terrible trauma.

I know that my half-sisters had no such trauma. They were born a little later to my mother and stayed with her, and I know that they were not treated like that in her care. She was genuinely concerned that I had suffered that treatment, but I was able to reassure her that that never happened and that I did have the life of a well-treated and well-adjusted young child in adopted care.

I thank any higher power that will listen that I was adopted into that home of family, love, security and decency. I think often of the many young people who were not so lucky, who suffered unspeakable acts at the hands of those who were charged with caring for them—and I use the word 'caring' lightly.

I have met, worked with and myself cared for hundreds of children under the guardianship of the minister of the day, either through hospital care or out in the charity sector doing mentoring. I have seen into the eyes of these children who have been stripped of their innocence. It is something that time simply will never heal. Therapy might improve the ability of these children to live with that pain as adults, but it makes me sick to my stomach to think about the lifetime of trauma that the children, then to become adults, must face as they uncover the horrors through therapy or return of memory, or whatever that might be.

Some of the darkest times in this state have been linked to the vile sexual abuse of children in our care, and nothing will erase this from our history, nor should it. We must acknowledge and remember each and every one of those victims and use this disgust to drive us to make changes to the system so that it never happens again. Sadly, 'never' is a word that can never be committed to in full. Monsters work their way through systems. We can just hope and remain ever vigilant.

I am also now a foster-parent, something that my husband and I thoroughly enjoy. We take great pride in it and we encourage as many people as we can to take on this role as well. I love watching our son grow up. He got his full licence yesterday, and I know that he just could not wait to get out and drive. It caused my husband and I great pain to watch him go out the door.

He is playing state sport. He is a regular teenage pain in the butt, and we love him dearly for that, too. We thank him for every challenge that he throws at us, and we do it with a smile. I know that he has been through pain. He has been through immense pain. I have sat with him as he has unpacked his journey and seen how that explains the behaviours we saw when he was an 11 year old. It is crazy that six years later he is about six foot two and a half and can probably jump over two of these benches; it is crazy.

Then, he was an 11 year old who did not want anyone to get close, and that was because he was too scared that they, too, would let him down. He tested us every day. We saw and we experienced him pushing us away constantly, but we are pretty tough and pretty resilient, so he has not got rid of us yet. It took lots of therapy and lots of love—lots of tough love—decent food, a roof every night and a routine. I could go on, but you all know. We are decent people and we know that

these are the things that these poor kids really need. All of it helps. It has helped him to live his life in a way that he deserves to live his life.

We also know, as my husband and I were told by somebody very wise once, that it is not what you do for these kids, it is what you do for their kids that will really change the world. Having said that—and I will probably say it again and again, because I think they are important stories that guide the work that I do here in the chamber—I of course, along with all of us on our side of the house, wholeheartedly support this bill.

I support the member for Badcoe's great work in doing the background on this over many years, not just here in this place, to really get an understanding of the pain that these children go through. It helps also, member for Badcoe, with the intestinal fortitude to go on and push through with this.

I have listened to her contribution and discussions about amendments to strengthen the bill to ensure that a broader range of victims of childhood abuse are able to seek civil remedy through the court system. I have reflected on those amendments and put much thought into, again, as I say, my experience with many children who have experienced a whole range of abuses, none of which trumps another. Abuse is abuse, and it is completely scarring and life changing and crippling for these young people.

The bill, as we learnt through the great contribution of the member for Badcoe, seeks to amend the Limitation of Actions Act 1936 to specify that an action for damages resulting from the sexual abuse of a person when the person was a child may be brought forward at any time, not restricted by the current three-year time limit from the time of their 18th birthday. These changes are significant and important, as we know.

Through these personal experiences I have just mentioned, I know that many victims of childhood sexual abuse and childhood abuse of any kind struggle to come to terms with the experience they have until later in life. Thankfully, many do not even remember the abuse until much later in life. For myriads of reasons, including feelings of shame, embarrassment, denial, fear of retribution or humiliation, family circumstances, distrust of authorities and concerns about interacting with the justice system, they hold back.

Of course, as people grow and mature, enter and exit relationships and have children, new ways of thinking, thought processes and memories will emerge, often elucidating long-dormant memories of childhood abuse. The bill is based on an understanding of this common happenstance and seeks to ameliorate the current limitations by allowing any victim of childhood sexual abuse to report this crime at any time at any stage in their life.

The bill today is in part a response to the report of the commonwealth royal commission into child sexual abuse and recommendations 85 to 88, which recommend the removal of time limits for civil action against government and non-government institutions. New South Wales, Victoria and Queensland have already abolished time limits with regard to childhood sexual abuse, so it is heartening to see the South Australian government take action on this important issue, and I pay tribute to the Attorney, the member for Bragg, in leading this very early in this term of government.

As I have already noted, Labor will be moving these amendments to the bill to expand the definition of abuse under the bill to include physical, financial, emotional or mental abuse as well as child neglect as a form of abuse. This is in order to reflect the serious harm caused by other, non-sexual forms of abuse and to provide those victims with the same rights as victims of childhood sexual abuse.

I would like to quickly also make mention here today of my thanks for and ongoing support of Mr Michael O'Connell as the South Australian Commissioner for Victims' Rights, who is departing his role. He has served the South Australian community with integrity and honour for the past 16 years. He has supported countless victims of crime and their families throughout our state.

Michael O'Connell supported me and my family when we lost our son. It may be that Michael has created a beast. I was a very angry mother after losing my son—you can well imagine. My husband, my father—all of us—were completely angry and looking for answers. Michael was such a measured, calm, approachable, reasonable man. He made me question myself as to what good

would that anger do and what in fact really would I want to see in the future. Bar my son coming back home, I would like to see that no other family goes through this, so he kept reminding me of that message.

He became somebody I could double-check my goals and intentions with regarding some of the things I was doing with my husband from the Sammy D Foundation's point of view early in the piece. He was very wise, measured, supportive, and I did not need to contact him much at all in the last five to eight years because he set up some amazing groundwork for me, something to check on, so I will always be grateful for that.

His service to the community was unparalleled, and while I have congratulated the Attorney a few minutes ago in my contribution, I would have to say that a man of the substance and value of Michael O'Connell, if it is as reported, did not deserve a phone call overseas to let him know that his services are no longer required to our state. Barring any discussion about the process, he deserved for that to happen while he was here with his family in this country. The Attorney-General should have given him that opportunity.

In closing, I also commend the work of Mr Ted Mullighan and the broad work of the Mullighan inquiry under former premier Mike Rann. Mr Mullighan's three-year inquiry considered hundreds of allegations of widespread child abuse within both government and non-government institutions, spanning some 40 years. For him and all others, including Margaret Nyland and people who work in the department, to have to look into these terrible forms of abuse must be scarring and damaging to those people as well. So at this point, Ted Mullighan's work is groundbreaking. Sadly, I did not have the privilege to work with Ted, but of course this side of the house benefits from the wisdom of the Mullighan pedigree in our party room. It benefits all of us and the parliament more broadly, and I look forward to working for many years with the offspring of said Ted Mullighan. With that, I conclude my remarks and commend the bill to the house.

Mr PEDERICK (Hammond) (12:42): I rise to make a brief contribution to the Limitation of Actions (Child Sexual Abuse) Amendment Bill 2018. This bill fulfils the Marshall Liberal government's election commitment to abolish the limitation of actions period with respect to claims of child sexual abuse. It amends the Limitation of Actions Act 1936. So our government will improve access to justice for victims and recognises the importance of compensation for crimes committed against those who are survivors of child sexual abuse.

Victims of abuse, as we have heard today from the many speakers on either side, frequently do not disclose or even recognise the significance of that abuse until they are well into adulthood. The Royal Commission into Institutional Responses to Child Sexual Abuse recommended the removal of the limitation of actions in these cases, having found it operated unreasonably to deny victims access to justice.

Our party in opposition previously introduced a bill in 2016 following the Nyland royal commission. This bill was never debated and had no support from the Labor Party. Recently our government opted in to the National Redress Scheme for victims of institutional sexual abuse. This legislative change adds another option of redress for survivors who wish to make a civil claim through the courts. We are a government putting victims first and ensuring they have appropriate mechanisms to seek compensation for horrendous crimes committed against them.

In enacting this legislation, South Australia will be the last state or territory to remove time limits for this type of abuse and personal injury. In regard to what we are doing with the bill, as I have indicated, it will abolish the limitation period for bringing a common-law action in personal injury for victims of child sexual abuse. Currently, there is a three-year window to make a claim, between the ages of 18 and 21.

This legislation will apply to all victims of child sexual abuse, not just those who were in institutional care. There will be a retrospective arrangement with the abolition of the limitation period. Where cases have already commenced, transitional provisions clarify that this bill will apply in circumstances where a cause of action has expired prior to the bill's commencement. In addition, courts will have the discretion to grant leave to parties to relitigate matters where they had been dismissed because of the limitation period.

The cost of compensation for these common-law claims will be borne by SAicorp, the government's insurer, if the court determines that the state is liable. More often than not, these claims are settled out of court to ensure victims are not placed under undue pressure. It is expected that most survivors will utilise the redress scheme to seek compensation. However, this only covers institutional crimes. I note that the Labor Party, the opposition, will introduce amendments to be moved in the other place and we will take a look at those between the houses.

As we have heard today, and as the father of a couple of young boys who are getting bigger—six foot two seems a common dimension around the place—you are always concerned about your child's welfare and every child's welfare. I remember the case of Joanne Ratcliffe and Kirste Gordon in 1973. I do not think Joanne Ratcliffe is still around, but if she were she would be my age. I believe she lost her life and a whole lifetime, but that is another matter. We do not know what terrible abuse may have happened to those two girls. Other such matters have happened over time, like the disappearance of the Beaumont children and other terrible activities, not just in this state but in the country and around the world.

It is pleasing to see that we, here in this parliament, are finally taking a stand against the actions of the evil perpetrators of child sexual abuse. I can hardly think of anything worse that could happen to a child, especially when you hear the stories of when they are in care, whether it is non-government care or institutional care, when the very people who should be looking after them are the actual perpetrators of that evil. It disgusts me to the core. We are taking a stand and moving this legislation. I note that the opposition will progress the bill through this place, and I salute the Attorney-General and the Minister for Education for taking a lead role in this debate. I commend the bill.

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (12:48): I am very pleased to have the opportunity to speak on the bill on behalf of the Attorney and close the debate today. I thank the members who have contributed to the debate: the members for King and Hurtle Vale for their extraordinary personal reflections, the member for Heysen for his detailed and thorough explanations about a number of the legal matters, and the members for Badcoe, Wright, Elder and Hammond for their contributions. I believe I have captured the gamut.

I particularly express my gratitude and commendation to the member for Bragg (the Attorney-General and Deputy Premier), who has been arguing for this legislation for some two years and has been a supporter of the causes and needs of victims of child sexual abuse for many years. This is important legislation. This is legislation that was sought, as others have identified, through the Royal Commission into Institutional Responses to Child Sexual Abuse, particularly recommendations 85 to 88 of its Redress and Civil Litigation Report, which recommended that all states and territories take immediate steps to remove the limitation period for cases arising from institutional child sexual abuse.

That is the legislation which the Liberal Party brought to this house two years ago and which I note the Labor Party argued against as recently as February this year. It is disappointing that it has taken us two years to get to the point where this legislation is now capable of passing the House of Assembly with bipartisan support. I congratulate the Labor Party on changing their point of view on this legislation.

I also acknowledge the work of the Hon. John Darley, who previously identified the need for similar legislation through his work in the Legislative Council. I hope, with the passage of this legislation today, that it will have speedy passage through the Legislative Council so that those victims who have been spoken about in such emotional terms in this chamber today will have this further opportunity for some potential legal redress.

I offer some constructive advice to the opposition. I thank the shadow minister, who has identified that the amendments she foreshadowed in her speech will be made available to the government through the Attorney-General's office and, I believe, other members as soon as possible. It is important that this legislation passes as swiftly as it can, for the reasons outlined. The amendments not being available for the House of Assembly to consider today need not, I hope, delay the bill in the Legislative Council. The Labor Party, the opposition, is welcome to make them public or provide them directly to officers within the government and the crossbenches upstairs. Providing them early means that we will be able to consider them and address them.

However, there has been some discussion about the substance of the amendments. The member for Badcoe summed up the substance—obviously anyone can read her speech, if they wish to—by saying:

> I do not think that we should be saying that people who experience a particular type of abuse should have more rights and more freedoms to take an action later in their life than victims who experience a different type of abuse…It is a crime, whether that abuse is sexual, physical, mental, emotional or any other kind of abuse.

There may well be crimes associated with some of those other types of abuse. I also note cultural neglect or cultural abuse was identified during the shadow minister's discussion. The comment I would make at this stage is that this bill is the result of the federal Royal Commission into Institutional Responses to Child Sexual Abuse and has been expanded to include other victims of child sexual abuse. Child sexual abuse is treated differently in the law in a number of different ways. One of the key components is that child sexual abuse is always serious and is always worthy of a serious tag. It is incapable of being otherwise.

We look forward to seeing the amendments and contemplating how the Labor Party propose that those other forms of abuse be dealt with differently and how that could be incorporated here. I would suggest that it is also worth considering whether it is a larger of body of work, if they do wish to put those other forms of abuse on the same par as child sexual abuse across legislation, and whether there are other bills they wish to look at. They may wish to contemplate private member's legislation, which could deal with that as a discrete body of inquiry. I imagine that would assist the parliament in ensuring that this bill is not delayed by any potential consequences that have not yet been seen as a result of their proposed amendments.

They have not yet been seen, of course, because, after two years of discussing this particular bill in its various forms, which has arrived in the stage that it now is, many of the issues related to child sexual abuse in particular have been flushed out and discussed at length. The amendments proposed by the Labor Party, to be dealt with in the upper house, are as yet unclear and of course they will need some investigation. I hope that they do not form a position where they in any way delay the bill, but that will be a matter for the other chamber, presupposing that this house is supportive of the bill. I thank all members for identifying their support for the bill. It is tremendous that we are able to pass this legislation this morning. I commend the bill to the house.

Bill read a second time.

Third Reading

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (12:55): I move:

> That this bill be now read a third time.

Bill read a third time and passed.

FARM DEBT MEDIATION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 June 2018.)

Mr TEAGUE (Heysen) (12:55): I rise to support the bill. The Farm Debt Mediation Bill 2018 is an important initiative of the new government and yet another timely and orderly progression in the fulfilment of the new Marshall government's 100-day plan. This is a commitment that we made and, by the good work of the Minister for Primary Industries and Regional Development, the bill was introduced to this house on 6 June. It is yet another fulfilment of the pre-election program of the new Marshall government and yet another step in the right direction so far as ensuring that we recalibrate our focus properly to consider the interests of those in the regional areas of our state who do so much to contribute to our economy and the fabric of our wonderful society in South Australia.

The Farm Debt Mediation Bill 2018 provides for a structure within which farmers and creditors can come together in circumstances of financial distress where, pursuant to credit contracts that farmers might have entered into, they might only have the opportunity to either negotiate in circumstances of quite different negotiating capacity or initiate enforcement action by creditors,

involving what would otherwise be quite precipitous actions in enforcing the repayment of debts or, indeed, the foreclosure on properties in circumstances of particular distress. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Sitting suspended from 12:59 to 14:00.

DISABILITY INCLUSION BILL

Assent

His Excellency the Governor assented to the bill.

EDUCATION AND CHILDREN'S SERVICES BILL

Message from Governor

His Excellency the Governor, by message, recommended to the house the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

Motions

CHILD PROTECTION

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:02): On indulgence, I rise to recognise that on 17 June 2008, just over 10 years ago, this house made an apology to the children in state care. This historically significant apology followed on from the Mullighan inquiry into institutional abuse of children in South Australia and was an important acknowledgement of the abuse suffered by children in our state's institutions. Victims of abuse bravely came forward to lift the curtain of silence on abuse. These courageous individuals have through this action protected others, and we are forever grateful that people have had the courage to speak up.

At the time of the apology 10 years ago, it was widely recognised that the importance of an apology should not and could not be underestimated, and this is still very true today. An apology is an opportunity to look backwards and express regret but, as importantly, it provides an opportunity to look forward to how we can do things differently, how we can do things better.

My government is committed to strengthening protections for children and young people, providing them with every opportunity to thrive and reach their full potential. Over the past couple of weeks, we have witnessed every state in Australia join the National Redress Scheme, and, while this will never take away the pain experienced by those who suffered abuse, we hope it will go some way towards supporting survivors in their journey towards healing, particularly in light of the systemic failures of authorities in the past who could have and should have listened and protected the most vulnerable people in our community.

We are reforming recruitment practices for the child protection workforce to ensure that we can attract and retain the right people to be on the front line supporting vulnerable children—children who deserve and need our protection the most. We will also ensure that young people who have suffered a hard start in life are able to get on their feet as they become adults, and that is why we are making foster care and kinship care payments available for people up to the age of 21.

We know that there remains a disproportionate number of Aboriginal children in care, and we know that we must do much more to deal with the poor outcomes for Aboriginal children in child protection, education, health and justice. That is why we are in the process of appointing an Aboriginal children's commissioner to develop policies and practices that promote the safety and wellbeing of Aboriginal children, assisting Aboriginal families and communities to keep children safe in culturally appropriate ways.

Of course, we will continue to work towards implementing the recommendations of the state-based Child Protection Systems Royal Commission, many of which overlap or complement recommendations of the federal royal commission. Today, I give the absolute commitment of my government to stand with those who have experienced abuse, to look backwards and to learn from the past but also to look forward, to work together and to do everything in our power to protect the

vulnerable. Child protection is everyone's business, and each and every one of us has a role to play in keeping children and young people safe from harm.

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:05): Today, I rise to mark an important anniversary for South Australia. On 17 June 2008, the Hon. Mike Rann stood up in this place and delivered a formal apology on behalf of the government and this parliament to children who were abused in state care. That apology was a culmination of three years of work to shine a light on historical cases of sexual abuse and better protect our most vulnerable children.

In 2004, the then Labor government appointed the Hon. Ted Mullighan QC, a former justice of the Supreme Court, to commence an inquiry into children in state care. That was an enormous task. During Mr Mullighan's inquiry, he took evidence from 792 people who came forward to tell their harrowing stories of being victims of sexual abuse, and it was clear in Mr Mullighan's report that the inquiry had a profound effect on him. In the preface to his report, commissioner Mullighan wrote, and I quote:

> As the Inquiry progressed I soon felt a deep sense of privilege and responsibility at having been entrusted with the disclosures of people's most painful memories. I observed their selflessness and courage in sharing their stories as part of their process of healing, but also their desire to assist in some way to prevent future sexual abuse of children in State care.

One excerpt from commissioner Mullighan's report gives a small snapshot of the kind of suffering and long-term impact child sexual abuse had on one individual. The individual, to whom the commission referred as witness PIC, was 10 years old when he was placed in state care, as his father was an alcoholic and violent when drunk. Soon after, he was placed in Glandore home and was sexually abused by a man who worked there. His abuser said of the incident to the then 10-year-old boy, 'Only sooks cry. Stop crying, you bloody sook.' PIC says that he told a nurse about the incident a week later and, in his words:

> I explained it all to the nurse and she was very kind. She gave me a hug and told me not to worry about it, just keep away from him as she'd take care of it for me.

PIC says that no-one followed up on that incident and he did not hear anything else about it. In his words, 'I just let it go and got on with my life in the home.' But, in coming forward to the commission of inquiry, he says, 'The actual abuse has always been there with me in my mind.' PIC's individual story is like that of many others.

Over the course of Mr Mullighan's inquiry, he heard 1,592 allegations dating back to the 1930s. Of those harrowing accounts of abuse spanning across half a century, Mr Mullighan produced a 600-page report and referred 170 people with information about 434 alleged paedophiles to police. In accepting Mr Mullighan's report, the former premier Mike Rann made a commitment to accept 52 of the 54 recommendations contained within Mr Mullighan's Children in State Care report.

One key commitment the former premier made at the time was a formal apology to those former wards of our state who were abused in state care, and that is what we commemorate here today. It has been 10 years since that historic and authentic apology was delivered in this place to those members of our community who were robbed of their childhood, their innocence and, for many of them, their potential to be the best version of themselves.

Following the apology motion in the parliament, premier Mike Rann; the former minister for families and communities, Jay Weatherill; and the Salvation Army and representatives of the Anglican, Catholic, Uniting and Lutheran churches signed a shared apology to survivors of abuse. The apology was signed at a ceremony attended by more than 100 survivors.

We must honour that apology with real actions and ensure that children and young people are better protected against vile perpetrators of abuse—and real actions have been taken since that apology, such as establishing a keeping them safe curriculum delivered in schools tailored to young people in age appropriate ways. That curriculum was a key recommendation of the Mullighan report and helps to better protect our children with two key things: that children have the right to be safe and that children can be kept safe by talking to people they can trust.

Other key recommendations have been implemented since that apology was given, and it is utterly appropriate that this place reiterate that apology and continue to commit itself to real actions to prevent such abuses occurring ever again.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the Speaker—

Parliament of South Australia—Members, House of Assembly—Register of Members' Interests—Primary Returns—Registrar's Statement—June 2018
[Ordered to be published]

By the Attorney-General (Hon. V.A. Chapman)—

Regulations made under the following Acts—
Fences—General
Work Health and Safety—Prescription of fee
Rules made under the following Acts—
Magistrates Court—Criminal—Amendment No. 67
Supreme Court—Civil—Supplementary—Amendment No. 9

By the Minister for Education (Hon. J.A.W. Gardner)—

University of Adelaide, The—Annual Report 2017
Regulations made under the following Acts—
Children's Services—Registered Children's Services Centres
Education and Care Services National Law—
Amendment Regulations 2017
Further Amendment Regulations 2017

By the Minister for Energy and Mining (Hon. D.C. van Holst Pellekaan)—

Mining Act 1971—Report and map for the declaration of a special declared area pursuant to Section 9A of the Mining Act 1971 over the Teetulpa Goldfields region

By the Minister for Environment and Water (Hon. D.J. Speirs)—

Environment Protection (Water Quality) Amendment Policy 2018
Kanku—Breakaways Conservation Park Co-management Board—Annual Report 2016-17

By the Minister for Planning (Hon. S.K. Knoll)—

Character Preservation (Barossa Valley) Act 2012 and Character Preservation (McLaren Vale) Act 2012, Report of Outcomes of Review of the
Regulations made under the following Acts—
Development—Designated Osborne Area

VISITORS

The SPEAKER: I welcome to parliament today members of the Probus Club McLaren Vale, Willunga and Districts, who are guests of the member for Mawson.

Question Time

MURRAY-DARLING BASIN ROYAL COMMISSION

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:16): My question is to the Acting Attorney-General. What representations has the South Australian government made to their federal colleagues about the Murray-Darling Basin Royal Commission injunction? When the royal commission was announced in 2017, federal assistant water resources minister and South Australian Senator Anne Ruston said:

> The Commonwealth would not stand in its way, and neither [would] NSW or Victoria.
>
> I'd like to think they'd cooperate, certainly the Commonwealth will cooperate, we [have nothing] to hide.

The SPEAKER: Before I call the minister, with such facts introduced I would expect quite a broad response. Minister.

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:17): I thank the member for the question. As the Leader of the Opposition would be aware, the government has supported the reference of the Murray-Darling Basin Royal Commission to investigate the operations and effectiveness of the Murray-Darling Basin Plan, including whether the plan is being complied with. Given the interjurisdictional nature of the Murray-Darling Basin Plan, the power to compel information and documents from interstate sources, including interstate government sources, is, in the view of the government, important.

A High Court challenge has, as the member is aware, been filed by the commonwealth to the issuing by the commissioner of summonses to current and former commonwealth employees. The government will be awaiting the decision of the High Court before considering the status of the legislation here in South Australia. It wouldn't be appropriate to offer further comment on the legal proceedings underway at this time.

MURRAY-DARLING BASIN ROYAL COMMISSION

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:18): My question is to the Acting Attorney-General. Can the Acting Attorney-General advise what position other states are taking in relation to the commonwealth's injunction?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (14:18): I will take the question on notice and bring back an answer to the house.

STATE ECONOMY

Mr DULUK (Waite) (14:18): My question is to the Premier. Will the Premier update the house on how initiatives in the government's 100-day plan will help create jobs and grow the South Australian economy?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:18): I thank the member for Waite for his question. His question is about how we are going to grow the size of the economy, something which is very important to us because we know, we realise on this side of the house, that if we grow the economy we will create more jobs. If we create more jobs, we will, most importantly, keep our next generation here in South Australia.

I will outline to the house some of the important initiatives that we have contained within our 100-day plan to grow our economy here in South Australia. The first thing that I would like to talk about is our plan to reduce payroll tax on small business in South Australia. We have made a commitment that we will remove all payroll tax on any small business in South Australia with an annual payroll of up to $1.5 million.

At the moment, payroll tax is a massive burden. It's a tax on jobs. People say it's a tax on jobs because that is precisely what it is. We want to put more money back into the tills of small businesses right across South Australia. We are very confident that they will use this money to invest, grow their business, put more stock in place and employ more people in South Australia. This is an important initiative and one that will come into effect on 1 January next year.

But it's not just that commitment. We made that commitment to provide payroll tax relief for businesses up to $1.5 million per year, but I make this commitment to the parliament: as our economy grows and we increase revenue into our state, I will use that additional money to offer further tax relief here in South Australia. We on this side of the house want to remove that burden, release that burden and ease that burden on the productive component of our economy because we know that, if this happens, those people employed in the private sector and those people who own businesses in the private sector will work with us to grow the size of our economy.

One of the other things that is absolutely critical, which is contained within our 100-day plan to grow our economy and to create more jobs, is of course creating more apprentices and trainees here in South Australia. Under the previous government, we saw a massive reduction in the number of apprentices and trainees in training here in South Australia.

In fact, when I look at some of the statistics, I am sure you will be very interested to note that there were just 14,725 apprentices and trainees in training in South Australia at the end of last year. This might sound like a large number—14,725 apprentices and trainees—but I just thought I would take a look at what it was previously. I will go back to the end of 2013, which was not that long ago, less than five years ago. The number was over double. There were in excess of 30,000 apprentices and trainees here in South Australia, so you see that the number of people in training in South Australia under the previous government was in freefall.

We already had skill shortages emerging right across South Australia in terms of technical skills. This would have been exacerbated further as new naval shipbuilding construction began at Osborne to the point where we would have a crisis. The new government hasn't let a crisis occur. We have intervened. We have put $100 million of state money on the table and, of course, we now have an $87 million commitment from the federal government so that we can remove that massive impediment.

Sir, as you would be aware, come 1 July, which is not long to wait—less than two weeks—we will be putting through our emergency services levy cuts, which will put more money back into the pockets of every single household and business in South Australia so they can spend their own money, grow the economy and create more jobs here in our great state of South Australia.

MURRAY-DARLING BASIN ROYAL COMMISSION

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:22): My question is to the Minister for Environment and Water. Was the minister aware of the commonwealth injunction when he attended the Murray-Darling Basin Ministerial Council on 8 June?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:22): No, I was not at that time.

MURRAY-DARLING BASIN ROYAL COMMISSION

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:22): Supplementary: did the minister provide any update to the ministerial council on the South Australian royal commission?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:23): I thank the deputy leader for her question. The ministerial council, held a week and a half ago, canvassed a broad range of issues with regard to the Murray-Darling Basin and really our main focus was on ensuring that there was a pathway forward for the plan and, importantly, securing the 450 gigalitres of environmental flows to South Australia. There was only very basic discussion about the Murray-Darling Basin Royal Commission and no detailed conversations were had in regard to it.

Mr Bignell: It's pretty important.

The SPEAKER: The member for Mawson is called to order. The Deputy Leader of the Opposition.

MURRAY-DARLING BASIN ROYAL COMMISSION

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:23): My question again is to the Minister for Environment and Water. Has the minister met with Commissioner Walker and has he sought to amend the terms of reference for the Murray-Darling Basin Royal Commission?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:24): Again, I thank the member for her question. Yes, myself and the Attorney-General met with Commissioner Bret Walker several weeks ago. A broad discussion was had in relation to the very broad nature of the commissioner's terms of reference. At that point, the commissioner advised that he would be putting out issues papers, which would clarify his approach to particular terms of reference. That is the—

Members interjecting:

The SPEAKER: Order, members on my left!

Mr Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is called to order.

The Hon. D.J. SPEIRS: Really, when it comes to the terms of reference, we left it to the commissioner to interpret them, as a significant legal mind such as his is more than capable of doing so.

Mr Pederick: Just remember the $25,000 you blocked, Tom.

The SPEAKER: The member for Hammond is called to order. Deputy leader.

MURRAY-DARLING BASIN ROYAL COMMISSION

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:25): A supplementary for clarification: did you, or the Attorney-General, in that discussion raise the question of whether the terms of reference were too broad and that you would like to see them narrowed?

The Hon. J.A.W. GARDNER: Point of order, sir: that is a restatement of the previous question, which was just answered.

Members interjecting:

The SPEAKER: Order, members on my left! I believe most of the substance of that question has been repeated. I uphold the point of order. Member for Elder.

INFRASTRUCTURE SOUTH AUSTRALIA

Ms HABIB (Elder) (14:25): My question is to the Premier. Will the Premier update the house on what action the government is taking to establish Infrastructure South Australia and how this independent body will help ensure our infrastructure planning meets the long-term needs of our state?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:25): I thank the member for Elder for her question. The news is there is not long to wait. Very soon, the government, as part of its 100-day commitment, will be introducing legislation into this parliament to establish Infrastructure SA. We have talked about this for a very long period of time. Those opposite, when they were in government, didn't want a bar of it. They didn't want to look in a logical way at spending the finite capital that the taxpayers of South Australia provide to the government in a logical, considered way, which would advance the overall productivity of our state. They loved pet projects around marginal seats and electoral cycles.

Members interjecting:

The SPEAKER Order!

The Hon. S.S. MARSHALL: At nearly every single opportunity, they were found wanting. Take a look at the new Royal Adelaide Hospital. I think it's already $600 million over budget. They didn't provide useful supervision for the important capital investments that the people of South Australia have needed them to make for a long period of time. The good news is there was an

election on 17 March, and those opposite are no longer on the treasury bench, and that provides the new government with the opportunity to put positive policies in place straightaway.

One of the most important responsibilities of a government is to invest in productive infrastructure, to grow the size of the economy, remove those burdens which inhibit the growth of the economy and make sure that we are making sensible decisions with the finite capital that we have available to us as a government. We have long advocated for the establishment of an independent statutory authority to develop a long-range productive infrastructure plan for South Australia. That is exactly and precisely what we are going to do.

Infrastructure SA will be set up to deliver to the government, to the people of South Australia, a 20-year productive infrastructure plan: road, rail, ports, airports, water augmentation, electricity augmentation—all the things that individual members of society can't provide and rely on their government to do so.

In the establishment of this, we have relied on some advice. I must say, I am very grateful to Sir Rod Eddington, who was the inaugural chair of Infrastructure Australia, and the Hon. Mark Birrell, who has also been a longstanding chairman of Infrastructure Australia. What we did was work with these two eminently qualified individuals to look at the other state-based infrastructure bodies that exist. Yes, there are others. Even the Western Australian Labor government is now putting in an infrastructure body because they can see the logic of developing a long-range plan, and that is what we are going to be doing.

One of the advantages—if there is an advantage in coming last in this sequence—is that you can look at what other jurisdictions have done and you can learn the lessons from those other states around Australia. That is what we are going to do. I am quite sure that when we introduce it—we have given notice, but we will be introducing the legislation very soon, so not long to wait—people in this parliament will see that we put a lot of effort into developing a very logical way to spending the finite infrastructure capital that we have.

Importantly, we need to see much more transparency on the advice to government than we saw under the previous Labor regime in South Australia. So, yes, advice will be provided to the government. We will be releasing that advice to the people of South Australia so they can be assured that when this government spends a cent of their taxpayer dollars we are applying it to the highest value, highest return project to grow our economy, to grow jobs and to keep young people here in South Australia.

INFRASTRUCTURE SOUTH AUSTRALIA

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:29): Supplementary question: if the legislation to institute Infrastructure South Australia passes the parliament—

The Hon. S.K. KNOLL: Point of order, Mr Speaker: the question is a hypothetical.

The SPEAKER: I haven't heard the question, but I anticipate that it may be hypothetical.

Members interjecting:

The SPEAKER: Order, members on my right! The Premier is called to order. If there is going to be a point of order about whether a hypothetical question is a hypothetical question, we will hear the question in its entirety.

Mr MALINAUSKAS: Will the Premier refer his own GlobeLink plan to Infrastructure South Australia?

The Hon. J.A.W. GARDNER: Point of order, sir: that is a hypothetical question.

The SPEAKER: Postulating a state of affairs that does not exist is a hypothetical question. I uphold the point of order.

Members interjecting:

The SPEAKER: I have ruled the question out of order, Premier, thank you. Member for Davenport.

Members interjecting:

The SPEAKER: Don't ask hypothetical questions. Does the member for Lee have something to say?

Personal Explanation

SPEAKER'S RULING

Mr MULLIGHAN (Lee) (14:31): I seek leave to make a personal explanation.

The SPEAKER: Leave is sought. Is leave granted?

Mr MULLIGHAN: Leave does not need to be granted. If the Speaker is seeking me to elaborate on the comments I made in the chamber, he need not worry. I fully researched how a member needs to raise a motion in questioning a ruling of the Speaker and that is not what I am seeking to do yet.

The SPEAKER: Thank you. Member for Davenport.

Question Time

RATE CAPPING

Mr MURRAY (Davenport) (14:31): My question is to the Minister for Local Government. Will the minister update the house on the government's progress towards capping council rate rises?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:31): I am very happy to take the question from the member for Davenport and note his keen interest and, in fact, the way that he and councils in his area have worked constructively with the government around helping to bring about this important piece of reform for South Australians. We will quite soon deliver this rate capping bill to the parliament of South Australia for consideration.

A lot of work has happened in these first 90 days or so to help deliver this very important reform for South Australians. What I would like to do from the beginning is thank the local government sector for the way that they have engaged with this piece of legislation. We do accept on this side of the house that there are some councils out there that don't want to see this come into action. Can I say that hasn't stopped any council I have spoken to so far—we would have to be talking about 20 or 30 of them in the last couple of months—from actually being able to engage with this and make this the best piece of legislation that we can.

What is interesting about the discussions that we have had, and this goes to the central crux of why we need this legislation, is that the nature of the conversation is changing. This cap will be put in place once the legislation passes this parliament. It will, over time, curb the increases that local governments will punish their ratepayers with. It will accumulate, but in the first year it will save tens of millions of dollars, but year on year it will deliver savings year after year to the ratepayers of South Australia.

For the first time in any discussions that we have had, the local government sector is talking about ways to do more with what they've got. For the first time, instead of just going back to ratepayers and asking for more money—and for evidence of that you need only look at the fact that we have had 6 per cent average increases over the past decade across South Australian councils—all of a sudden they are saying, 'Okay, how do we actually deliver what we deliver more efficiently?'

There are ways that councils can of themselves, and the Local Government Association can of itself, save money, save ratepayers' money. There are also ways that we as a new state government can work with them to help deliver that. My message to the local government sector has been clear: on each of their points, the answer is yes. Any opportunity that we have to work with the local government sector to deliver better, more efficiently delivered services, we are open to having those conversations. Everything is on the table.

In the discussions we have had, these reforms are about delivering better services. These reforms are about delivering more efficient services. What I think the South Australian public will get excited by is that this rate capping legislation provides the right balance. It gets the balance between

protecting household and business interests with making sure that councils can get on and do the important work that they do. But also, in the middle, in the sweet spot, it actually finds the process by which councils are incentivised to improve the way they do business.

This is a marked change in the rhetoric that council has undertaken. I applaud them for it. I look forward over the next couple of months as this debate is had, both in the parliament but also in the local government sphere, to fleshing out those ideas and giving commitments around how we are going to work together. There are those out there, other political parties, that do not support or at least are not openly supportive of this legislation.

The question I think they need to answer to South Australians is why they think it is okay for rates to go up at three times the rate of inflation. Why is it okay that, at a time when households are being punished by low wage growth and by not being able to make ends meet and when this important reform, which will over time deliver quite likely the biggest step change in their household budgets over the next decade, there are political parties that are not on the record supporting this very important reform?

MURRAY-DARLING BASIN ROYAL COMMISSION

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:35): My question is to the Minister for Environment and Water. Does the government have alternative terms of reference for the royal commission on the Murray-Darling Basin?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:36): No, we do not.

MURRAY-DARLING BASIN PLAN

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:36): My question is again to the Minister for Environment and Water. Can the minister advise which big water users will be targeted to get more water for the Murray-Darling Basin? On 9 June, the Minister for Environment and Water stated that big Adelaide water users would be targeted to get more water in the Murray-Darling Basin.

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:36): I thank the deputy leader for her question. At the recent ministerial council, an agreement was forged between the commonwealth and the states to establish a way forward to reaching the 450 gigalitres of environmental flows to the River Murray. We know across both sides of this house that that 450 gigalitres is absolutely fundamental to the fulfilment of the Murray-Darling Basin Plan and the preservation of the health of the River Murray, particularly the Lower Lakes, the river mouth and the Coorong.

In the discussions with other jurisdictions, it became apparent that low-hanging fruit around urban water, industrial users and off-farm measures were what the first effort to gain that 450 gigalitres would be focused on. But we also know that 450 gigalitres, the vast majority of it, does not need to come from South Australia, given our geographical position at the bottom end of the river.

Any focus on the delivery of additional water from South Australian users to make up our small contribution would be around looking at urban water opportunities. That could look at anything from stormwater harvesting to additional desalination opportunities to enable the delivery of—again, I emphasise—our small contribution towards environmental flows from the River Murray.

MURRAY-DARLING BASIN PLAN

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:38): Can the minister advise what the additional costs might be that could be passed on to South Australian consumers to use the Desalination Plant as part of his plan to achieve water savings in the Murray-Darling Basin?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:38): I thank the deputy leader for her question. I am sure that the deputy leader, being the shadow minister for environment and water, would understand that the Murray-Darling Basin Plan is predicated around the fact that any initiatives which deliver that 450 gigalitres of extra environmental flows must not have a negative socio-economic impact. Any socio-economic impact must be positive or neutral from

those projects. So, in order to get the go-ahead for any projects, there would be no additional on-cost to South Australian water users because that would not meet the positive or neutral socio-economic test.

MOBILE PHONE BLACKSPOTS

Mr TEAGUE (Heysen) (14:39): My question is to the Minister for Primary Industries and Regional Development. Will the minister advise the house on how the state government will address mobile blackspots in regional South Australia?

Members interjecting:

The SPEAKER: Order, members on my left! Minister for Primary Industries.

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:39): Thank you, sir. I will answer this question with pleasure—

Members interjecting:

The SPEAKER Order!

The Hon. T.J. WHETSTONE: It is something that this government, coming into the previous state election, committed to regional South Australia to address: the deficiency that the previous government ignored in regional South Australia for 16 long years. As a regional MP, I know only too well what it is like to live without mobile phone reception, what it is like to do business without digital reception.

The previous government ignored the blackspot funding initiated by the commonwealth government: round 1, no action; round 2, a little bit of action; round 3, not much at all. Out of 867 towers, South Australia got 37. Shame! It is an absolute disgrace.

Mr Duluk interjecting:

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

The Hon. T.J. WHETSTONE: Regional South Australia was once again put out into the cold. What I can say is that last week South Australia had a visit from the regional communications minister, the Hon. Bridget McKenzie. The federal government came over to make the announcement, alongside me, to bolster the $10 million with the remaining $25 million commitment from the federal government—a $220 million blackspot program. Where was the previous government on that program?

Honourable members: Nowhere.

The Hon. T.J. WHETSTONE: Nowhere. I am proud to say that I stood alongside Senator McKenzie to bolster our $10 million commitment, this government's commitment to regional South Australia. With the $25 million, the terms and conditions will be drawn out over the next eight weeks, I understand, but it is critically important that this government has now recognised how important regional South Australia, the connection, is to the digital era.

For too long we have seen a digital divide here in this state between metropolitan and regional South Australia. I know that to be competitive, to be able to do business in today's world, you do need digital connectivity. As a business, whether you are sitting in a tractor or sitting in an office, you need to be able to connect to your markets. You need to be connected to your market infrastructure, your market data, to make sure you can take advantage, that you can be globally competitive.

Again, the $10 million that this government has put on the table is an example of our commitment to regional South Australia, and I am absolutely delighted that we will now work with the federal government—in an adult way—to leverage that money. It is not only through federal money; we will look at local government, we will look at industry, we will also look at the telcos to make sure that we can leverage the maximum amount of money for those regional blackspots in South Australia.

Some of us know that there is new technology with blackspots around South Australia and nationally. We look at some of the small cell technology, we look at existing infrastructure. It is not

just about building new towers. It is not just about putting up new infrastructure around South Australia. It is using the existing infrastructure that is there—as an example, grain silos; as an example, emergency services towers; as an example, small cell technology. That is something that is critical to this connectivity, this blackspot funding, to make sure that regional South Australia is connected to the business world, that it is connected to be able to grow jobs, to build our economy.

That is something that those on the other side just do not understand, how important it is that 28 per cent of this state's population generates 50 per cent of the state's merchandise exports. That is critically important. For the member for Lee, who doesn't quite get it, he should understand that regions matter.

MURRAY-DARLING BASIN PLAN

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:43): My question is to the Minister for Environment and Water. Why did the minister agree for New South Wales and Victoria not to progress on-farm water efficiency projects in last month's Murray-Darling Basin Ministerial Council communiqué?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:43): I thank the deputy leader for her question. The sustainment of the Murray-Darling Basin Plan is absolutely critical for South Australia. South Australia has the most to lose by the collapse of that plan, and we know that the previous Labor government took that plan to the absolute brink of its existence, not because that was right for South Australia, given the plan's incredibly important role in the economy and the environment of this state, but purely for political purposes. We saw that time and time again. We saw the incident of screaming at the Victorian water minister in Leigh Street—an infamous incident which caused significant damage to our reputation when it comes to managing and getting the best outcomes for the River Murray in this state.

When you enter a ministerial council—and the deputy leader would know this—you have to enter a period of diplomacy, and you have to have serious discussions about how to get agreement on particular things. I believe strongly that I went to that ministerial council to achieve two main goals. One was to get South Australia back at the table as a serious leader in water policy, in Murray-Darling Basin policy again in this state, because we weren't achieving for this state screaming from the sidelines, I can tell you. Our reputation was in absolute tatters. That was my first aim.

My next aim was to make sure we actually had a Murray-Darling Basin Plan going forward because, while not perfect, that structure, that framework and that pathway towards an additional 450 gigalitres of environmental flows to come out the end of that river at the Coorong, the Lower Lakes and the river mouth is absolutely critical for our state's environment and economy. If that means that we have to agree to urban water measures and off-farm measures to keep New South Wales and Victoria at the table in the first instance, and then create a pathway towards the delivery of the additional 450 gigalitres, I am more than happy to do so because that plan, which the previous government tried to blow up time and time again, means so much to the health of the river.

MURRAY-DARLING BASIN PLAN

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:46): A supplementary: prior to supporting the off-farm efficiency measures from New South Wales and Victoria, did the minister read the EY report that included modelling that required on-farm efficiencies?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:46): I thank the deputy leader for her question. I absolutely have read the Ernst and Young report. The Ernst and Young report takes a measured look at how the 450 gigalitres of additional environmental flow can be delivered to the river. That 450 gigalitres to be delivered in full must include on-farm measures, the deputy leader is absolutely right, but what was being discussed and agreed to at the ministerial council—and if she had read into the communiqué she would be aware of this—was the first 62 gigalitres—

Members interjecting:

The SPEAKER: Order, members on my right!

The Hon. S.S. Marshall: She was reading between the lines.

The SPEAKER: The Premier is called to order.

The Hon. D.J. SPEIRS: Reading between the lines. Well, I can tell you, Mr Speaker—

Members interjecting:

The SPEAKER: The member for Hammond is warned, the Premier is warned. Members on my right will remain quiet while the minister speaks.

The Hon. D.J. SPEIRS: —when you read between the lines, all you see is blank space; you don't actually see content.

Members interjecting:

The SPEAKER: Do not provoke the government minister.

The Hon. D.J. SPEIRS: This is content we are about. Out of the 450 gigalitres of additional environmental flow, the Ernst and Young report said that by mid-2019 we need to deliver the first 62 gigalitres of water through the projects that you could essentially say were low-hanging fruit. To get those projects onto the table at the ministerial council, we agreed to a range of urban water measures and off-farm measures. The deputy leader may scream from her position as the part-time shadow environment and water minister, but really—

Members interjecting:

The SPEAKER: Minister, could you please withdraw the comment that the deputy leader is a part-time shadow minister.

The Hon. D.J. SPEIRS: She has two major portfolios; is that not factual, Mr Speaker?

The SPEAKER: I ask the minister to withdraw that comment, please.

The Hon. D.J. SPEIRS: I will withdraw that comment, Mr Speaker.

The SPEAKER: Thank you, minister. Continue.

The Hon. D.J. SPEIRS: In conclusion, the importance of that ministerial council was the sustainment of the Murray-Darling Basin Plan, trashed by the previous government for political purposes, and the delivery of that first 62 gigalitres of the 450 gigalitres of environmental flows. That's where those projects can be delivered in the short term.

The SPEAKER: After the 11th opposition question, I call the member for Finniss.

PELICAN LAGOON

Mr BASHAM (Finniss) (14:48): My question is to the Minister for Environment and Water. Will the minister update the house on the government's recent decision to negotiate a lease of a proportion of Crown land near Pelican Lagoon on Kangaroo Island?

The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:49): I thank the member for Finniss for his question in relation to an important economic project on Kangaroo Island and quite possibly an important economic project for our state more broadly. When it comes to matters of Kangaroo Island, a unique tourism destination in our state, it is so critically important to balance economic development against the preservation and sustainment of our natural environment. The government's recent announcement to lease some blocks of Crown land to a developer to undertake the creation of a links golf course on the coast at Pelican Lagoon is an example of working incredibly carefully to strike that balance between economic development and sustaining our natural environment, which is what people go to Kangaroo Island to enjoy in the first place.

It has been good to be able to visit Kangaroo Island and actually visit the proposed site of that golf course at Pelican Lagoon. As the minister, I felt that was very important to get on the ground and get an understanding—a very physical understanding—of the lie of the land and understand what natural assets are there and what economic potential is there, and also ensure that I had conversations with key stakeholders from the mayor and the chief executive of Kangaroo Island Council through to the natural resources management board, through to environmental groups and

the wider community as to how that project can potentially go ahead in a way that will ensure that the environment and the economy are balanced.

It has also been good, and I should acknowledge the opportunity to speak to the member for Mawson along the way in striking this project because it has been important to ensure that he, as the local member for Kangaroo Island, understands the government's process going forward. So, in simple terms, the government has decided not to sell the land. There had been in the past a suggestion that land might be sold.

That certainly wouldn't fly with the Kangaroo Island community and was subject to a lot of criticism, so the government has taken the decision to lease a series of blocks of Crown land along the coastline at Pelican Lagoon, but importantly to exclude a buffer zone of around 50 metres along the coastal strip to ensure that the cliffs and the most fragile vegetation along that site are preserved and aren't impacted by the development. The project, now that we have agreed to lease the land, will move forward to its next stage, which will involve development approval through the planning, transport and infrastructure department.

So I look forward to being able to work with my colleagues on both sides of the house as we develop this project and work with the Kangaroo Island community to ensure that it is a project that has the best chance of success, balancing economic development with the preservation of our natural environment and, importantly, creating a real drawcard for tourists and visitors to go to Kangaroo Island to enjoy what the island has to offer, to invest in South Australia's economy and to provide vitally important jobs on Kangaroo Island, particularly for young people living on the island.

PREMIER AND CABINET DEPARTMENT

Mr KOUTSANTONIS (West Torrens) (14:52): My question is to the Premier. Did the Premier ask Ms Ruth Ambler, the Executive Director of Cabinet Office, if staff of the former premier's office had come into the Cabinet Office following the election?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:53): I thank the member for West Torrens for his question. We have already gone over this the last time that this parliament met, and I made it very clear at that point that at no time did I direct anybody in my office, or anybody that reported to me, or anybody that was in the Public Service to remove anybody from the Cabinet Office.

Mr Koutsantonis interjecting:

The Hon. S.S. MARSHALL: Well, I'm sorry, perhaps the question could be asked again. I didn't quite catch the—

The SPEAKER: Will the member for West Torrens like to repeat the question?

Mr KOUTSANTONIS: Yes, sir. Did the Premier ask Ms Ruth Ambler, the Executive Director of Cabinet Office, if staff of the former premier's office had come into Cabinet Office following the election?

The Hon. S.S. MARSHALL: No, I don't recall asking that question whatsoever.

PREMIER AND CABINET DEPARTMENT

Mr KOUTSANTONIS (West Torrens) (14:53): Can the Premier explain the discrepancy between his answer to the house and the answer Ms Ruth Ambler gave to the Budget and Finance Committee yesterday when she stated that the Premier had asked whether there were public sector employees of the former premier's office—

The Hon. D.C. VAN HOLST PELLEKAAN: Point of order: the shadow minister needs to seek leave if he wants to introduce that sort of information.

The SPEAKER: Yes, 97. Would you like to—

Mr KOUTSANTONIS: I haven't finished asking the question, sir.

The SPEAKER: Would you like to seek leave?

Mr KOUTSANTONIS: I will, sir, for my explanation—had asked whether public sector employees from the former premier's office had come into Cabinet Office.

The SPEAKER: I think the member for West Torrens is going to seek leave to provide an explanation.

Mr KOUTSANTONIS: I will now.

The SPEAKER: In the question.

The Hon. D.C. VAN HOLST PELLEKAAN: He has started his explanation already.

The SPEAKER: In the question.

Mr KOUTSANTONIS: With your leave, sir, and that of the house I will explain.

Leave granted.

Mr KOUTSANTONIS: In answer to a question in Budget and Finance yesterday regarding the public sector employees of the former premier's office coming into Cabinet Office, Ms Ambler said, and I quote:

> The Premier asked whether there were people who were in the former premier's office who had come into Cabinet Office. It was a very short discussion about the impartiality of Cabinet Office.

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:55): I don't recall all the details of the conversation, but I do recall that we did talk about the impartiality of the Cabinet Office. We think that it is absolutely crucial. It is where some of our most capable and diligent public servants are. It provides direct advice to the cabinet, and we did have a discussion regarding impartiality, but at no time did I ever direct Ruth Ambler or any other member of the Cabinet Office regarding the employment of any specific individual.

The SPEAKER: The member for West Torrens.

PREMIER AND CABINET DEPARTMENT

Mr KOUTSANTONIS (West Torrens) (14:55): My question is to the Premier. Did the Premier, his staff or the Treasurer raise concerns about the issue of impartiality of the Cabinet Office on 20 March in a meeting with Ruth Ambler, the executive director of the Cabinet Office?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:55): Did I—

Mr KOUTSANTONIS: Did you and others, yes.

The Hon. S.S. MARSHALL: Well, I think I said that in my previous answer. We did definitely discuss impartiality, and I think that this is a pretty reasonable thing to have in a Cabinet Office. I mean, I don't know how those opposite actually went about employing people in the Cabinet Office. We on this side would think that impartiality—

Members interjecting:

The SPEAKER Order!

Members interjecting:

The SPEAKER: Members on my left, order! The Premier is answering the question.

The Hon. S.S. MARSHALL: Let's be quite clear—

Members interjecting:

The SPEAKER Order!

The Hon. S.S. MARSHALL: —we did discuss impartiality in that office, which is absolutely critical. We don't hide in any way, shape or form from making sure that we do have the very best people available and that they operate in an impartial way.

COMMONWEALTH GAMES

Mr PATTERSON (Morphett) (14:56): My question is to the Minister for Recreation, Sport and Racing. Will the minister update the house on plans for South Australia to bid for the 2026 Commonwealth Games?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (14:56): I thank the member for Morphett for his question and note that he is a very keen sportsperson who, no doubt, would love to see beach volleyball on the beaches at Glenelg and who would probably no doubt take part in beach volleyball down there at Glenelg.

It is a very good question and an important question. Just to update the house, the Marshall government received correspondence from Commonwealth Games Australia inquiring with regard to the South Australian government's interest in entering into the non-binding dialogue phase to discuss the possibility of a potential Commonwealth Games bid.

The Marshall government has accepted that invitation from Commonwealth Games Australia to participate in this phase. The dialogue phase is a new step in the process allowing all stakeholders to discuss the opportunities and requirements for hosting a future edition of the Commonwealth Games. The dialogue phase allows for high-level consultation between the relevant stakeholders prior to organisations committing substantial resources to feasibility studies and the binding process.

I attended the recent Gold Coast Commonwealth Games and held a number of meetings to further explore what would be required to bid and host the games. As well as that, I wanted to gain a better understanding of the potential benefits for South Australia before any decision is made. It is recognised that potentially hosting a future edition of the Commonwealth Games may have many benefits, but this process is now about weighing up those benefits against the costs.

Over the coming months, we will be developing a better understanding of whether hosting a future edition of the Commonwealth Games represents value for money for South Australia. We won't leave any stone unturned as we look for opportunities to grow our economy, create more jobs and get South Australia's exposure on the national and international stage to another level. Many government agencies will be working together to further investigate and understand their requirements of hosting a future edition of the Commonwealth Games, and I will be the government's primary contact with the Commonwealth Games Association. When I was at the Gold Coast, New South Wales, WA and regional Victoria were also fishing around.

Members interjecting:

The Hon. C.L. WINGARD: We get some squibbling and squabbling from the other side of the chamber. When I first came into this job, I did ask what work had been done as far as establishing a bid for the Commonwealth Games, what background work had been done and, sadly, nothing. On that side of the chamber, nothing had been done. So, whilst we have an opportunity before us, we have been left with a very short time frame to turn this around.

That is not to say that on this side of the chamber we won't be working hard to explore every opportunity and give South Australia the best chance, but it is disappointing to see how little work had been done from the other side when they were in government. There was a very poor desktop audit of infrastructure done, a very old audit. That was about it, really—very disappointing. Again, we will be working hard. We will be having a look at what opportunities there are and making sure we weigh up what the best outcome is for South Australia. We know in the process—

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: —Durban were set to host the 2022 Commonwealth Games, and that didn't happen.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: They have stepped aside; Birmingham has stepped in. We have 2026 and potentially 2030 on the table for discussion. Canada has a centenary in 2030, so they really have got that one pencilled in, I think, so 2026 is the opportunity. I said it's a tight turnaround, but that's not to say we shouldn't be looking at every opportunity because, on this side of the house, that's what we're focused on. We are focused on delivering for South Australia. We are focused on

more jobs, we are focused on better services and we are focused on lowering costs for South Australians.

Members interjecting:

The SPEAKER: Order!

The Hon. C.L. WINGARD: If we can make the numbers add up—

Members interjecting:

The SPEAKER: Order, members on my left!

The Hon. C.L. WINGARD: If this stacks up for South Australia, we will be exploring every opportunity to make it happen. Sadly, again, on that side of the house they did nothing when it came to furthering South Australia's opportunity. We will be doing everything we can and look forward to exploring the opportunity in full.

The SPEAKER: The member for West Torrens will be heard in silence.

PREMIER AND CABINET DEPARTMENT

Mr KOUTSANTONIS (West Torrens) (15:00): My question is to the Premier. Who first suggested that Ms Ambler transfer public sector employees who had previously worked for the former premier or former ministers out of the Cabinet Office and the Department of the Premier and Cabinet?

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:01): I have no idea. That's not a decision that would come to me.

PREMIER AND CABINET DEPARTMENT

Mr KOUTSANTONIS (West Torrens) (15:01): My question is to the Premier. Does the Premier stand by his answer to the parliament that he did not advise DPC executives that any public sector employees were no longer supported or had the trust or confidence of the government, the Premier or the ministers?

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:01): Sorry. I just didn't hear it. Could you—

Mr KOUTSANTONIS: Sure. Does the Premier stand by his answer to the parliament that he did not advise DPC executives that any public sector employees were no longer supported or had the trust or confidence of the government, the Premier or ministers?

The Hon. S.S. MARSHALL: I can't recall my exact previous answer, but the only people I have made any comment on whatsoever are the public servants who directly report to me as the Premier because, under the Public Sector Act, they are the ones I can determine whether or not they remain in the Public Service. Beyond that, they are decisions for chief executives.

SCHOOL ABSENTEEISM

Ms BEDFORD (Florey) (15:02): My question is to the Minister for Education. What thought has been given to earlier interventions to avoid the punitive impacts of heavy fines and convictions, even as a last resort, on families in crisis having real difficulties in getting their children to school regularly?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:02): I thank the member for Florey for her question. I am aware that this is a concern that she has maintained for some time since, indeed, the prosecution of two families last year. That was the first time I heard her raise this question. I would actually support the work done by the previous minister for education and the answers she gave at that time, which were, of course, that those families did benefit to the extent that those children are now spending a lot more time at school than they were prior. Her specific question is in relation to what work goes in prior to a fine being levelled under the government's approach to truancy.

The legislation that is going to be in the house before very long identifies a series of measures that take place, particularly in what is called family conferencing. Family conferencing is tremendously important. It is an opportunity, at the lead of one of our attendance officers, for a child who is not attending school habitually or chronically—truant, if you like—to be brought in with their family to the school to work with the school principal, to work with the attendance officer, to work with whatever other structures may need to be in place, whatever other government or non-government service providers may need to be in place, to address the issues as to why that child is not attending school.

It is tremendously important that they do attend school. Consequently, the family conferencing mechanism is tremendously important in the first instance. This is something that happens after schools have often done a lot of work to try to get the student to attend schools in the first instance. There may or may not be interactions with other service providers, government or non-government, along the way as well.

The only circumstance in which it is proposed under the government's proposed new legislation to be introduced shortly—or, indeed, under the present legislation, which does enable the opportunity—for prosecution to take place is as a last resort after all efforts have been undertaken to try to get that student back to school. It's particularly in relation to family conferencing to try to get that family to engage with the family conference. Only in circumstances where that family is unwilling to engage at all with the family conference, or not in any serious way, would any prosecution be contemplated.

It is worth identifying—and this is where I draw back to the experience of last year—that the sheer fact of having had a court appearance in the judicial system is an interaction that has led to those families, and particularly those children, being at school more than they were. It's not actually about the punitive mechanism of the fine but the quantum of the fine being increased from $500, at the moment, to $5,000, as will be proposed. This is only going to be the second increase, as I understand, in several decades.

It's to ensure that there is a mechanism that will get the attention of any family that doesn't propose to take seriously their responsibility to ensure that their child is at school, which is one that I am sure every member of this house would take very seriously. It's worth noting that, at least in one of the examples where there was a prosecution last year, there were multiple cases of truancy identified. Indeed, I think there were several counts in one of the cases. It is therefore requisite on the prosecution to prove that there were multiple periods of non-attendance, rather than the one non-attendance.

I think that the new legislation to be proposed by the government will have a significant positive impact on the lives of the families in question because, more importantly than anything else, our focus is on getting those kids to school.

SCHOOL ABSENTEEISM

Ms BEDFORD (Florey) (15:06): Supplementary: those two cases aside, minister, is there any proof at all, or any evidence, to show that those two prosecutions and convictions made any difference to the truancy rate?

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (15:06): The member asks about the result of those two cases and the truancy rate itself. Regarding the truancy rate itself, the measure that is most commonly talked about is that identified in the annual census, which is a labour intensive process that the department, along with schools, has to undertake to identify the number of students who are truant. It is a regular figure that often comes up, that students not at school on the census date without explanation—that they are sick or in danger of infection, that they are reasonably required to care for a family member or indeed that the responsible person for them has informed the school of the child's absence within five days—is in the ballpark of 3 per cent, as I recall, and that figure has been the figure for a number of years.

That figure equates to some thousands of students, but that doesn't mean that all those students are necessarily habitually or chronically truant or not attending. On that one day, a number of them will be absent for a day. Some of them will be absent for that day amongst others in a term. There may be other unexplained issues at that time, but it also captures far too many students who

are habitually and chronically truant, and that is a significant imposition on their future happiness, wellbeing, success and indeed that of their families and communities.

VOCATIONAL EDUCATION AND TRAINING

Mr McBRIDE (MacKillop) (15:08): My question is to the Minister for Industry and Skills. Will the minister provide an update on the state government's commitment to implement major reforms to boost training and skills outcomes in South Australia?

The Hon. D.G. PISONI (Unley—Minister for Industry and Skills) (15:08): It's terrific to get that question from the member for MacKillop—from one tradesman to another tradesman—talking about skills, and that is what we are so focused on here in the Marshall government. The Marshall Liberal government took our Skilling South Australia strategy to the March election. The strategy outlines our priorities to initiate major reforms and to make significant investments to boost apprenticeships and trainees and to provide jobs for many more South Australians.

Within the first 100 days, we have substantially delivered on our commitment in the training and skills area. In addition to the Marshall Liberal government's $100 million investment to create more than 20,000 apprenticeships and traineeships over the next four years, we have successfully secured $87 million so far under the commonwealth government's Skilling Australians Fund to help meet our target. We have consulted with industry on the Subsidised Training List. I am told that it's the first time industry has been consulted on where government puts its money in vocational education.

The updated Subsidised Training List 4.0 released in May represents a significant boost to skills training in South Australia. Approximately $20 million will be invested in new training activity for non-government training providers in the 2018-19 financial year. This is an increase of around $5 million from the previous year. Critically, Mr Speaker, can I draw your attention to the fact that because of that move there are now 4,000 additional training places in the system—simply with that small move of money within the system.

The Marshall Liberal government is committed to working with stakeholders to ensure that industry has a stronger voice. We are ensuring that our investment in training is targeted to deliver skills outcomes that lead to real jobs and careers for South Australians. We have commenced consulting on the re-establishment of the industry skills councils and the revitalisation of the Training and Skills Commission. We look at that in contrast to what we have landed with after the last five years here in South Australia, when the Labor Party was in government in South Australia—some very frightening statistics. All this was happening at a time when we had the Labor Party playing politics with defence contracts here in South Australia—

Mr KOUTSANTONIS: Point of order.

The SPEAKER: The minister will be seated for one moment, please. Point of order.

Mr KOUTSANTONIS: The minister is not responsible for Labor Party policy.

The SPEAKER: What is the point of order?

Mr KOUTSANTONIS: He is not responsible for our policies. It is not relevant, sir.

The SPEAKER: That is not a point of order, member for West Torrens.

Mr KOUTSANTONIS: Yes, it is.

The SPEAKER: One moment, while I deliberate. The minister must, however, respond to the substance of the question. Minister, I ask you to please continue doing that.

The Hon. D.G. PISONI: Thank you, sir. I agree. We may not be responsible for the Labor Party's policy, but we have to fix the mess, and that is what we are doing. If we look at the mess that was left, where our starting point is, significant falls were recorded over the last five years, from 2011 to 2016, in vocational education. Students at TAFE in South Australia fell by 16,500, or 26.7 per cent over the last five years. Students in non-government providers fell by 14,200, or 35.6 per cent.

In youth participation in vocational education—this is 15 to 24 year olds, that crucial age where people need to get their first job—there was a 14,700 or 35 per cent drop in the number of

students participating in vocational education over the last five years. Program enrolments in government-funded qualifications fell by 36,200, or 33 per cent. But this is the killer: apprenticeship and training activity commencements in South Australia over the past five years, from 2012 to 2017, fell by 16,900, or 65 per cent.

The SPEAKER: The minister's time has expired. The member for Kaurna.

MODBURY HOSPITAL

Mr PICTON (Kaurna) (15:12): My question is to the Premier. Will the government be installing an intensive care unit at Modbury Hospital? The Minister for Health in the other place today has informed the council in a response, and I quote: 'I can confirm I have received advice from SA Health indicating in the absence of establishing a new intensive care unit at Modbury Hospital, appropriate levels of clinical safety may not be achieved with the establishment of a standalone high dependency unit.'

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:13): Modbury Hospital is incredibly important. Everybody in this house knows—

Mr Picton: Will there be an IC unit?

The SPEAKER Order!

The Hon. D.C. VAN HOLST PELLEKAAN: —how important Modbury Hospital is and everybody in this house knows what a dreadful shambles the previous government's Transforming Health policy was.

Members interjecting:

The SPEAKER: Order, members on my right!

The Hon. D.C. VAN HOLST PELLEKAAN: We on this side of the house, led by the Hon. Stephen Wade in the other place, are doing everything we possibly can to fix the mess left behind by that dreadful Labor government. I have not heard one opposition member since the election even utter those two words: Transforming Health.

Mr PICTON: Point of order, sir.

The SPEAKER: Point of order. The minister will be seated for one moment.

Members interjecting:

The SPEAKER: Members on my right will be quite for one moment while I hear the point of order.

Mr PICTON: The point of order is debate. There was a very specific question asked and the minister is debating the answer.

The SPEAKER: I will listen carefully. Minister, the question was very specific. I am sure, after warming up, you will come to the substance of the question. Thank you, minister.

The Hon. D.C. VAN HOLST PELLEKAAN: Yes, Mr Speaker, of course I will. Modbury Hospital is incredibly important. We will do everything necessary to fix it up. People remember the debacle about the ambus—it was going to go, then it wasn't going to go. Ambulance and other services are connected to high dependency and critical health very closely. We continue to take advice from clinicians. We continue to receive a wide range of advice from clinicians—

Members interjecting:

The SPEAKER Order!

The Hon. D.C. VAN HOLST PELLEKAAN: —with regard to delivering our plans.

Members interjecting:

The SPEAKER Order!

The Hon. D.C. VAN HOLST PELLEKAAN: Mr Speaker, you would be very well aware, from your position, looking at all the things that go on in this chamber—

Members interjecting:

The SPEAKER Order! Allow the minister to finish his answer, please.

Members interjecting:

The SPEAKER: Order! Members on my right will be quiet. The member for Hammond is warned. Minister.

The Hon. D.C. VAN HOLST PELLEKAAN: One of the very important things that we need to do to correct the damage done by the former Labor government is to provide better critical care services in the northern suburbs. We will do that. That includes working with Modbury. We take advice from clinicians at all levels. We do not make our health decisions in the way that the previous government did, by doing what seemed to be politically expedient at the time.

Members interjecting:

The SPEAKER Order! Is the minister finished? Almost?

The Hon. D.C. VAN HOLST PELLEKAAN: No.

The SPEAKER: Continue.

The Hon. D.C. VAN HOLST PELLEKAAN: We will deliver vastly improved health care for South Australians at Modbury Hospital and we will make sure that intensive care services are provided where they are needed.

Members interjecting:

The SPEAKER Order!

The Hon. D.C. VAN HOLST PELLEKAAN: Let me be very clear, the Premier—

Members interjecting:

The SPEAKER Order! The minister will finish his answer in silence.

Mr Mullighan interjecting:

The SPEAKER: The member for Lee is called to order. Minister.

The Hon. D.C. VAN HOLST PELLEKAAN: We will continue to consult, we will continue to take advice and we will deliver the right services in the right places so that South Australians can be very comfortable that wherever they live in the state, whether it be Modbury or whether it be Marree, they can get the care that they need for health from the Marshall Liberal government. We will continue to work with all sectors of society and we will deliver the services, the staff, the facilities and the hospitals. Most importantly, we will not be doing what the previous government did, which was terrify people with their dreadful plans.

Grievance Debate

PREMIER AND CABINET DEPARTMENT

Mr KOUTSANTONIS (West Torrens) (15:17): Yesterday, there was some very disturbing evidence given at the Budget and Finance Committee of the Legislative Council. It is clearly apparent now that the Premier, or his office, played some role in influencing or attempting to influence public sector employees to transfer public sector—

The Hon. S.K. Knoll interjecting:

Mr KOUTSANTONIS: I am saying it right now. It seems to be bothering them quite a deal.

Ms COOK: Point of order: the member for Schubert, on his way out the door, called the member for West Torrens a name. He should be made to come forward and explain himself.

The SPEAKER: I will listen to the *Hansard*. I did not hear the member for Schubert, but I will ask him.

An honourable member: He said 'coward' as he was running out the door.

The SPEAKER: 'Coward' is unparliamentary. If he did say 'coward', that has been held to be an unparliamentary word and I will ask the minister to withdraw it. I will allow the member for West Torrens another 30 seconds.

Mr KOUTSANTONIS: Thank you very much, Mr Speaker. It seems to me that this has rattled the government for some reason: the hostility, the faux laughter and the animosity about asking these questions. There is an old saying in politics: the mistakes governments make, they make early.

There is a reason why we have an independent Public Service. The reason we have independence in our Public Service is so they can give frank and fearless advice to the government of the day. When the then Liberal candidate for the seat of Bright worked in the Cabinet Office, there was no political interference from the former government to have that person removed.

We did not raise questions of impartiality. We did not raise questions about whether that person could do their job, because that is not the role of executive government: that is the role of chief executives. If there is any evidence of any minister or any staff member being involved in or in any way attempting to influence a senior executive or public sector employee to move a public servant at their detriment, that is corruption.

The Hon. T.J. Whetstone interjecting:

Mr KOUTSANTONIS: The minister laughs, scoffs, at the term 'corruption'. If any public sector employee is moved to their detriment without the authority under the Public Sector Act, it is an act of corruption. It will be interesting to see what occurs in the upper house with the select committee when we get to question staffers and speak to people who were in meetings about what it means to have trust and confidence in staff members, what it means to have trust and confidence in the independent Public Service.

What does it mean if a minister present in that meeting says, 'Who are these people in this Cabinet Office? Did they work for Labor MPs? Have they ever expressed a political opinion?' Miraculously, these people are then moved not only out of the Cabinet Office but out of the Department of the Premier and Cabinet. If there has been any political interference in this, I think there would be some very serious questions to ask. The Ministerial Code of Conduct is very clear. Section 8 states:

> Ministers must disregard the political and other personal interests of career public servants unless those interests pose a conflict of interests or give rise to a breach of established conventions of Public Service neutrality.

Given that it was a former Liberal candidate in our Cabinet Office, it is hard to say that moving someone out of Cabinet Office does not breach that standard. I note the answers I have received from the Premier where he said, 'No, no, there were no questions. There was absolutely no issue raised about trust or lack of confidence in public servants.' Ms Ambler was asked in the Budget and Finance Committee about this. She made it very clear that indeed the Premier did raise these questions. She said:

> The Premier asked whether there were people who were in the former premier's office who had come into Cabinet Office. It was a very short discussion about the impartiality of the Cabinet Office.

Who was at that meeting? The Treasurer, the Premier's Chief of Staff, the Premier's chief economic adviser and the Premier and one public servant. She spoke up. She answered the questions honestly to the Budget and Finance Committee. We will find out where this goes. We will find out what we uncover. We will find out what was said, by whom and when, why people were transferred out of the Cabinet Office, why they were moved out of DPC and why some of them have left the public sector altogether.

If there has been any political interference in the movement of those public servants, I imagine there will be others who wish to inquire into that, others who have coercive powers to ask ministers and staffers questions about what they did and when. Members might scoff and think it is

funny, but the independence of our Public Service is the most important thing we must protect for good government.

RIVERLAND ITALIAN COMMUNITY

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (15:23): I would like to speak about a local event in Chaffey over the weekend and also thank the member for Light for his presence up there for the unveiling of the Italian migrants statue in the main street, in Vaughan Terrace, up at Berri. It was a cold, brisk Saturday morning, but it was a really good commemoration of some of the migrants who had moved into the Riverland over many years.

We all know that Italian immigrants came to Australia many years ago, generations ago—in some instances, five generations ago. In particular, they saw an opportunity to come up to the Riverland and start a new life. They saw opportunity up in the Riverland to go back to their grassroots, their agricultural heritage and look at ways in which they could start a new future, start a new life. Some of them came over with their family groups, and some stayed and some left. For those who stayed, Saturday morning was to commemorate and celebrate their Italian ancestry, the immigration and the hard work they did to get to the Riverland, to get to Australia. I would like to pay homage to those immigrants, who really did it the hard way.

Once they got to some of those Riverland towns, the irrigation districts, they saw opportunity, just like the statue of the Italian immigrant that looks down the main street of Berri. At the end of the main street of Berri is the River Murray, and nothing is more important; it is the lifeline of the Riverland's economy, of South Australia's economy in many instances. Those Italian immigrants looked around, saw opportunities, put their heads down and away they went. Today, we enjoy the input of those immigrants to our local economy. As I said, they are fourth or fifth generation and a great part of the Riverland's history, and no more so than the history that was unveiled on the weekend.

I would like to thank Mario for his persistence with the Riverland Italian Community Association. Mario Morena is part of a longstanding Italian immigrant family in the Riverland, a family that is an example of hard work and dedication and of what it can mean to a regional community such as the Riverland. I moved to the Riverland in the late eighties, and what it showed me was the opportunities up there. When I migrated from Adelaide to Renmark, it showed me that anyone who is dedicated, anyone who is passionate, who has commitment to a region or an industry, if they work hard they can succeed through adversity, they can make it work.

Today, we enjoy the leadership of some of our Italian elders, and we enjoy the leadership of some of our Italian businesspeople, our Italian families and the Italian culture that everyone in the Riverland enjoys. Something that also buoys me when I am getting around the electorate is the camaraderie and multiculturalism. Not only the Italians but also the Greeks, the Turks, the Indians, the Vietnamese, other Asian people, Australians, New Zealanders, English and Europeans all come together from all different regions, and most of the time they come together for community events. They come together and share conversation, they share their experiences, they share work knowledge.

The Riverland is made up of communities, and the reason they are successful is that not only do they share that experience but they also share the knowledge to prosper. They share the knowledge and the passion, and that is something that the Italians do so well. We all know that the Italian culture is very buoyant; it is no more salient than many other cultures in the world, but I will say that the unveiling of the Italian immigrant statue in Berri was a great day. It is a statue that I would like to think every Italian immigrant will take their descendants to and tell them a story about the great immigrants who came to the Riverland.

Time expired.

TEA TREE GULLY SPORTS HUB

Mr BOYER (Wright) (15:28): I rise to speak about the lack of action in the north-east by the Marshall Liberal government since forming government almost 100 days ago. The Marshall Liberal government promised much in the north-east prior to the state election, but in reality it has delivered

very little. The then Liberal opposition promised to upgrade the Tea Tree Gully tennis and netball clubs and the Banksia Park Netball Club in Banksia Park. We were told this upgrade would create a Tea Tree Gully sports hub.

On 8 January, Tea Tree Gully council's CEO, Mr John Moyle, was advised that a Marshall Liberal government would be funding the Tea Tree Gully sports hub expansion by contributing $345,000 towards the project. Of course, the then opposition was quite openly claiming credit for single-handedly funding the sports hub, but there was just one catch: $345,000 would only cover half the project and council would be required to stump up the rest. However, to my knowledge none of the Liberal election material distributed in the north-east informed residents of this. It was conveniently omitted that the project was dependent upon a co-contribution from the Tea Tree Gully council.

Mr Speaker, given that we now know this project is dependent on a co-contribution from council, you would be forgiven for assuming that the new government would have officially written to council requesting that they co-fund the project, especially considering that the City of Tea Tree Gully is poised to set its budget for the forthcoming financial year. But, lo and behold, I am informed that the new government still has not done this.

Just last month, a Tea Tree Gully councillor asked a question on notice about whether council had received correspondence from the state government signalling its intention to fund the program to which council advised, 'No, there has been no correspondence from the state government since the March 2018 state election.' Given that council is about to set its budget for the coming financial year, it means that these great sporting clubs in our local community will miss out on the promised upgrades for at least another 12 months because this new Liberal government has not bothered to write to council and actually request the financial contribution that is needed to make these promises a reality.

This is not the only project yet to be delivered in the north-east. Prior to the state election, residents were promised that a Marshall Liberal government would open up the Hope Valley Reservoir. In fact, many residents were under the impression that this would be done within the first 100 days in office. However, just last week the Minister for Water confirmed that it is still 'months away', much to the disappointment of many local residents, including the lead campaigner to open the reservoir, Mr Stephen Ross.

The Marshall Liberal government also promised to upgrade car parking and lights at the South Australian District Netball Association courts in Golden Grove. The then Liberal candidates for King, Newland and Wright called for 'immediate resources into reducing congestion and improving safety at the car park'. Yet here we are, nearly 100 days into a Marshall Liberal government, and the club is still waiting for the money.

The new government also promised to replace the spring floor at Tea Tree Gully Gymsports, and I understand that this is also yet to be done, and of course the Marshall Liberal government promised to build the new park-and-ride at Golden Grove, matching the previous Labor government's commitment, and there is still no action on that announcement either. It is one thing to make promises, but it is another thing to deliver. I will be doing everything in my power to ensure that these promises are kept and that the new Liberal government does not turn its back on the north-east.

COLOURS AND CIRCLES ART EXHIBITION

Dr HARVEY (Newland) (15:32): It was a great privilege to be invited to the *Colours and Circles* art exhibition put on by the Modbury Special School at the Department for Education building in the city last Friday. I was very pleased to attend along with the Minister for Education as well as the member for Florey. I would like very much to congratulate the staff, especially Elizabeth Blanco, who does the art with the children and who organised the wonderful display.

I was taken through the wide range of art that was put together by the students and that ranged from different drawings of faces by students from some of the annexes, in places like the Highbury Primary School, to a decorated trampoline. I must admit that I had to double-take to realise that it was in fact a trampoline. It was incredible work on their part. There were also some incredible stories behind the different pieces of art that were there.

For example, there is a student, who is very good with words and writing, who colours in with calligraphy. That is something he does and it is something he does all the time. He had coloured in a picture with different colours in beautiful different patterns, which were really quite incredible. There were also a number of touching stories behind some of the other pieces of art that were wonderful achievements for those students, and the teachers who showed me around were incredibly proud that a child was able to produce something so great.

The Modbury Special School does a wonderful job of providing so many opportunities to empower many children in our community to reach their full potential. I would like very much to congratulate the principal, Cam Wright; the acting principal, Ginny Pyatt; the chairperson of the governing council, Maggie Yarak; and other staff, parents and volunteers on the amazing and important work they do.

At the weekend, I also attended the Friends of Anstey Hill planting day in the Anstey Hill Recreation Park. This was an important day, and the group managed to attract almost 40 volunteers, which was very good. They replanted shrubs, native plants and native grasses down in the valley between the Silver Mine Track and Kaurna Way. The Friends of Anstey Hill is a great local community organisation that supports revegetation and conservation in the Anstey Hill Recreation Park.

They provide many thousands of hours of work in the park, ultimately saving the government a great deal of money, for the benefit of the local environment and community. Particularly important, and in stark contrast, after the previous government's slash and burn of the number of park rangers—from over 300 in 2002 to only 93 in 2018—on this side we are committed to increasing the number of park rangers right across our parks.

I would lastly like to touch on the Fast Cats Pedal Prix club, an important local club, and congratulate them on the work they do. I congratulate both the open competitors as well as the school competitors on their performance in the Pedal Prix competition on the weekend at Victoria Park. It started out as a school group a number of years ago, and now it includes a number of masters competitors in the open competition with four student bikes and four open bikes.

A couple of weeks ago, I was fortunate enough to attend one of their Tuesday evening training and maintenance nights and see firsthand the work they do, which includes maintaining the bikes and all the hands-on skills around that as well as the quite high performance fitness training provided to students and more experienced competitors. It is a fantastic way of engaging so many local people in a local club where they can gain lots of different skills and contribute to the community overall.

HUMAN SERVICES DEPARTMENT

Ms COOK (Hurtle Vale) (15:37): In the last few months, I have had dozens and dozens of organisations contact me to touch base and catch up regarding the work they do for vulnerable South Australians. These people are from across a number of different portfolios within and connected to the human services portfolio. With the background of many of them asking for assistance across a few key themes, I convened an urgent human services round table this week to try to get a feel for where the exact issues were and where they wanted me to provide support. I wanted to hear directly from them regarding the lack of funding certainty they are feeling at the moment under the current state Marshall Liberal government.

Stakeholders, community organisations and service providers across disability, housing, homelessness and employment sectors joined me at Parliament House to voice their concerns about the lack of funding certainty and also the lack of communication from the government and the minister at this point. With the end of the financial year only eight business days away, many service providers are yet to receive word as to whether they will receive any funding beyond next Friday. It puts extraordinary pressure not only on the organisations and the staff but also on the clients. Their ability to deliver the support needed to these clients who desperately need this assistance is severely compromised.

It puts staff at risk, with their wellbeing being compromised. They are very worried about what is going to happen, and they feel that they may be at risk of imminent job loss. Given the uncertainty, it is little wonder that the sector is losing skilled and trained individuals who, like everyone

else, have bills to pay and cannot continue in employment with so little job security. In defence procurement and manufacturing terms, we know this phenomenon as the 'valley of death', where skills and sector memory are lost between projects or funding announcements. This forces providers to rehire and retrain staff at enormous expense that would be better targeted at delivering the crucial services they need.

The ‘valley of death’ is also significantly affecting many organisations and service providers throughout the human services portfolio, who feel that they are now at real and imminent risk. Making matters worse, many in the sector have written to the government seeking advice as to the status of their funding and they have not received responses as yet. The government has now had three months, so ministers have their feet under their desk, they have hung their pictures and their staff are hired, or should be. The time to focus on the service providers delivering for our communities is here. Providing the certainty these organisations need or at the very least the courtesy of a response is the least that can be done for them by the government.

Many stakeholders raised the cyclical nature of the funding model for many organisations funded through the Department of Human Services. I understand and have listened to those who believe that the annual ritual of funding uncertainty is a source of undue stress on service providers, and, along with my Labor colleagues, I will continue to work with and listen to the sector over the next few years to help formulate the policy direction and priorities of a Malinauskas Labor government.

However, I wish to place on record today my thanks to the community organisations, service providers and stakeholders who made themselves available to me and to my office and who came along yesterday at short notice to discuss this funding. Really, many of them just asked at the end of the day to have some certainty as to what was happening in the short term. We know that the National Affordable Housing Agreement (NAHA) was signed by the Marshall government last Friday, 15 June.

Even today I have community organisations contacting me with no knowledge of this. I think that the very least that can be done is that all providers are given an email or a phone call by somebody within the department to assure them that that actually happened this week. It is not very much to ask. It is not hundreds of organisations; the number is only in the fifties. It is not that many, so I think that could happen.

I will continue to work alongside the sector. I know that this round table has been labelled some kind of political stunt, but if it were I would have had media there and I would name the organisations. I have not done that. It was used as part of a communication and engagement strategy, so, minister, get used to it.

Time expired.

NARUNGGA ELECTORATE

Mr ELLIS (Narungga) (15:42): I rise today to speak about relations between Indigenous Australians and white Australians. I had hoped to speak on this topic during Reconciliation Week; however, justifiably, the speaking schedule filled up quickly and I have had to bide my time until now.

I congratulate organisers and promoters on their work that week, which was titled, 'Don't keep history a mystery'. It is a wonderful, vitally important week to help foster improved relationships. It is vitally important because we cannot forget the history that necessitated a week dedicated toward reconciliation, and we should never, ever forget the acts committed against the people native to this land.

I am very fortunate to represent an electorate that is named after the Aboriginal people who inhabited Yorke Peninsula long before anyone else arrived. The Narungga people live on today and are particularly populous in Point Pearce on the western side of the peninsula. They live there and enjoy a close connection to the land, particular to Wardang Island, which is located in the peaceful waters of Spencer Gulf.

They have the benefit of possessing a relatively large parcel of prosperous agricultural land in trust, which is farmed by an area farmer for the benefit of the community. Indeed, the Labor candidate who stood against me at the most recent election is a Narungga man. Doug Milera is an impressive bloke for whom I have a great deal of respect and who was a worthy candidate no doubt.

It is a beautiful community full of wonderful people, and I have been fortunate to visit and have had a number of the community visit my office a number of times since the election. Unfortunately, it is a divided community at this time. The former government's desire to sign a treaty between Aboriginal people has caused a rift between people in the town. There are those who think that the treaty is a good idea and there are those who think that the treaty will be to the detriment of their people. There are those who think that it is just a further way to ostracise the Aboriginal people.

It is the latter group which is under-represented and which has not been heard vocally, and it is those I am standing up for today. These people have not been heard yet, and certainly not consulted by any ordinary definition of the word but they want to have their say. I can hardly imagine a more divisive thing than signing a treaty between people of equal stature inhabiting the same state.

A treaty by its very definition is an agreement between two sovereign states, two discernibly different people. Signing a treaty between people of the same sovereign state creates an 'us against them' environment almost by necessity in order to satisfy the definition of the word 'treaty'. It is unavoidable and inevitable. It is divisive and damaging.

All people in this state want the same thing, and that is equality for Aboriginal people. This should be achieved by outcomes, not hollow words on a bit of paper signed by people in Adelaide far away from the view and influence of a wide range of Aboriginal people. The people of Point Pearce need to see more of the money earned from their land flowing through to their community rather than being chewed up in pointless bureaucracy. They need to see more opportunities for their own ideas, for free enterprise to flourish and for jobs to be created. They need to see improvements to their houses and living conditions. They need to see actions, not words. There has been very little action over the past 16 years, only words.

'Don't keep history a mystery' is a powerful title and a pertinent reminder to learn from our mistakes. Only two weeks ago, I was visited by an Aboriginal person who came to my electorate office seeking urgent help. She was the primary caregiver to a child born of a close relative of hers in addition to having four children of her own for whom she cared. The state had ordered that child, whom she had essentially adopted, be placed in state care. I can assure this place that that lady was well presented, articulate and loving.

At that moment, she was not worried about a treaty. She just wanted to continue to care for her own family. Let us learn from our past mistakes, make real, practical change and avoid having another generation stolen from their family. The future of reconciliation is not a mystery. It needs actions, not words. This Marshall Liberal government is committed to providing action to ensure Aboriginal people experience improved living conditions, better societal engagement and greater prosperity.

I look forward to working with the entire Aboriginal community within the electorate of Narungga directly to ensure the best possible outcomes. It is a tremendous honour to represent an electorate named after the Aboriginal people. I can only hope that I do them justice by providing the best possible representation and ensuring that they experience improved living conditions going forward.

Bills

SOUTH AUSTRALIAN PRODUCTIVITY COMMISSION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 June 2018.)

Mr DULUK (Waite) (15:47): It gives me a lot of pleasure to speak on the South Australian Productivity Commission Bill 2018. I note that it was introduced by the Premier very recently. Of course, this is one of the election commitments that we promised and took to the South Australian people. It is one election promise that we said we will introduce in our first 100 days, and that is exactly what we are doing. As I have said in all my contributions in this new parliament, it gives me great pleasure to speak on bills that meet our election commitments. That is what this Liberal government is going to do, and that is what the people of South Australia expect us to do.

I know it may be a little bit nerdy, but I am really excited about this productivity bill. I am actually excited about productivity. South Australia needs to improve its productivity. In so many indicators across the state, we are lagging behind the rest of the nation: in jobs growth; housing approvals; international university students in South Australia; export, whether it be animals, our grain sector or our dairy sector; and resources. In almost every measure, South Australia does not even match its benchmark of where it should be.

Any responsible government—and this is a responsible government—should do all that it can to ensure that the productivity of this state is increased. The debate on productivity has been going on for many years. I must give some credit to the Paul Keating Labor government. It is incredible that we Liberals talk about the Hawke-Keating era as a good Labor government because we have had bad Labor governments since then. The Rudd-Gillard-Rudd government and the Rann-Weatherill governments were pretty hopeless.

The Hawke-Keating government knew that increasing productivity was very important, as did the Howard government. This year, we mark 20 years since the big waterfront reforms that the Howard government took on with then minister Reith and productivity improvements on the waterside, particularly in Melbourne. It was said that it could not be done. The unions were out there. The CFMEU and the MUA said that there was no way we could improve productivity on the waterfront and that it was impossible and an outrage that government would want to seek increased productivity, and yet they have. Australian productivity on the waterfront has increased tremendously since those reforms almost 20 years ago.

Debt and high taxes became the norm under the previous Rann-Weatherill Labor government, impacting the cost of living for everyday South Australians and businesses. By reducing the level of regulation and red tape, businesses will be able to further invest and employ more people and grow the economy. I think that is the most important thing. I am sure there will be those opposite who will make a contribution and will not support a productivity commission. They do not support the deregulation of shop trading hours. They do not really support the reform of payroll tax. They do not want to look at land tax. They actually do not want to do too much because it is all a little bit too hard.

They forget why it is important for a government to reform. As I said before, it is to allow further investment and employment of South Australians—and that can only be a good thing. When we look at the need to invest and to improve employment for South Australians, we have to look at what government can do. Of course, a big area of that is in public sector reform and the need for there to be an efficient public sector in delivering services to the people of South Australia.

There is no doubt that South Australia is lagging behind the other states and other comparable small open economies, such as New Zealand and Singapore, in employment and growth. There has been minimal growth in aggregate hours worked per month in South Australia since the GFC. That was at 4.8 per cent in the June quarter in 2009 to the December quarter 2017. That is a marked contrast to the national rise of some 14.5 per cent growth in that same period. This is despite a 6.8 per cent lift in state and local government employment over that time frame.

Since the GFC in about 2007-08, South Australian public sector and local government employment has grown by about 6.8 per cent, but aggregate hours worked and productivity have grown by only about 4.8 per cent. The Australian Bureau of Statistics data from November 2017 shows that, while our state's gross state product increased in recent times to 2.2 per cent, we are still lagging behind other states and territories. In that same period, the Australian Capital Territory grew at 4.6 per cent, the Northern Territory was 4 per cent, Victoria was 3.3 per cent and New South Wales was 2.9 per cent.

I am reminded to reflect on the New South Wales budget that was handed down today. I must commend Treasurer Perrottet for the state of his books and the investment in a future fund for the state of New South Wales. I look at what a Liberal reformist government has been able to do in New South Wales to restore trust and faith in the New South Wales economy after the corrupt New South Wales Labor governments of recent time. That is the benchmark for reform, for deregulation and for reinvestment in infrastructure especially.

Previous Labor governments have failed to efficiently invest in education and training. Education and training are a huge component of a state's productivity and that is why this Marshall

Liberal government is going to fix and invest so much in education and training—in order to provide the workforce with appropriately skilled South Australians. That is certainly what we need. It is a sad reality that our public education standards—primary, secondary and vocational—have declined in recent years in comparison with other states. Public education is critically important to the future capability of our state and future growth and productivity growth as well.

In February 2018, the South Australian Centre for Economic Studies released a report entitled 'To ignore reform is to ignore opportunity: creating a more effective and sustainable public sector'. It is well worth a read for those who are interested. Key elements of the report highlighted the following critical factors in maximising the underlying levels of economic activity and productivity, and these are:

- institutional quality (i.e. our public sector);
- the quality of government itself;
- long-sighted policy objectives and efficient implementation, monitoring and evaluation; and
- spending on basic or low-risk essential services and infrastructure.

If you look at those individually, it is important that we have a quality Public Service—that institutional quality. It is important that we have a frank and fearless public sector with public servants who are committed to serving the government of the day. We do not need public servants who are servicing factional interests or former union employees: we need a Public Service that is focused on serving the government of the day and, ultimately, the people of South Australia.

The quality of government itself—I know the Premier has long spoken about the need for accountable Westminster government, and that is what we are going to deliver—is a driver of productivity. Long-sighted policy objectives and the establishment of a productivity commission play into our desire for Infrastructure SA, for long-term planning that seeks investment and attracts job creation in South Australia, a long-term investment plan that will be driven through both this body and Infrastructure South Australia that allows capital to flow into South Australia. We cannot build the infrastructure that we need for tomorrow, and we cannot expand our ports, our roads, our rail infrastructure, if we do not have capital. Access to capital, and access to markets, is so important for businesses and government in South Australia.

We also need spending on basic or low-risk essential service infrastructure. Investment in public health is really important. That is why renewing the Repat and turning it into a genuine health precinct is so important. It is why investing in Modbury Hospital and The QEH is so important. It is why investing in medical science and new technologies that drive economic growth is so important. To drive productivity and economic growth, we must look at these factors to reform and improve. This also means making the tough decisions and arguing the case for reform.

For those who read the paper, I sense that this government is going to have to argue the case for reform, especially around the deregulation of shop trading hours. I saw Ms Bourke from the other place in my community yesterday, and good on her for visiting Blackwood. She was out there talking to some shop traders. When I am back on Friday morning, I will be seeing all my shop traders as well and having a chat to them because they actually know the importance of being able to open when they want and the importance of being able to sell product to my community on an as needs basis.

It is good to see that those opposite are up in my community. I am actually looking forward to the Leader of the Opposition doing his listening tour in my electorate. I am looking forward to asking a few questions about what a Labor government in about 20 or 30 years might want to do for my electorate, so that will be very important.

In June 2015, the ABS released some stats showing that, relative to other states, South Australia's private sector is more reliant on small business activity, especially sole traders (non-employing businesses) to generate private sector employment. Some key stats from that report show that in this area South Australia has the lowest share of employment accounted for by the private sector of all states at 87 per cent, compared with 90 per cent on average across other

mainland states; the highest share of non-employing businesses of all states at 65 per cent in total, compared with 61 per cent across other mainland states; and the likely highest proportion of employment in businesses employing fewer than 20 people.

Looking at those numbers, when you extrapolate that, there are some trends in these figures that need to be reversed to improve our state's economy. Our ageing workforce and modest, at best, population growth are stifling our economic output. It is important that we outline a productivity framework to address these matters. As I have said many times in this house, the depopulation of our regional communities and centres, as the member for Narungga knows so well, is having a huge impact on productivity, on growth and on business efficiency in his community, as well as in parts of the member for Heysen's community.

In terms of the legislation before us and what it seeks to do, the commission will be established as a statutory authority governed by the chair of commissioners and reporting to the responsible minister, who at this time, of course, is the Premier. The commission will be a tool to create appropriate and transparent public policy, which is so important. The commission will be politically impartial and provide advice and recommendations to the government on which policies most affect the SA economy and how we can improve the state's financial position.

An impartial commission allows for policy to be developed that focuses on the benefit to community and the broader economy rather than benefiting one sector, industry or lobby group. I think that was the hallmark of the last 16 years of Labor government. Too often, economic policy was created or made maybe on the run to benefit one industry, one lobby group at the time. That is not what we are going to do.

It was great to read the Premier's remarks in the paper today about the need for there to be long-term sustainable platforms so that business and industry know what the rules are, understand how the game works and are not at the beck and call of a government minister seeking favour and seeking government grants which are not properly accounted for and which ultimately hurt the taxpayer. The budget for the commission will be settled through the budget being handed down in September. We will ensure that the new commission is well resourced.

In terms of our Public Service, the state government employs more than 12 per cent of the South Australian workforce, approximately 100,000 employees. It is a very important employer in the state of South Australia. Their productivity affects the entire South Australian economy. We want to see our Public Service, and hopefully the commission will as well, work to build better relations with the private sector to improve our economy together.

We want to see the commission charged with improving economic and productivity growth in South Australia in order to achieve the highest standard of living for all South Australians. That is what we want. Ultimately, we are here as a government to improve the living standards of all South Australians, and that is what we need to do. Productivity is about producing, delivering or achieving more for every unit of resource invested. It is about providing better quality goods and services for more South Australians, using the resources available at that time. The objects of the commission outlined in the bill include:

- to increase employment—that is, population growth both in Adelaide and our regions;
- to improve the quality and efficiency of services delivered or funded by government;
- to improve the competitiveness of private sector investment;
- to reduce the cost of regulation and removing red tape;
- to facilitate structural changes to our economy; and
- to promote regional development.

I think it is important that we do have a commission—and I know that the federal Productivity Commission looks at facilitating the structural changes to our economy—to think a little bit differently. I look at the aged-care and health space and the opportunities for this state to use a current problem, which is an ageing society, as a benefit to drive economic growth and technology improvements to help the life of South Australians.

There are going to be inquiries that the government will seek and have the power to hold, and of course there will be inquiries that the commission itself can run. It is the intention of the government that matters of inquiry referred to the commission relate to new investigations or those which build upon existing bodies of knowledge, rather than replicate existing bodies of work. The government is looking for a new vehicle, a new mechanism, to drive new initiatives in terms of economic growth.

In terms of the federal Productivity Commission, it is important to get some comparisons. In its current form, the federal Productivity Commission was established by the Howard government in 1998, but various commissions have existed in one form or another since 1921. Current and past inquiries of the federal Productivity Commission have looked at a wide range of topics. They have looked at the competitiveness and efficiency of the Australian superannuation system, compensation and rehabilitation for veterans, national water reform, horizontal fiscal equalisation, automotive assistance, overcoming disadvantage and the like.

Like its federal counterpart, the state productivity commission will also look into services that the government provides and where those services can be made more efficient for taxpayers. I think it is important that tough questions will come out of a future South Australian-based productivity commission, and there will be ones that are controversial. There will be recommendations that government might not always like, but I think it is important that we have this process; if only we had had this process established 10, 15 or 16 years ago.

I wonder where the South Australian economy would be today if we had actually had the forward thinking of a productivity commission, mounting a case and coming to government and the government sitting down with the commission and the people of South Australia to make hard decisions about the future of South Australia, and not just a government that racked up debt on the state credit card. I think that is really important.

The commission will be empowered to provide its own analyses and recommendations free from interference. The commission will be required to publish final reports on its website, ensuring that its analyses and recommendations are known to the public. Making their work publicly accessible is important for transparency purposes. I go back to the recent South Australian Centre for Economic Studies paper talking about the transparency of government—the more the government puts out up-front, and is open and accountable, the better the decision-making process will be for all South Australians.

Of course, the commission will be able to have provisions for dealing with conflicts of interest. They are considered necessary because of the highly specialised expertise required by the commissioners and are consistent with some provision in legislation governing ESCOSA.

It is most important that this legislation passes through the parliament so that we can get down to the business of creating a new framework for South Australia. It is an important commitment. It is one we took to the election. This legislation will allow an independent body to be established to provide recommendations to support productivity growth and create new economic jobs for South Australia, for South Australians and for South Australian families. If there is one thing that government should always do, it is look after the jobs of South Australians and their families. I certainly support this bill through the house.

Mr MULLIGHAN (Lee) (16:05): I rise to speak on the South Australian Productivity Commission Bill 2018. In doing so, I ask the house to be aware that I am the lead speaker on behalf of the opposition on this bill. I thank the member for Waite—I am sorry; I was about to use the d-word—for his comments and contribution. I mean the electoral d-word, not any other you might have been referring to.

This bill is the legislative manifestation of an election commitment by the Liberal Party in the lead-up to the last election to develop a productivity commission for South Australia. Indeed, there was a commitment that the membership of the productivity commission will be determined within the first 30 days of government.

The Hon. S.S. Marshall interjecting:

Mr MULLIGHAN: Despite the Premier interjecting, saying that the membership has been determined, we look forward to exploring that during the committee stage of the bill. On 8 May, 50 days after forming government, the Premier advised the house that the South Australian productivity commission as well as the proposed Infrastructure South Australia would actually be bodies created via legislation rather than established through executive powers, hence the delay in not establishing them previously, let alone determining their membership as committed to in their first '100 days' website document.

The ministerial statement made by the Premier claimed that immediately on forming government he sought out members for the productivity commission. Only he will know whether that was the case or not. Certainly, there have been a number of people who have been reported to have been asked but who politely declined the opportunity of being on the South Australian productivity commission.

Nonetheless, by 7 June the Premier introduced this bill into the house, some 50 days after the 30-day commitment to establish the productivity commission and determine its membership. Whether it will be established within 100 days is contingent not just on its passage through this place but also on its passage through the other place. Given the sitting schedule and given their legislative alacrity—or lack thereof—I would not be putting money on it.

It is a bill I have to pay a compliment to the Premier on, however, because unlike a number of others introduced into this place in recent times, this bill at least was able to lie before the house for a period, enabling members, including the opposition, the opportunity of being briefed on the bill before debate immediately started.

Mr Pederick: Those with short memory.

Mr MULLIGHAN: The member for Hammond interjects. He must think this is a reflection on him, but it is not a reflection on him at all.

An honourable member: Do you want to pad this out for an hour?

Mr MULLIGHAN: That briefly?

An honourable member interjecting:

The DEPUTY SPEAKER: The member for Lee will continue his contribution in silence.

Mr MULLIGHAN: I am just waiting for silence, Deputy Speaker, before I continue my remarks. I was not reflecting at all on the member for Hammond; he is an effective and assiduous member of this house, let alone in his role as Government Whip. I was about to lament the absence of the member for Morialta, who does like to keep a tight rein on how matters progress through this house. We missed him dearly in those last two weeks, although of course we were happy to give him up because he was attending to far more important duties, becoming a father for the first time.

Let us hope that with the Premier's introduction of this bill, letting it lie before the house and affording members the opportunity to have a briefing, we can put an end to the opposition being put in a position where it is not ready to speak on matters and hopefully, perhaps, where we will never see again a succession of 16 government members giving almost verbatim the same speech about the importance of amendments to the gift card regime we have here in South Australia. That was—

The DEPUTY SPEAKER: Member for Lee, I do not think that bill is over yet.

Mr MULLIGHAN: That was the extent of my reflection on it, Deputy Speaker.

Mr PEDERICK: Point of order: that bill is before the house.

The DEPUTY SPEAKER: Thank you. Member for Lee.

Mr MULLIGHAN: As I draw my comments on that matter to a close, perhaps I can offer to the house that that was an experience best enjoyed once and once only.

Mr Pederick: So was your five-hour speech.

Mr MULLIGHAN: Thank you, Deputy Speaker, and thank you once again to the member for Hammond for his interjection and instruction on these important matters. I will say one thing about

it more generally, and that is that, despite introducing this bill and letting it lie before the house for some time, the government providing only 48 hours' notice to all members of parliament for a briefing to be conducted on a Friday morning—when many of us are likely to be previously committed, as I was, with electoral duties and also, in my case, with an event in my electorate—puts us in a difficult position to go through the normal course of business in speaking with the government about its bill and making sure we are in a position to deal with it as swiftly as the government would like.

I do not say that critically, except to ask that as these bills continue to come on from the government perhaps some invitation is extended to the opposition—through the leader's office or, if they are confident they know which shadow minister might be dealing with it, perhaps organising that a bit more effectively—so that we could spend less time in committee and more time on that briefing outside the house. That would be appreciated.

We still have further bills like this to come—I think the Premier foreshadowed more at the beginning of question time today—and it is likely that, given the establishment of a similar body, Infrastructure South Australia, some of the issues that might be raised in the context of the discussion of this bill might be pertinent to the discussion of that bill as well. It might be in everyone's interest if we can contract that process for that subsequent bill.

Of itself, this is a relatively brief bill to establish a South Australian productivity commission. Amongst other things, it establishes it as a legal entity, and it establishes what it calls objects of the commission, membership, commissioners, the conduct of inquiries, staffing and operations of the commission. It is a brief bill, as I said, and not one without precedent given that a Productivity Commission was established at the commonwealth level. More recently, one was established in Queensland in 2015. It seems to be one of an increasing number of agencies and entities that are in the process of being created by the new government to provide it with advice on economic matters.

The current government made a commitment in the lead-up to the election that it would be dissolving and disbanding the Economic Development Board and replacing it with an economic advisory council, I believe, which would have a reduced membership. Principally of concern to the Treasurer, it would be reduced in cost. As to what role it will play amongst the operations of this new government, we are not yet sure as existing agencies provide economic advice to government—principally, the Department of Treasury and Finance and the Department of the Premier and Cabinet, as well as other industry-facing agencies, which are likely to fall out of what we understand are the machinery of government changes within this new administration.

In the case of Treasury, which is usually responsible for economic and fiscal policy development, we also have the Essential Services Commission of South Australia. While it was established in the very early 2000s to play more of an interventionist role than a role on behalf of the government of the day and the public of South Australia to review the arrangements which were newly established with the privatisation of South Australia's electricity assets, it was also established in legislation with an ability to conduct research inquiries and other related efforts on behalf of the minister, being the current Treasurer.

We already have a number of pre-existing bodies in the government: the two departments I spoke of, as well as the Essential Services Commission. The Essential Services Commission has conducted the exact same work previously for government on reference from a minister to look at micro-economic policy issues to either identify opportunities for change or reform, or at least provide some light, some focus, on the activities of an industry for the benefit of the government and, in turn, the people of South Australia.

We know that the Essential Services Commission has already made an entreaty to the current Treasurer that it be looked upon to play this role, which is to be established by the productivity commission. We know this from documents released to the opposition under freedom of information determinations, that they have specifically offered that opportunity to the government. Given the type of work, looking at the regulatory environments particularly around industries in South Australia and reporting on them, and reporting opportunities to improve them, it strikes me and the opposition as a little odd that that should be immediately overlooked in deference to this new body to be established by legislation.

The government made it clear that they would set out on this path, and this bill makes that clear. However, you have to ask why this government seeks a productivity commission, and some reasons have been given most recently in a contribution from the member for Waite and also in the Premier's second reading contribution. It is worthwhile looking at a brief history of the Productivity Commission, which was established at the federal level by an act of the commonwealth parliament in 1998, to see how that body has operated and what it has been able to offer, particularly what it has been able to offer under different governments since it was established.

As I mentioned, it was established in 1998. It was an early initiative of the then Howard government, and it was established in 1996, not long after the collapse of a number of agencies and commissions that between them had responsibilities for providing economic and policy advice, particularly around regulatory environments and micro-economic reform opportunities. They were the industry commission, the bureau of industry economics and the economic planning advisory commission.

Of course, we remember that 1996 was the year the Howard government was elected. It is not perhaps unusual in that context to expect that there was a collapse of these pre-existing functions and commissions into this new body because they made it clear that they wanted to shake things up fairly dramatically at a federal level. The 1996 election was the first time that a conservative government had been elected at a federal level for 13 years since the Hawke government was elected in 1983.

It is worth reflecting in the context of this bill that the Hawke and Keating governments are roundly recognised, widely recognised, as being the most reformist governments in terms of monetary policy, fiscal policy, economic policy and, in particular, micro-economic policy. They were able to do so relying on those agencies existent at the federal level without a productivity commission. They relied very heavily on the advice that was provided to them by the commonwealth Treasury. They relied very heavily on the advice that was provided to them by the Department of the Prime Minister and Cabinet, as well as from time to time some of those departments that were industry facing and facing specific industries.

It was an extraordinary reform record to achieve in a climate where there was not necessarily an external bureau or agency or commission that was relied on to tackle what in today's political environment would be considered very difficult or very thorny issues of economic reform. That simply was not required. What was required back then was a government that knew what it was seeking to achieve via the processes of reform in fiscal or monetary policy or micro-economic policy reform.

You only need to look at recollections of people like former prime ministers Bob Hawke and Paul Keating, as well as ministers within those cabinets, about what they were trying to achieve. They knew inherently that the path to improved standards of living, greater social equality and equity of opportunity for the Australian people could well be achieved through improvements to the Australian economy and sectors within it. They were able to take on and map out this reform agenda because they had not only that understanding but an inherent trust and faith in the Public Service that was advising them.

It is very easy to talk about trust in a public service but not necessarily so easy to talk about in the context of the Public Service that was advising the Hawke government in the early days when it formed government, remembering of course that there were a lot of very senior public servants, particularly in the federal Treasury, who had traditionally been viewed as acolytes or allies of the outgoing conservative government that lost that election in 1983.

However, there was a faith, there was a confidence, in those individuals and their capacity to develop policies that cut largely against the grain of what the economic orthodoxy was within the Australian Public Service at the time. I raise that point because what we hear from those opposite in government is that they seek to change, they seek to redefine, the role of government in pursuing economic reform in South Australia, and the purpose of the establishment of this body is to enable them to do so.

Well, not only have I said that there are agencies already existing within government that should be and, I would argue, are very well placed to provide sufficient analysis, investigative efforts and reform options to the new Liberal government, and would be able to take on that advice and

pursue a reform agenda for them, but it is interesting that the government are not taking the opportunity to take advantage of those resources that have been placed at their disposal.

If you look at the conversion of the Australian economy from the early 1980s to the mid-1990s, it is remarkable. The Australian economy was one of the most highly protected economies in the Western world in the 1980s. If I can pick a small number, a small grab bag of the economic reform achievements of those governments, including floating the dollar, deregulating the banks, introducing new taxation regimes (principally through capital gains and fringe benefits taxes), the establishment of enterprise bargaining, the removing of import tariffs and quotas and the introduction of National Competition Policy, no government of any persuasion has come close to having a successfully implemented economic reform agenda of that government—all achieved without necessarily having or being able to refer to a separate, independent external body to provide advice on such matters.

It is the last of those that I mentioned, the establishment of a National Competition Policy, which arguably led to the genesis of the federal Productivity Commission, and that is because the National Competition Policy, amongst other things, sought not only at the federal level but also at the jurisdictional level across the states and territories to seek micro-economic reform in industries that were largely regulated by those jurisdictional governments.

That reform project was extremely broad and far reaching. There were few industries that you could nominate today that were not subject to industry reviews and implementation of significant legislative reforms to flense away the significant amount of regulation and red tape which had often been applied at a state level and which had often been applied inconsistently with other jurisdictions—and troublingly, given the fundamental tenets of the Australian Constitution, sometimes in conflict with what the federal government, let alone the federal parliament, was seeking to achieve in that regulatory environment.

Out of that competition policy was a particular focus on government enterprises, government-run businesses, that were established by governments to provide services and sometimes the sale of goods to communities where there may be also private sector entities seeking to provide those same goods and services. One of the most concerning things, I think, that came out of the period of National Competition Policy examination and reform was the concept of competitive neutrality of those government business enterprises at all levels of government—making sure, in short, that the operating conditions of a government enterprise did not create some inherent advantage against those others seeking to provide similar goods and services in the private sector.

That principle of competitive neutrality has, because of National Competition Policy and the establishment of the Productivity Commission, now largely been baked into government enterprises across Australia. Indeed, there is a specific reference in the federal Productivity Commission Act for complaints regarding competitive neutrality to be made to the Productivity Commission for investigation. So you could argue, from a regulatory perspective, that a vast agenda of work has already been identified and attended to in the federal context and also in the state context.

Of course, we are living in a time many years on from the period when National Competition Policy petered out. We are seeing massive changes in the industrial landscape in Australia and across jurisdictions, which in some cases make those reforms outdated and needing to be revisited. That is appropriate but, again, I come back to the point: why do we need a productivity commission to undertake that? I would also like to think that here in South Australia there has been some good reform—economic, regulatory and other policy reform—that has left South Australia in much better shape, particularly in the last 20 years.

If the purpose is, for example, to facilitate industries that can provide very large employment opportunities for South Australians, or if the objective is to reduce business costs or the cost of doing business in South Australia, or if there is an opportunity to better guide the efforts of service delivery by public and private sectors, then there has been a substantial body of achievement in South Australia, particularly over the last 20 years. We see in the local paper this week that there is a tremendous effort to publicise to the people of South Australia and also capitalise on the opportunities that the defence spending at the Techport precinct will provide to South Australia. That is a terrific thing, of course.

Techport was built by the former Labor government principally to win the air warfare destroyer project but also to establish South Australia as the obvious location for the future submarines to be built. As we now know, not only are they getting towards the end of that air warfare destroyer project and are in the planning stages for the Future Submarines project but, because of the delay between the two platforms being built, there will be more defence work down there. That is a good thing. That is how governments, through the advice provided to them, can identify industry development opportunities and prosecute them successfully for the benefit of the state economy and for the benefit of job opportunities in South Australia.

There is a similar story to tell in the minerals and resources sectors of the state economy. Through the plan for accelerated development, there was a tremendous increase in spending in mining exploration and proving up future mining and energy developments in our state to the extent that, just before the global financial crisis—before the amount of exploration expenditure started to dry up as access to capital was substantially reduced through that period—South Australia was the most prospective jurisdiction in Australia.

I think it was the fifth most prospective in the world when it came to the amount of money being spent on exploration and predevelopment activities across the regions. That is terrific. Of course, as we start to see the industrial opportunities, the export opportunities and the availability of capital start to return, the appetite to take on that capital starts to return and, as we see the biggest and perhaps most important swing item on the list, the commodity prices, move in the right direction, we are starting to see a lot more activity in this area.

In the last six to 12 months, we have seen announcements around Carrapateena. We have seen a buyer willing to take on the steelworks at Whyalla and expand further through industrial opportunities. It is a great thing that governments have been able to identify those economic opportunities and prosecute them successfully for the benefit of the state.

In terms of regulatory reform, you would not have to go too far past the reform to the WorkCover scheme to see how that can reduce business costs significantly for South Australian companies, as well as the very significant reductions to the payroll tax liabilities of South Australian companies. This year, South Australian businesses, through successive reductions in payroll tax liabilities, will be saving in the order of $220 million against the payroll tax rates and threshold that were in existence before the former Labor government came to power.

Regarding land tax reform, there is a saving to private households and businesses of well over $100 million a year and, in terms of stamp duties and other transactional taxes, a further $250 million each and every year. It is no wonder that, when you relieve South Australian households and businesses of a taxation burden in excess of three-quarters of a billion dollars each and every year, KPMG often rates South Australia as Australia's most competitive place to do business. Indeed, it was only yesterday that the *Financial Review* reported South Australia as the third lowest taxing jurisdiction in Australia.

These are good things and when you put on top of that the large reforms to industry regulation, such as the planning reform taken on by the member for Enfield, in conjunction with the mapping out of activities of the industries interested in planning and development matters, such as the 30-Year Plan for Greater Adelaide, and when you provide them guidance, as we provided to the mining sector and energy sector with the Regional Mining and Infrastructure Plan, and when you provide a pipeline of bankable projects, as we did through the 30-year Integrated Transport and Land Use Plan, then you can see that a significant body of work can be achieved not just at the federal level, as was done prior to the Productivity Commission being established at that level, but also here in South Australia.

In the lead-up to the last election and also since the state election, it has been interesting to hear from an economic perspective what the government has been setting themselves out to achieve through the lens of economic policy or reform. While even the Premier himself has been quick to admit in forums like talkback radio that, of course, he has been more than happy to leave his former job behind of merely opposing the government of the day for the sake of it and get on with governing for the benefit of the state, that has meant that at times there were mixed messages from those opposite on matters to do with the state economy and the superintendence of some of those policy levers that influence economic interactions, such as state taxes and industry policy.

I can remember when the member for West Torrens, the former treasurer, first introduced the reforms, time limited as they were back then, to payroll tax for small businesses by reducing the rate and dramatically increasing the threshold. The Labor government was criticised by those opposite for doing so and, of course, as we now hear, those payroll tax cuts are not just to be maintained but they are to be further built on, with further changes to the payroll tax regime for small business in South Australia.

We have heard that the new government will not be supporting industry assistance and will not be supporting any provision of direct financial assistance to individual companies here in South Australia. When that statement was reiterated recently, the Premier was asked whether that would extend to somewhere like Liberty OneSteel at Whyalla. The answer was, 'Oh, no, of course not. That is something entirely different.' In fact, even today, the member for Schubert, the minister for re-announcing Labor initiatives, was taking, as I understand it, an unsuccessful ride in an autonomous vehicle.

Members interjecting:

Mr MULLIGHAN: I feel his pain there. I am the first to make light of hitting that kangaroo, but there is a misconception about it. It is referred to as a blow-up kangaroo, but members might be interested to know that it was actually stuffed. Without the additional weight of the filling of that kangaroo, the disconcertingly pleasing thud as it made contact with the front of the vehicle would not have been perceptible on Channel 7 news that night. I will move on from that small correction of the record from the interjection of the member for Hammond.

The member for Schubert reiterates the Premier's line that he will not be supporting direct financial assistance to industries or to specific ventures within companies, yet this morning he was down snipping the ribbon on just one such endeavour. It is interesting to see, perhaps at this stage, that the walk is not quite reflecting the talk coming from this government. What we have heard from the Premier, and also again the member for Schubert, is that there will be an aggressive deregulation agenda from this government. Perhaps we would be bemused if that were the environment in which we should experience reforms coming from the new government that the bills which have so far been considered by this place were actually to increase the regulatory burden.

The Hon. S.S. Marshall: How? How is the productivity commission increasing the regulatory burden?

Mr MULLIGHAN: You ask, and so I will advise, if I am not in serious breach of standing orders. The thing that people stop me in the street the most about is gift card reform, of course. That is one example. The other one, which—

The Hon. S.S. Marshall: We care about consumers.

Mr MULLIGHAN: No, that is right, and if the Premier had paid attention to my insubstantial comments on that bill he would note that we do care about consumers. In fact, it was a Labor government that introduced the Trade Practices Act and the Fair Trading Act in South Australia. While it was perhaps somewhat onerous to sit through that debate, that is a bill that we have supported. But, I make the point that, amongst the first pieces of legislation to come into this place, they were not removing regulation: they were, in fact, increasing it.

We will wait to see how this aggressive deregulation agenda is going to manifest itself. Of course, we are still awaiting the shop trading hours bill, which is meant to embody this aggressive deregulation. As the Treasurer notes, it has been a difficult bill, apparently, to draft, which is interesting to those of us on this side. Obviously, he has to delineate between the religious importance of Christmas Day on 25 December each year and the resurrection of Christ, which is on Easter Sunday.

The DEPUTY SPEAKER: Member for Lee, that particular bill is still before the house.

Mr MULLIGHAN: Shop trading hours?

The DEPUTY SPEAKER: No, gift cards, to which you referred.

Mr MULLIGHAN: I was talking about shop trading hours. I had moved on.

The DEPUTY SPEAKER: My apologies. Regardless of that, let us bring the comments back to the South Australian Productivity Commission Bill.

Mr MULLIGHAN: Thank you for your guidance, Deputy Speaker. Political commentators are quite keen to say that, in the current political context, it can be desirable to have a productivity commission. The reason for that is that it is useful to have a body beyond government, outside of government, that can test economic policies and research economic reform initiatives which perhaps would be beyond the pale of a government of the day to have the wherewithal or the courage to take on. That in itself is a very poor reason to establish one of these bodies.

I have already spoken in some detail about the substantial and truly aggressive economic reform agenda of the Hawke and Keating governments, done only by researching and inquiring into policy reform options from within the Public Service. I think it says an unflattering amount about how these political commentators see politicians today at any level of government, or perhaps it is an unflattering reflection on our capacities as politicians today that we cannot take on economic reform opportunities if we do not have the courage to initiate those reform inquiries and the development of those policy options from within government.

Why are we here if we have an agenda we believe in and which we would like to see implemented if we are not game to be honest with the people of South Australia, if we are not game to be up-front about it and if we are not game to task the independent Public Service to get cracking on? What can be so alarming or so egregious to the public of South Australia in terms of economic policy reform that the government needs to be inoculated for the period in which it is examined and these policy options are developed?

To provide some context around that query, perhaps it is worth looking at some of the work that the Productivity Commission at the federal level has undertaken in more recent times. When the Rudd Labor government was elected in 2007, it tasked the Productivity Commission as an extra set of arms and legs to undertake the analysis and investigation of reform options that it had already said it was in favour of. I will give an example.

The consumer policy framework, which was released in 2008 by the Productivity Commission, was released in response to a request from the government to develop a more consistent set of consumer protections across industries across Australia so that consumers who were perhaps purchasing goods and services from one industry sector should not necessarily be better or worse off than they would be if they were purchasing goods or services from another industry sector.

I think that is fair enough. The Premier made an interjection about the importance of consumer protections, and we would all support that, particularly in this day and age when some businesses run such relentless and aggressive campaigns to receive our spending. That is perhaps worthy of another topic of discussion. Coming up with a better framework of policies to protect consumers in those economic interactions is a very good thing. That government also referred off to the Productivity Commission at the time an inquiry into paid maternity, paternity and parental leave.

There was a substantial drive across many parts of the Australian community that there be better and more consistent provisions of leave arrangements for people who wanted to take time off work to have and to raise children. That report was released in 2009. That inquiry concentrated on support for parents of newborn children up to the age of two years, and provided a thorough consideration of the economic productivity and social costs and benefits of providing that paid maternity, paternity and parental leave.

The inquiry also assessed the current extent of employer-provided provisions of those leave arrangements in Australia and identified the models that could be used to provide such parental support and assess these against a number of agreed criteria. That included those arrangements and as they would impact on business, their cost effectiveness, the labour market consequences, indeed what were the work-family preferences of parents in these situations, child and parental welfare and the interactions with the social security and family assistance systems as they were at the time.

It assessed the impacts and the applicability of these various models across the full range of various forms of employment, such as wage earners, the self-employed, shift workers, farmers, to

name just a small number. It assessed the efficiency and effectiveness of government policies that would facilitate the take-up of these models.

I think it was of great relief to most South Australians that, as a result of that inquiry, when the Productivity Commission had been tasked on behalf of the government to work out how they could best implement their desire to provide improved leave arrangements to parents, in the federal budget of 2009-10 the enhanced arrangements were funded and provided for.

That is another good example of how a government can be up-front with what they are seeking to achieve and use a productivity commission as an extra effort around the table to take on the task of developing reform options. It is not, as those social and political commentators often say, getting them to receive some sort of reference on the quiet to prove up the case for some reform which would at best be controversial and at worst be deleterious to some people's financial and economic interests.

Another reform, I think, which was very up-front and very positive from the Productivity Commission was requiring the Productivity Commission to inquire into the performance of the public and private hospital systems. If you cast your mind back to that time in federal government or indeed that time in federal-state financial relations, there was a commitment hanging over from the 2007 federal election from the then prime minister to fix the health issue and to come up with an agreed formula of funding from the commonwealth to the states and territories to better provide for the treatment of Australians in our hospitals and in our public health systems, and for the commonwealth to take on a larger share of the funding task for the public health system.

That inquiry was of incredible importance, given that, other than other transfer payments like the goods and services tax grants, which are made to the states and territories, those funds that are provided by the commonwealth to the states and territories for health constitute the next biggest amount of money. When you had a commonwealth government saying that they wanted to step that up, that they wanted to provide more money, using the Productivity Commission to establish a fair and reasonable basis for doing so was a very welcome thing.

Of course, they developed out of that—and I know that I will not get the nomenclature precisely right—and effectively came up with unit pricing for health services across both the public and private hospitals. That inquiry by the Productivity Commission, in its task of assessing the relative performance of the public and private hospital systems, having particular regard to the cost of performing clinically similar procedures, came up with some interesting findings, some of them self-affirming for the private health system and some self-affirming for the public health system.

I think that was of relief to the health sector at large that both the public hospital system and the private hospital system, as well as other parts of the public and private health networks, had valuable and much-needed roles to continue playing. There is another good example of how government can be up-front from the outset with what they are seeking to achieve and use a body like this, which is at arms length, to be an extra set of arms and legs to make sure that policy reform is executed most beneficially.

Of course the outcome of that was terrific for South Australia. There was the flow of many more hundreds of millions of dollars a year in health funding from the commonwealth to the state—with, of course, some requirements placed on the states and territories. That was very difficult to get used to, unless you work in a professional services firm; an extremely detailed reporting arrangement which needed to be established and conducted regularly. I think that is one example of how the effort the federal government and the Productivity Commission put into getting that funding model right imposed some improved transparency and accountability requirements on the states.

In 2013, the Productivity Commission examined and inquired into ways in which Australia and New Zealand could better forge and grow economic ties between those two nations, the closer economic relations inquiry, and identified ways in which to best take advantage, on both sides of the Tasman, of the economic and people flows that occur. That was terrific.

The inquiry released under the Gillard government in 2012, 'Barriers to effective climate change adaptation'—which, particularly in the context of the National Electricity Market, is a point of significant contention amongst different perspectives—was an important inquiry for a government to

initiate. It provided some context and framework, as well as the admission that climate change is occurring and that it is likely to have very profound impacts on the business of government, let alone the impact on communities around Australia. That was a watershed moment where the government, again, used the Productivity Commission for purposes that were declared up-front and that provided a lasting and improved outcome for public policy here in Australia.

The last one I will touch on, which I know is dear to the heart of many regional MPs, is the inquiry conducted into drought support and making sure that the provision of drought support by the commonwealth government, in all its different forms, is being provided in the most effective way possible. Of course there will continue to be arguments, as there should be, with whoever the government of the day is about the timeliness and quantum of drought support, but the recognition of how critical it is and how best to deploy that support was very welcome.

That is a brief clutch of examples of how a government can be up-front with what it is seeking to achieve in a policy perspective and use a productivity commission to better inform and better put together policy changes. Unfortunately, there have also been instances where the same commission, albeit under a different government, has been tasked with inquiries that I would argue have been far more nefarious, particularly in the interests of South Australia. One is outstanding at the moment, and that is the long-awaited final report into the inquiry into horizontal fiscal equalisation.

You do not need to talk to too many jurisdictions around the country and ask them whether they believe in the principle of HFE and whether it is best placed to serve the interests of the federation in ensuring that government services and infrastructure should be reasonably the same across the country and providing funding to the states via the Commonwealth Grants Commission's allocations of GST grant disbursements from the federal Treasury to see if that should be supported.

In recent times, there has been a campaign—I understand popular in Western Australia—that that should be upended because the peaks and troughs of the mining boom have had particular impacts on their state finances and the built-in system of the distribution of GST grants has not quite suited them in a relatively small number of years. If you cast your mind back a little further to the early to mid-2000s, when Western Australia was a net beneficiary of GST grants, you did not hear their treasurers of the day complaining too much about HFE.

Nonetheless, in an effort to perhaps delay being required to solve a political problem, the Turnbull government provided a commission to the Productivity Commission to hold an inquiry into horizontal fiscal equalisation so that they would be able to tell Western Australia and Western Australian members of parliament, 'We are looking into it. There's a process. Don't worry about this. The wheels are in motion.' Well, for the rest of us, and here in South Australia in particular, there could be no greater threat to how a government here provides services and infrastructure and support to South Australians than this review.

We have seen how poor the outcome could be from the draft report, where there could be a change from that principle of horizontal fiscal equalisation to various watered-down forms of equalisation—equalisation to the average or equalisation to the second best—or, at worst, the per capita distributions of goods and services tax revenue. Any of those three circumstances would be a disaster for South Australia, and it was extensively debated and extensively argued.

It is only on the basis of the protections and the provisions of that original intergovernmental agreement on federal-state financial relations, which saw the states agree to and support a new goods and services tax being implemented, and the basis on which that would be distributed, that we are now seeing this being put under substantial threat, and I think that is terrible. It is even more terrible that the government, which issued that inquiry and which is in receipt of the final report, refuses to release that final report—I presume because there is a clutch of by-elections coming, one of which is particularly sensitive for the government and one of which happens to be here in South Australia. That one includes a candidate who, in terms of GST revenue distribution, tends to be a bit of a flat-earther who says that the current system of distributing GST grants is broken, that it needs to be fixed and, by extension, that South Australia is receiving too much revenue.

That would be an absolute disaster. No wonder that case is being so heavily prosecuted in the federal seat of Mayo against the Liberal candidate, Georgina Downer, for her comments made as the research fellow at the right-wing think tank, the Institute of Public Affairs.

The Hon. S.S. Marshall: I'm a member of the IPA.

Mr MULLIGHAN: That doesn't surprise me.

The Hon. S.K. Knoll: So am I.

Mr MULLIGHAN: That does not surprise me at all. In fact, it surprises me even less in the case of the member for Schubert. I am sure there are all sorts of Simpsons-like stonecutter organisations that the member for Schubert may well be a member of that I am not privy to, and that is as it should be.

The Hon. S.K. Knoll: Zero government funding—zero.

Mr MULLIGHAN: Yes, and so it should be.

The DEPUTY SPEAKER: The member for Lee will not respond to interjections.

Mr MULLIGHAN: Not now that you have drawn my attention to it, Deputy Speaker.

The DEPUTY SPEAKER: Not ever, member for Lee.

Mr MULLIGHAN: Of course not. That inquiry into horizontal fiscal equalisation is not the only one. We had the inquiry into Australia's automotive manufacturing industry, which was commissioned by the Abbott government in late 2013. We now know the basis of that was to kill off this industry here in Australia, principally affecting South Australia and Victoria with terrible social and economic consequences.

We know that in the lead-up to the 2013 federal election Holden presented a new business case to the then federal Labor government, with an update on the deal struck in March 2012, for Holden to agree to build the next generation Commodore and Cruze models in Australia between 2016 and 2022, with the then federal government, Victorian government and South Australian government agreeing collectively to provide direct industry assistance of $275 million.

It is important at this juncture to recognise the structural reform that had been underway for the best part of 30 years when it came to industry policy for the automotive manufacturing industry here in Australia. That was essentially to remove tariffs, quotas and other trade protections from that industry and replace that version of industry policy with industry assistance grants predicated on robust business cases put forward by companies like Holden and Mitsubishi here in South Australia, and like Ford over in Victoria.

If I remember correctly, tariffs were as high as 55 per cent or perhaps even higher in those early years of automotive manufacturing in the fifties, sixties, seventies and into the early 1980s. Progressively lowering those tariffs to allow the industry time to adjust in replacing those trade barriers, tariffs and import quotas with direct financial assistance was seen to be and continues to be regarded as a less burdensome way for industry assistance to be provided in terms of consumers because they are not paying the artificially inflated new car prices when they go to purchase a vehicle.

It is also considered to be a more transparent way because it requires car makers to provide a business case for the development and production of future models for assessment and negotiation around industry assistance by government. And, of course, government in a Westminster-responsible government setting is then open to obvious questioning and accountabilities both directly to the public and through the media in assessing those cases.

This was already an industry that had gone through a significant change over a period of 30 years in industry assistance policy. We were seeing these carmakers diversify their models and diversify their product offerings to the public to take account of changing tastes and to respond more quickly to consumer tastes and demands that, perhaps, compared to examples like some of the stuff that was coughed up in previous times—like the Leyland P76, for example. I understand that has a strong fan base that remains, and I seek not to insult them. However, putting that vehicle aside, I am sure we can agree that the Ford Territory, for example, or the VF Series II Commodore, is a vehicle that has been more responsive to consumer tastes and trends.

That inquiry was commissioned to make the economic case specifically for a very dry economic rationalist Coalition government at the federal level to remove industry assistance from the

automotive manufacturing industry in Australia to the point where, when there was conjecture about whether Holden was in a position to reaffirm its commitment to the business case that it had put to that former Labor government in 2013 in the lead-up to the election late that year, the subsequent treasurer, Joe Hockey, stood up in federal parliament holding the *Financial Review* and dared them to leave, dared them to pack up and go. Of course, we know why: because he wanted them to so that he did not have to pay those moneys in industry assistance.

That is an example of how productivity commissions can be used as stalking horses for unpalatable and extremely disruptive changes to economic policy settings to the detriment of communities and state-based economies, as it has been here in South Australia. Of course, in 2014, the next year, another inquiry was commissioned by the Abbott government, and that was an inquiry into the workplace relations framework—a favourite avenue of endeavour for the then prime minister, Tony Abbott, and continues to be to this day—to try to find ways essentially to make it easier and cheaper for South Australian employers to engage labour in Australia, reagitating what had been a fairly settled tension between employers and employees about whether people were being adequately remunerated, what their working conditions were and what some of the other arrangements about their paying conditions would be.

What did that inquiry come back with? Well, it is not that hard to see that it was strong recommendations around the reduction and removal of penalty rates from classes of workers. It is a way in which some of our lowest paid workers—some of Australia's workers who find employment difficult to hold, transitory, unstable, most poorly remunerated—can be done over by removing what to them can be very lucrative payment arrangements, which quite often help, for example, retail workers put food on the table for their kids. That is another example of how a productivity commission can be used as a stalking horse by particularly a conservative government to make a policy change that is not in the interests of South Australians and, in this case, South Australian workers.

The last example I will give on this is the inquiry into public infrastructure in 2014, again commissioned by the Abbott government. It inquired into ways to encourage private financing and funding for major infrastructure projects. Of itself, that is not such a bad thing. We have seen the former Labor government in South Australia engage in public-private partnerships to build new schools and finish off the PPPs commenced under the former Liberal government in the late 1990s and very early 2000s for the provision of new regional courtrooms and policing facilities and, of course, the new Royal Adelaide Hospital.

But it came back with a series of recommendations which, amongst other things, recommended toll roads as being a preferred way of financing new or upgraded road infrastructure, something which at least this side of politics continues to rail against. It is very much a 1990s solution to a road financing crisis that is looming towards us over the next 10 to 15 years as we see the gradual decline of fuel excise revenues and a current Coalition government that has just dropped the anchor on infrastructure spending across the country, let alone in South Australia. That well has well and truly dried up, to further mix what was already an uncomfortable metaphor.

Those are a number of examples of why we see this bill come into this house with some trepidation. We see this as an opportunity for this government to be less than forthcoming about what its economic reform agenda is, if indeed it has a reform agenda or is going to appoint a group of individuals to colour in between the lines what this government should be doing when it comes to reform. If you look at those two tranches of examples, where a government can be up-front and clear with the community about what they are seeking to achieve and task a commission with proving up how best the reform is delivered, it can work quite well with paid parental leave, with making sure that governments are ready for climate change adaptation and for making sure we have the balance right in health funding arrangements.

But we can also see where there is huge danger for South Australia when we see the same organisation being used as a stalking horse to take away GST grants from South Australia, to end automotive assistance and chase thousands of jobs out of this state's economy or to levy additional road taxes on people through toll roads with public infrastructure. This government asks this parliament for an enormous indulgence, I think, to consider passing this bill. We are expected, essentially, to take it on trust that what is proposed by this government should be signed up to and

enabled knowing that we have seen other conservative governments use these organisations as essentially weaponised economic policy agencies.

Those people who need governments to stand up for them the most in our community—low-paid workers, people confronting the health system in need of its services—as well as things such as having the common standard of infrastructure and service delivery in state governments improved through the fair distribution of GST grants are what conservative governments have placed at risk by using these organisations.

If we look at the bill itself and how it has been structured, we see that this bill appears to be a massively contracted version of the commonwealth act that has been in existence for the last 20 years. There is an almost verbatim copy of section 8 of the federal act in establishing clause 5 of this bill and that is, as I referred to earlier, the objects and functions of the commission. It is almost word for word plagiarism of what is taken from the federal act but with a few notable changes.

The federal section of that act refers to increasing employment, in particular, in regional areas. Here, for some reason, the regions have been forgotten when it comes to employment. That in itself sounds alarm bells, but it does raise the question: if this bill is largely a bill that has been cut and pasted from the federal bill, all nine pages of it, why has it taken so long to bring it into the house? Why has it taken so long to bring it into the house? If the hardest part of the bill, which is establishing what this commission should do, is essentially just lifted from another act in existence elsewhere, you have to wonder why it has taken that long.

There are also some other notable exceptions that perhaps go to why this is such a concise bill. There are some important provisions and protections of the federal act that are simply missing from this bill. There is no minimum requirement for the background or skill set of commissioners for the commission that is to be established under the bill, but there is within the federal act, and that is surprising.

There is also a watered-down set of requirements around the other working arrangements of commissioners and potential conflicts of interest, and that is concerning. There is also, of course, very little in this bill that requires interaction with the parliament. In fact, this act sets up the commission so that the commission's almost sole interactions are with the responsible minister, who is—and I will perhaps ask this question during the committee stage—I assume, either the Premier or the Treasurer.

Indeed, if it were not for the standard requirement for an annual report to be made and furnished to the parliament, you would have to ask why this bill was necessary at all. All this can be done under executive power. The commission can be established, members can be appointed, members can be remunerated, members can be discharged, inquiries can be undertaken and advice received and acted on or not acted on purely within the arrangements of executive power as they currently stand. The passage of this bill does little to further advance the legal requirements of it.

I do perhaps admit that the bill establishes this commission as a body corporate, as is the case with other statutory entities that are established by legislation, but that is pretty much it. We have been kept waiting more than 50 days past the due date for this to be established and the membership to be appointed, and we have a bill that merely pays some lip service to an arrangement that could be done executively rather than legislatively.

I cannot help but suspect that the reason why we have a bill that has such little parliamentary interaction for this commission, that merely seeks to establish a relationship between a body and a minister, is that there is some sort of embarrassment about this not having been done sooner and we need to provide the veneer of needing to go through a parliamentary process in order to miss the deadline. I think it is disappointing, not necessarily from my perspective but certainly from the government's perspective, that that is another promise that has been broken.

There are things, I think, if this parliament is to pass the bill and see it enacted into law, that the bill is seriously deficient in. I am also aware that there are other members of parliament, not necessarily of our political flavour, who feel very much the same. They feel that, if the parliament is going to be asked to establish this organisation, then this organisation, this commission, should have some more formal relationship with this parliament.

In that respect, I foreshadow that there is likely to be a suite of amendments that will be brought to the bill in the Legislative Council and that will be considered in due course. Until that time, I can advise that the opposition will not be standing in the way of the bill passing through this house, but we look forward to improving it quite substantially if and when it appears before the other place.

Mr ELLIS (Narungga) (17:26): I rise to wholeheartedly support the South Australian Productivity Commission Bill 2018 and congratulate Premier Steven Marshall on introducing it. It is wonderful to see a Premier who is committed to an efficient, productive state. I see this as an essential piece of legislation, offering exciting potential to deliver big picture change for this state. The bill's intent is to establish a statutory independent body, not directed in its functions by government, with the prime mission to improve the productivity and efficiency of the South Australian economy.

I see the bill and its intent as being at the core of all that this side is working towards: to lift growth, improve services, lift competitiveness for business by removing unnecessary red tape and reducing the cost of regulation, to generate and create new industry, and to improve transparency and accountability for every single tax dollar collected and spent. As well as these aims, a particular favourite of mine is that a clear objective of the new South Australian productivity commission will be to promote regional development as the recognised potential significant driver it is for future economic growth for our state.

For all these reasons, this important bill was scheduled pre-election to be introduced in our first 100 days in office, and I am very pleased that it has been recognised as urgent in this way. To have an opportunity to stand today in support of the bill and its intent is very pleasing. I value the bill for all the reasons mentioned but also because of the exciting potential a proactive productivity commission can offer this state: the opportunity for research and policy development, creative thinking for innovative solutions and the opportunity to use the best brains across the multiple sectors and industries we have here in this state.

It is exciting to consider that such a platform could be the catalyst for a state growth revival, which could only bring with it fresh new public confidence in our state's leadership and governance to ultimately raise the standards of living for all South Australians. The intent of the bill also epitomises the core of Liberal Party values of individual freedoms and free enterprise, virtues also at the heart of my maiden speech in this place when I talked about the reasons why I decided to stand for election as the member for Narungga and why I believe the electorate has so much untapped potential and is worth standing up for.

I stood for election to build, progress and instigate great change for the people who live within my electorate and to develop policy and regulation to encourage new industry, particularly in the agriculture and primary production industries in rural areas. I am a proud advocate for any policy development that can stop the drain of young people from regional areas to Adelaide and, even worse, then from Adelaide to interstate. I believe that the establishment of an independent commission, such as the South Australian productivity commission, can offer much to address adverse trends such as this.

It is essential that young people, whom we have so well educated, stay in South Australia to live and realise their dreams and aspirations to work, build families, create and support local businesses and services and to be proud South Australians. For this drain to be stopped, there must be jobs growth, new industries created, new businesses encouraged and attractive standards of living created.

More and more, we realise that government cannot entirely be relied on for job creation and that it is time to empower the private sector to fill voids. The bill well matches this core need. The bill before us to establish a state-based productivity commission is a clear-cut one. It establishes a body with clear directions, clear functions, clear leadership and chain of command and clear mandatory public reporting requirements. Objectives of the commission as outlined in the bill include:

- to increase employment;
- to improve quality and efficiency of services delivered or funded by government;
- to improve the competitiveness of private sector investment;

- to reduce the cost of regulation;
- to facilitate structural changes within our economy;
- to promote regional development and development occurring in an ecologically and sustainable way; and
- to produce its own body of research relating to new investigations, not replicating any existing bodies of work and without interference from government.

I draw members' attention to the explanation of clauses in the bill and to part 2, clause 6—Independence:

> Except as provided under this or any other Act, the Commission is not subject to Ministerial direction in the performance of its functions.

All in this place would be aware that our nation has had a productivity commission at a federal level since 1998 that has been recorded as having shaped major economic, social and environmental reforms since the 1970s. These include tariff reductions and the deregulation of the financial system and, more recently, as having played an important role in the establishment of the National Disability Insurance Scheme.

Interestingly, in an article written by Professor Judith Sloan in 2011, who was a commissioner of Australia's Productivity Commission from 1998 to 2010, it is declared:

> …the sheer independence of the organisation and the inability of politicians to control outcomes once a reference has been sent…

are both secrets to its unbridled success and the reason that over the years numerous politicians and bureaucrats from a number of countries have consulted about setting up similar organisations within their own countries only not ever to take any action on it, apart from New Zealand, notably, but more on them later.

Professor Judith Sloan concludes in her 2011 paper, entitled 'How useful is the Productivity Commission?', in relation to Australia's national Productivity Commission:

> While this may seem scary and unconstrained, the independence and commitment to open and transparent processes underscore the commission's strength as a force for good in policymaking.

She goes on to assert:

> The commission has made major contributions to the public policy debate in Australia. It has dealt with core economic issues and important social policy topics. It has produced innovative work on the environment. Its regular reporting of the provision of government services across the states and territories continues to provide useful information. The data it produces in relation to Indigenous disadvantage add value to policymaking in that area. Working from the premise that regulation should be light-handed, effective and efficient, the commission has recommended many changes along these lines in its reports. As an independent advisory body, and spared the requirement of servicing any government minister on a routine basis, the commission has made substantial contributions to the quality of policy outcomes.

Much has also been written about the success of New Zealand's Productivity Commission, set up as an independent Crown entity in April 2011 with its principal purpose, as quoted under the New Zealand Productivity Commission Act 2010:

> …to provide advice to the Government on improving productivity in a way that is directed to supporting the overall well-being of New Zealanders, having regard to a wide range of communities of interest and population groups in New Zealand society.

Its definition of productivity is also interesting, and I quote from the New Zealand Productivity Commission website, with its mantra of 'Productivity growth for maximum wellbeing':

> 'Productivity' is about how well people combine resources to produce goods and services. For countries, it is about creating more from available resources—such as raw materials, labour, skills, capital equipment, land, intellectual property, managerial capability and financial capital. With the right choices, higher production, higher value and higher incomes can be achieved for every hour worked.

The next question answered on the website is: why does productivity matter? It states:

Generally speaking, the higher the productivity of a country, the higher the living standards that it can afford and the more options it has to choose from to improve wellbeing. Wellbeing can be increased by things like quality healthcare and education; excellent roads and other infrastructure; safer communities; stronger support for people who need it; and improved environmental standards.

High productivity societies are characterised by smart choices about savings and investment versus current consumption; dynamic and competitive markets; openness to trade and to international connectedness; high awareness of external influences; rapid uptake and smart application of new technologies, products and processes; and increasing demand for highly skilled and creative people. These are the successful societies that attract and retain people, ideas and capital.

They are all things we desperately need here in South Australia.

The need to improve productivity was particularly important to New Zealanders back in 2010, when it slipped from the top 10 to No. 21 in the list of wealthiest countries in the OECD. It was recognised that any lag in relative productivity matters a lot over time and that a tide of loss of New Zealanders, in the multiple hundreds of thousands choosing to live abroad for higher living standards and options such as wider employment choices, higher incomes and better quality social services, had to be stemmed.

'To sustain and hopefully improve New Zealand's wellbeing, our incomes need to grow,' stated a recent New Zealand Productivity Commission report. With New Zealanders already amongst the hardest working people in the OECD in terms of hours worked, improving productivity is the most likely way of achieving higher incomes. Even small increases in productivity growth, if sustained, can have a big impact on income and wellbeing.

The same article also states there is no simple formula for lifting productivity, but it does offer the following:

A country's productivity performance is also influenced by factors that governments cannot do much about, such as size, natural resource endowment and distance from global markets. Even then, successful countries develop policies and strategies to mitigate or accommodate such factors. More generally, there is no room for complacency—ongoing improvement of the broad framework that shapes and incentivises productivity is essential.

That is precisely what the productivity commission of South Australia will do.

Closer to home, Victoria has had a state-based productivity commission for about 20 years. Queensland established theirs next, and as recently as February this year New South Wales announced its establishment of a productivity commission with the direct aim to:

…come up with ways to improve housing affordability, lower living costs and make it easier to move to NSW and do business in the state.

In announcing the New South Wales commission, Treasurer Dominic Perrottet said that the new commission would help drive the next frontier in reform for New South Wales. It would 'drive a micro-economic reform agenda' and 'give us huge momentum to change NSW for the better'. How successful that has been. The media of the day referenced our federal Productivity Commission as having recently estimated that reducing regulatory compliance costs by about 20 per cent could boost New South Wales' gross state product by $6 billion a year in the long run.

Former New South Wales auditor-general, Peter Achterstraat, who is well remembered for having found a $1 billion error in the New South Wales accounts in 2012, prompting him to warn that the state was a billion-dollar business not a school tuckshop, was named the first head of the new New South Wales commission and took up his post only about three weeks ago, on 21 May. He said that among the commission's first tasks will be examining the build-to-rent sector, which encourages institutions to construct homes that are destined for rental rather than for sale; exploring common expiry dates for multiple vehicles; reviewing government procurement practices; and investigating mutual recognition of licences and certificates with other jurisdictions.

The New South Wales Treasurer was quoted as saying that Mr Achterstraat would have a mandate to bust red tape and make New South Wales the easiest place to do business and that, 'If we are going to keep lifting living standards, tackling productivity is non-negotiable.' The situation is no different here in South Australia: tackling productivity is non-negotiable here as well.

This is not an abdication from decision-making by this new government but, rather, an effort to arm ourselves with sufficient evidence to make informed decisions. Where the former government

was more interested in pork-barrelling certain seats, this government will ensure that each project or undertaking is given proper consideration on its merits with the best possible information available. As I have already highlighted throughout my speech, there are comparable jurisdictions that utilise the immense advantage that having a productivity commission can provide. That it is working so well in other jurisdictions should be evidence enough for members in this and the other place to support the speedy passage of this legislation through the parliament.

One wonders about the benefits of having a productivity commission in the past and going forward into the future. I wonder about the benefits for regional communities that the productivity commission will support in its pursuit of regional development and a number of decisions that it may not have supported or might have found lacking that were available in the past. I suspect a productivity commission would never have supported the lowering of speed limits on regional roads in lieu of investing in the maintenance of those roads.

Without the electoral imperatives, as they were entitled by a former premier, to invest in regional roads, the previous government made a conscious decision to decrease productivity. Consider how much longer it takes truck drivers to deliver the product of primary producers to port on poor quality roads on lower speed limits. It would amount to a matter of days by the end of the harvest and would be a severe impost on primary producers in regional areas.

Similarly, I suspect that going forward into the future the productivity commission would provide emphatic support for the Liberal Party plan to lift the payroll tax threshold here in South Australia. There is no way that a tax on jobs can be considered productive or efficient in any way, and I look forward to supporting the passage of that bill through this house as well.

All policies developed by the Liberal Party are about increasing productivity for all sectors of South Australia, ensuring that government becomes streamlined and efficient, providing opportunity to the private sector to thrive by removing unnecessary regulations and rules and, importantly, providing essential infrastructure for all regions in this state to fulfil the tasks that keep the state functioning. Establishing the South Australian productivity commission will aid this government in obtaining information to support that pursuit.

I commend this important bill to establish a South Australian productivity commission to the house as soon as practicably possible and look forward to the expeditious passage of the bill through the house. I encourage all in this place to offer similar support for the good of our state going forward.

Mr COWDREY (Colton) (17:42): I also rise today to support the South Australian Productivity Commission Bill 2018. The introduction of this bill delivers on one of this government's key election commitments, to establish a state-based productivity commission here in South Australia. It also fulfils another of our major commitments to be delivered in the first 100 days, and is part of a strong reform agenda this government is taking forward. I believe this particular policy will be greatly beneficial and will deliver positive outcomes for our economy both in the short and longer term.

The South Australian productivity commission will be a body that plays an important role in growing investment and jobs and improving the economic environment here in South Australia. Importantly, it will be an independent body, mirroring the arrangement at the federal level. The commission will be established as a statutory authority governed by a chair and have commissioners who report through the responsible minister—in this case, the Premier.

Having one to four commissioners will provide greater flexibility to appoint individuals with a range of skills and experience. The remit of a productivity commissioner is often quite wide, taking in all types of sectors of the economy as well as different issues, and having flexibility of appointment will allow these particular individuals to lead specific inquiries relevant to their skill sets.

The resourcing requirements of the commission will be met through existing resources within the Simpler Regulation Unit of the Department of Treasury and Finance, which will be transferred into the commission. Appropriate additional resources will also be provided given the larger remit and responsibility that the South Australian productivity commission will have.

Inquiries, including the terms of reference, will be referred to the commissioner by the relevant minister. The body will fulfil this remit by making recommendations to government to remove

existing regulatory barriers and to directly support productivity growth, realising new economic opportunities and creating new jobs. These are of course key objectives of this government, objectives that this government is dedicated to delivering for the people of South Australia.

It is important to note that the federal Productivity Commission was created as an independent authority in April 1998, some 20 years ago, under the Productivity Commission Act 1998. Past federal Productivity Commission inquiries include an inquiry entitled 'Australia's international tourism industry', which examined trends, drivers and barriers to growth in the Australian international tourism industry.

A further report of the commission, entitled 'An ageing Australia: preparing for the future', focused on the effects of ageing on economic output underpinned by changes in population, participation and productivity and the resulting implications for government budgets where current policy settings were to be maintained. Obviously, this ageing proposition is something that both this government and the previous government have seen as providing a great opportunity here in South Australia. Another piece of work undertaken by the federal Productivity Commission is the report, entitled 'Digital disruption: what do governments need to do?', which focused on the role of government in the face of potentially disruptive technological change.

As well as the federal Productivity Commission, there are also a number of state-based productivity commissions in existence. The Queensland example, being a Labor government, has a state-based productivity commission. The most recent report of this body explored opportunities around the future of the manufacturing sector in Queensland. I also note that the New South Wales government is in the process of establishing a state-based productivity commission.

I mention these other bodies and the work and inquiries undertaken by them for good reason. It is not the intention of this government to replicate existing bodies of work undertaken previously, but to refer matters of inquiry to the South Australian productivity commission that relate to new investigations or inquiries that build upon existing bodies of knowledge. Again, we are not seeking to replicate work already undertaken.

Productivity as a concept is an important driver of both present and future economic growth and performance. For too long our state's productivity has floundered under the former government. We are consistently lagging behind other states when it comes to productivity measures and rates achieved by other broader economies. Improved performance in this area of productivity will help improve business competitiveness and real per capita income growth and, in turn, improve living standards and wellbeing for all South Australians. That is why the objectives of this commission, as outlined in the bill, are to increase employment, improve the quality and efficiency of services delivered or funded by government, improve the competitiveness of private sector investment, reduce the cost of regulation, facilitate structural changes in our economy and promote regional development.

I outlined the number of productivity commissions present in Australia, but we also know of examples overseas. The member for Narungga mentioned the New Zealand example. Obviously, the proposition of introducing a productivity commission at this stage allows us to take lessons learned from the introduction of these examples, state-based examples, particularly as we bring forward this legislation in the house.

The purpose of this body is very clear: it is about assisting informed and improved decision-making. We have many highly capable people engaged in developing public policy in this state, both in the public sector and, probably despite the views of many, here in this parliament. However, it is important that we continue to challenge our thinking, that we go as far as possible to ensure that our assumptions and analysis are thoroughly tested, and that we look for innovative approaches to solutions and problems that affect all South Australians.

This legislation will require the commission to publish final reports on its website, ensuring that the body of knowledge collected, the analysis and the recommendations are known to the public. The commission's activities will instil a high level of public confidence that the advice and recommendations that it provides are based on rigorous analysis and political impartiality. Should the government of the day choose to adopt all, some or none of the recommendations made by the commission, it would have to justify these decisions to the public.

In terms of two incredibly important roles that the productivity commission will have, the first is around improving regulation. We are committed to bringing a new approach to government, to government regulation, and to service provision, and that stems from removing unnecessary regulation—as the member for Schubert has talked about with great gusto on many occasions so far in this 54th parliament—regulations that have been a handbrake on our economy for far too long, but also from modernising and simplifying regulation that has become outdated or imposes unnecessary costs on South Australian businesses and families.

Efficiency is another key concept that the productivity commission will have to deal with. The body will be tasked with dealing with the efficient use of taxpayer funds and the delivery of services and infrastructure. This is not about reducing the quality of outcomes achieved by government spending but, rather, about improving both quality and efficiency for every dollar spent. We have seen many examples of poor and inefficient use of public money over the past 16 years.

The purpose of this body is not to investigate the mistakes of years past but to investigate mechanisms that can improve our economy, grow our economy, grow jobs and improve the value delivered by every dollar of tax that the people of South Australia contribute to government, because these contributions that everyday South Australians make to government come with an expectation that their money is spent in a way that delivers the best return to the people of South Australia. I could speak at much greater length, but at this stage I want to let everybody know that these are the reasons why I support the bill and encourage all members to support its passage.

Dr HARVEY (Newland) (17:52): I rise today very much in support of this bill to establish a productivity commission in South Australia, and I would like to congratulate the Premier on the work he has done in putting the bill before the house, and the work he has done in advocating the very important case for improving productivity and improving the economy in South Australia. The productivity commission is a key plank of the government's economic reform agenda and one that we took to the last election and committed to bringing to this parliament within the first 100 days.

It is another example of how this government is delivering on what we have committed to do. This is a point that we make time and time again on this side because, after 16 years, delivering on those things that we said we would do is a novel concept in South Australia. After many years of overpromising and underdelivering, and creating the impression of activity when really there was not any, it is now time for change, and we are very keen to bring it about.

Our economic reform agenda is ultimately about creating more jobs and more opportunities, particularly opportunities for our younger people so that they are not forced to move interstate or overseas to find opportunities that do not exist here. In so many ways, the South Australian economy has been lagging compared with that of the rest of the nation, and this is simply unacceptable to us on this side. In fact, for much of the last term of the last parliament, South Australia suffered amongst the highest unemployment rates in the nation. This means that so many people in our community are missing out on opportunities to provide for their families and to further themselves, and this is simply unacceptable.

This issue around the state's economy was raised with me time and time again before the election. So many people came to me and were fearful of what the future in South Australia held for them and their families. They were concerned that after their kids went through school, left school, went to university or maybe did something else, what would be there for them in this state? That was a real concern shared by so many.

There are also a lot of issues around the ability to do business in South Australia and the friendliness of South Australia to business activity. I can give a particular example where a constituent of mine told me that their husband operated a concreting business. This business had operated in South Australia. They were so bogged down in regulation here that they decided to move their business interstate. They still live in Adelaide, but they commute to Melbourne on weekdays to operate their business interstate. The fact that that is profitable and makes business sense says a lot about what is wrong with the economy in South Australia at the moment.

However, given what could be described as doom and gloom, the South Australian economy has begun to improve in recent times. The recent Business SA and Statewide Super survey of business confidence has demonstrated a dramatic surge in confidence since the election of the

Marshall Liberal government. In fact, business confidence in South Australia is now at its highest level in almost a decade, again, after 16 years during which things had been incredibly unfriendly to business. Sometimes those in business were described as the 'employer class', which is particularly disappointing and very unhelpful in dividing our community rather than seeking to support it.

This surge in confidence since the election really reflects the desire for change that exists in the community and the support for the government's plans to create more jobs, lower costs and deliver better services. This surge in business confidence is, in and of itself, great for the economy; however, we on this side are by no stretch of the imagination satisfied with achieving only an improvement in confidence. There is a great deal more work for us to do to make the necessary structural changes to ensure lasting prosperity and improved standards of living for all South Australians into the future. At the local level, it is also about improving the confidence of the people of South Australia in our economy.

What we are proposing to do is set up a commission that would be an independent statutory authority. It would be charged with providing evidence-based recommendations for reform that will help improve productivity within South Australia, again, in stark contrast to the ideological and electoral cycle-driven behaviour of the previous government. The commission will be governed by the chair and commissioners reporting through the responsible minister, which in this case will be the Premier. Productivity, which is the key to the commission's role, is ultimately about producing, delivering and achieving more for every unit of resource that is invested.

Sitting suspended from 17:59 to 19:30.

Dr HARVEY: The productivity commission is tasked with providing evidence-based recommendations for reform that will help improve productivity within South Australia, which is clearly in stark contrast to the previous administration. In essence, what productivity is about—literally what it is about—is delivering or achieving more for every unit of resource invested, which ultimately leads to improved standards of living.

The objects of the commission, as outlined in the bill, include increasing employment, improving the quality and efficiency of services delivered or funded by government, improving the competitiveness of private sector investment, reducing the cost of regulation, facilitating structural changes in our economy and promoting regional development. Inquiries, including the terms of reference, will be referred to the commission by the minister. It is the intention of the government to work with the chair of the commission in these referrals.

The bill enables the commission to produce its own body of research, but the instigation of referrals remains the responsibility of the minister. It is the intention of the government that matters of inquiry referred to the commission relate to new investigations, or those which build upon existing bodies of knowledge, rather than simply replicate existing bodies of work. An important part of this policy is its independence and transparency. A minister is not able to direct the commission outside the provisions of the act. The commission will be empowered to provide its own analysis and recommendations free from interference.

The commission will be required to publish final reports on its website, ensuring its analysis and recommendations are known to the public. Should the government of the day choose to adopt some or none of the recommendations made by the commission, it would have to justify its decision to the public. Provisions for dealing with conflicts of interest are considered necessary because of the highly specialised expertise required of the commissioners and are consistent with similar provisions in legislation governing ESCOSA.

Finally, in regard to commissioners, the appointment of commissioners, including the chair, will be finalised upon the passage of the legislation. Having one to four commissioners will provide flexibility to appoint individuals with a range of skills and experience, including particular individuals to lead specific inquiries. This is a fundamental part of our plan to improve the economy in South Australia to create jobs and opportunities, particularly for the next generation, but for all South Australians, which will provide longer term prosperity and ensure that our state is no longer languishing at the bottom of the national pile. I am very happy to commend the bill to the house.

Mr PATTERSON (Morphett) (19:33): The South Australian Productivity Commission Bill 2018 creates a statutory body that will be charged with improving the economic and productivity

growth in South Australia in order to achieve higher standards of living for all South Australians. Its introduction fulfils another major commitment in the Marshall Liberal government's 100-day plan.

Productivity is commonly defined as the ratio between the output volume and the volume of inputs. In other words, it measures how efficiently production inputs, such as labour and capital, are being used in an economy to produce a given level of goods and services. Productivity is considered a key source of economic growth and competitiveness and, as such, is basic statistical information that is used for many comparisons and performance assessments between both countries and state jurisdictions.

One of the main productivity measures is labour productivity, which is the ratio between a measure of the output volume and a measure of the input use, such as the total number of hours worked or the total employment. The more that can be produced for the same amount of labour creates an increase in productivity and therefore more capital value. There is also capital productivity, which is more related to the investment in assets, which can then also drive productivity. We have seen through the Industrial Revolution, moving through into the information age, how technology and assets have been great drivers in productivity. One of the most widely used measures of productivity is gross domestic product.

Moving on from those productivity measures, another measure of productivity is the multifactor productivity, which reflects the overall efficiency with which those labour and capital inputs are used together in the production process. Factors that feed into this multifactor productivity are changes in management practices, organisational change, general knowledge, networking effects, economies of scale, and other intangibles such as brand. These all impact on productivity as well, especially where they cannot be related back to either a labour or a capital input. In the Premier's second reading of this bill, he noted that our state has missed opportunities to grow this multifactor productivity, something that, if continued, will drag on the state's growth and prosperity.

In summary, productivity is about producing, delivering or achieving more for every unit of resource invested. It is about creating better quality goods and services for more people, using the resources that are available at the time. Some people question why productivity is important. It is worth noting that the American Nobel laureate economist Paul Krugman has observed that in the long run almost nothing counts as much for a nation's material wellbeing as its rate of productivity growth.

If we as a state fail to grow our productivity over lengthy periods of time, naturally our state income will also not grow. Conversely, if there is productivity growth in a sustainable way for future generations, it will allow them to enjoy higher living standards. Therefore, productivity is an important determinant of living standards and wellbeing for all South Australians. Productivity growth provides a capacity for high incomes but also for poverty alleviation, either directly through higher wages or indirectly by increasing the capacity for funding transfers to lower income households.

Recognising this, the commonwealth government created the Productivity Commission, an independent authority, by an act of federal parliament in 1998. The Productivity Commission is the Australian government's independent research and advisory body on a range of economic, social and environmental issues affecting the welfare of Australians. Its role is to help governments make better policies in the long-term interest of the Australian community.

Similarly, in South Australia the proposed establishment of a state productivity commission will focus on getting our state's economy back on track. The Marshall Liberal government understands that if we grow the economy, it will create jobs so that we keep the next generation of South Australians here in this state. The productivity commission will be established as a statutory authority governed by a chair and commissioners and reporting to the responsible minister, which will be the Premier in this instance. It will do this by providing advice on issues identified by the government.

Broadly, the objects of the commission are as follows: to improve the rate of economic growth and productivity of the South Australian economy in order to achieve higher living standards for South Australians; to improve the accessibility, efficiency and quality of services delivered or funded by government; to improve South Australia's competitiveness for private sector investment; to reduce the cost of regulation; to facilitate structural economic changes whilst minimising the social and

economic hardship that may result from those changes; to take into account the interests of industries, employees, consumers and the community; to increase employment; to promote regional development; and to develop South Australia in a way that is ecologically sustainable.

All these aims articulated above will help support the Marshall Liberal government's plan to create more jobs, lower costs and provide better services. In conducting its work, the productivity commission will have regard to the need for South Australia to increase public and private sector productivity, increase private sector employment and also improve living standards through alleviating cost-of-living pressures.

In summary, the productivity commission will focus on getting our economy back on track and creating an environment where the private sector can flourish because, as we have seen, governments cannot fund all the growth. If they are working in partnership with the private sector, we can leverage both arms and improve the quality of life and standard of living for all South Australians. On that, it is also worth noting that there are other states that also have productivity commissions.

In 2015, Queensland set up theirs, and in February just this year the New South Wales government set up their productivity commission. At the time, the commonwealth Productivity Commission chairman, Peter Harris, commented that a state productivity commission in New South Wales should be very helpful in addressing the kinds of reform opportunities in the federal-state environment that were identified in the recent 2017 Shifting the Dial report.

Consequently, the establishment of such a body in South Australia will have a similar benefit to South Australia. The commonwealth Productivity Commission's 'Shifting the dial: 5 year productivity review', tabled in the federal parliament in August 2017, identifies, amongst other things, how governments can influence productivity. Key areas identified in this report were infrastructure, education and health care—all areas that the Marshall Liberal government's plan over the next four years seeks to address.

While productivity improves through investments and decisions made by employers and employees, government policy can alter the incentive for firms and individuals to make those decisions. Businesses are drivers of long-run productivity improvement in the market economy, but, additionally, all levels of government play a role in that market economy because governments set many of the frameworks for these key institutions and their own key institutions, the laws, standards, regulations, taxes and also their economic policies. Through this, if there is any one level of government that has the greatest responsibility in these areas it is, in fact, the state level.

Governments can play a major role in making the rules that are essential to establish confidence and thus make markets work well, while at the same time governments need also to be cognisant that the policy that they create can play a critical role in increasing productivity in the economy through not only removing market-distorting regulation but also sharpening incentives to increase competition.

The productivity commission will advise the government on ways to modernise and simplify regulation which has become outdated or which imposes unnecessary costs on South Australian businesses and families. Coupled with other initiatives, such as the reduction in the emergency services levy and abolishing payroll tax for small businesses, it will help businesses to grow and thus create jobs. We know that jobs not only provide a source of income and help families raise their standard of living but they also provide a source of self-esteem and purpose through making a contribution to society.

At the same time as regulating, government is also a dominant provider and funder of many non-market services, and so its performance in these roles is also critical to productivity. Government can encourage efficiency in the business world by being efficient itself, but also by being transparent and predictable. State governments often have the most responsibility for service delivery and therefore the strongest capacity to introduce policy innovations and productivity gains.

Government policy can have a direct effect on productivity, such as in the area of physical infrastructure. Through investing in infrastructure, governments can facilitate more efficient methods of trade and promote more efficient allocation of activity. Recent research by the OECD suggests that investments into infrastructure benefit long-term output more than any other type of investment.

Effective labour markets also do not stand still—occupations, skills and jobs change over the decades. Critical to this adaptation are the skills delivered by the education and training systems. Governments also play a critical role in creating good quality and adaptive education and training systems that both educate and train the South Australian workforce in the skills to match the demand from the labour market and that are also necessary to improve productivity and participation in the workforce.

A well-educated workforce is a fundamental element of a high-tech society and enables innovation, which is a key driver of improving productivity. High-skilled jobs tend to be complementary to this new technology and have the effect of raising productivity. This productivity saving results in lower prices for consumers, higher wages for employees and/or higher profits for businesses, which lead to increased demand for suitably skilled workers.

One of the advantages of better health care, education systems and productive infrastructure in cities and regions is that they provide strong prospects for improving lifetime outcomes for people from all backgrounds. It should be noted that public support for reforms is also more likely when they offer benefits to the bulk of the people. Governments have the capacity to lift public investment in these major areas of education, health and infrastructure—all areas in which the Marshall Liberal government is seeking to work hard. It is the role of this government to maximise the efficient use of taxpayer funds in the delivery of these services and infrastructure.

The productivity commission will help identify opportunities and provide advice on issues identified by the government, such as improving the state's financial position, regulatory reform to cut red tape, improving government service delivery and economic reform, including the key energy markets and the review of other industry sectors, as requested by the Premier. To achieve this, inquiries need to be conducted by the productivity commission and matters are required to be investigated. These matters, including their terms of reference, will be referred to the commission by the minister.

It is the intention of the government to work with the chair of the commission in these referrals. The bill enables the commission to produce its own body of research, but the instigation of referrals remains the responsibility of the minister. Importantly, it is the intention of the government that matters of inquiry referred to the commission relate to new investigations or those that build upon existing bodies of knowledge, rather than replicating existing bodies of work, either from the commonwealth perspective or from other state commissions. Not replicating what is already in existence goes to the heart of productivity.

In terms of the ministerial powers and the independence and transparency of the commission, it should be noted that a minister is not able to direct a commission outside the provisions of the act. The commission will be empowered to provide its own analyses and recommendations, free from interference. This was noted by other speakers to be a key tenet and success factor in other productivity commissions.

The commission will be required to publish final reports on its website, ensuring that its analyses and recommendations are known to the public. Should the government of the day choose to adopt all, some or none of the recommendations made by the commission, it would have to justify its decision to the public. Because of the commission's independent nature, the bill also needs to consider provisions for dealing with conflicts of interest of any of the commissioners. These provisions are considered necessary because of the highly specialised nature of the work and also the expertise required of commissioners. These conflict of interest provisions are consistent with similar provisions in legislation governing ESCOSA.

The appointment of the commissioners, including the chair, will be finalised upon the passage of this legislation, should it pass both houses. The commission will have one to four commissioners, which will provide the flexibility to appoint individuals with a range of skills and experience, including particular individuals to lead specific inquiries under delegated authority. The commissioners will be qualified based on their knowledge and also experience in a broad range of industry, commerce, economics, law or public administration, and they will bring together advice and expertise from both the private and public sectors to improve the quality of outcomes delivered for the South Australian public.

The Premier himself has outlined how the Productivity Commission is not about reducing the quality of outcomes achieved by government spending but, rather, about improving both the quality and efficiency for every dollar spent. The state only has a finite amount of capital to spend, so the money that is invested in productive infrastructure to help grow the economy in areas such as roads, rail, ports, airport and electricity, to name some of these key areas, is vital. These are areas of the economy where private individuals rely on the government to invest wisely on their behalf.

In conclusion, the Productivity Commission will provide a Marshall Liberal government with information and advice to support the actions it will take to give the South Australian public sector a new future and much greater capacity to contribute to the state's economic recovery and growth.

Ms BEDFORD (Florey) (19:51): This bill fulfils a commitment of the new government, part of their 100-day plan to 'receive more and better quality goods and services from the same or fewer dollars'. No-one will argue against the necessity of reducing inefficiencies. Productivity commissions exist in New South Wales and federally, where they have been used to get public service and weaken protection for workers rather than simply cut red tape. The new government has stated there is an expectation a productivity commission will identify:

> how South Australia can achieve the productivity gains in the public and private sectors, which will unlock new opportunities and…jobs in our State.

In health, I note that reducing bureaucracy and waste is a particularly mentioned goal:

> Unnecessary administration not only costs millions of dollars, it spawns bureaucratic processes which get in the way of the delivery of frontline services where they are needed most.

It may be that the first reference any new commission considers should be health, where processes really do seem to warrant inspection and recommendations—and when I say health I include aged care.

Improvement to government services may also need to initially highlight education and how to deliver more to those on the front line, in schools and TAFEs. I will be asking questions during the committee stage and look forward to the swift passage of the bill in the house.

Mr PEDERICK (Hammond) (19:52): I rise to support the South Australian Productivity Commission Bill 2018. This bill enables the establishment of the South Australian productivity commission as a statutory authority, reporting through the Premier as the responsible minister. This is another Marshall Liberal government commitment. This bill enables the establishment of the commission as an independent body charged with providing the South Australian government independent expert advice on ways to improve the productivity and efficiency of the South Australian economy, both in the public and private sectors.

The objectives and functions of the commission as described in the bill are (a) to improve the rate of economic growth and productivity of the South Australian economy in order to achieve higher living standards for South Australians, (b) to improve the accessibility and quality of services delivered or funded by government, (c) to improve South Australia's competitiveness for private sector investment, (d) to reduce the cost of regulation, (e) to facilitate structural economic changes whilst minimising the social and economic hardship that may result from those changes, (f) to take into account the interests of industries, employees, consumers and the community, (g) to increase employment, (h) to promote regional development, (i) to develop South Australia in a way that is ecologically sustainable. The bill sets out the establishment of the board, its executive leadership and general operating parameters, including referrals of inquiry and provision of reports. The introduction of this bill delivers on a commitment contained within the 100-day plan of the Marshall Liberal team.

The budget for the commission will be settled through the budget to be handed down in September. Existing resources within the simpler regulation unit in the Department of Treasury and Finance will transfer into the commission, and additional resources will be provided. The objective is that this body will be charged with improving economic and productivity growth in South Australia to achieve higher standards of living for all South Australians. Productivity is about producing, delivering or achieving more for every unit of resource invested. It is about providing better quality goods and services for more people, using the resources available at the time.

The objects of the commission, as outlined in the bill, include increasing employment, improving the quality and efficiency of services delivered or funded by government, improving the competitiveness of private sector investment, reducing the cost of regulation, facilitating structural changes in our economy and promoting regional development, which is something very dear to my heart.

Inquiries, including the terms of reference, will be referred to the commission by the minister. It is the intention of the government to work with the chair of the commission on these referrals. The bill enables the commission to produce its own body of research, but the instigation of referrals remains the responsibility of the minister. It is the intention of the government that matters of inquiry referred to the commission relate to new investigations or to those that build upon existing bodies of knowledge, rather than replicating existing bodies of work.

In regard to ministerial powers and the independence and transparency of the commission, a minister is not able to direct the commission outside of the provisions of the act. The commission will be empowered to provide its own analysis and recommendations, free from interference. The commission will be required to publish final reports on its website, ensuring its analysis and recommendations are known to the public. Should the government of the day choose to adopt some or none of the recommendations made by the commission, it would have to justify its decision to the public.

Provisions for dealing with conflicts of interest are considered necessary because of the highly specialised expertise required of commissioners and are consistent with similar provisions in legislation governing ESCOSA. The appointment of commissioners, including the chair, will be finalised upon passage of the legislation. Having one to four commissioners will provide flexibility to appoint individuals with a range of skills and experience, including particular individuals to lead specific inquiries.

I know, from some members on this side of the house who have talked about a few things in regard to productivity, that one thing is roads and speed limits, and certainly in country areas where, for five years now, I have had several roads close to Murray Bridge brought back to 100 km/h because that was the easy option for the government of the day, instead of road maintenance measures to keep up the productivity.

I can tell you, as I have said many times in this place as an almost peri-urban member who looks after the areas between Pinnaroo and Mount Barker, that I do 60,000 kilometres a year. Some members in here do 100,000 kilometres, apart from their flight time, in the farther out electorates. You need to get from A to B. I certainly acknowledge safety, but there is also productivity. We are driving in cars made in 2017 or 2018 and not 1964 EH Holdens anymore. They are far better vehicles than we had back then, though the EH was a good bus in its day.

I want to talk for a couple of minutes about some things that the former government either did or did not do to enhance productivity in this state. In regard to the EPAS scheme for records for health care, we heard today those terrible words 'Transforming Health'. We do not hear them utter those words very often from the other side. It is a rare move these days, but it was their catchcry for many years.

By chance, I ran into a current nurse on Friday night at the Variety gala ball, which is a great event raising money for kids throughout South Australia, who said that EPAS was out of date before it was purchased and it never worked. Keypads and computer screens were put in unworkable places so that people had stress injuries from trying to work it, and it just never functioned. It is my understanding that very close to $500 million was spent on EPAS, which would have got you more than an Adelaide Oval if you took out the $84 million worth of debt that was written off for the South Australian Cricket Association. That is an outrageous use of public money for something that was never going to work from the start.

I want to talk about the River Murray in my closing few remarks. We had a government, with the former premier, the member for Cheltenham, that tried to champion things about the river and the productivity of the river. They thought they were the saviours of the river. How short are their memories? Have they forgotten that back in 2007 all the Labor government wanted to do was build a weir at Wellington, a $200 million sinking structure, which would have destroyed the lower reaches

of the river and done nothing to enhance productivity in this state? They were prepared to write it off. Yet they went out, as the member for Cheltenham did when he was premier leading his people, saying what big champions they were of the river, and all I could see was hypocrisy every time they opened their mouths.

We heard from the Minister for Environment and Water today talk about the wounds that he has to heal when he goes to ministerial meetings with other River Murray states just to form relationships again because there were not relationships in the preceding few years with the former water minister from the other place, the Hon. Ian Hunter.

One of the biggest problems that happened with productivity with the former government was their stark refusal to accept $25 million from the diversification fund so that people from the Victorian border through to the mouth of the river down near Goolwa could fund off-river projects so that there could be some employment outcomes, some wealth outcomes and some regional development outcomes for regional communities.

This was the so-called former government that allegedly stuck up for the River Murray. No, they stuck it to the River Murray when they did not care. They refused $25 million for multiple projects through the seats of Chaffey and Hammond, which would have affected people in neighbouring electorates like Schubert, Stuart and Finniss. It is an absolute disgrace, and it should never be forgotten about these people who made out that they were such champions of the riverine environment.

When it came to just accepting commonwealth money for the productivity of the whole river corridor, they turned it down because it did not affect them because it did not affect their seats. It was an absolute disgrace. We are doing something about productivity on this side of the house and we have done it within the first 100 days. I commend the Premier, I commend the Liberal Party and I commend the bill.

The Hon. S.S. MARSHALL (Dunstan—Premier) (20:05): I thank all members of this house who have made a contribution to this important bill which is before the house. They have raised a number of important issues, and I think the general feeling of the house is that this is an important area of focus for the government. Even those opposite have talked about the need for continuous productivity improvement in South Australia. We are putting forward the methodology that we believe will ensure that this happens in the most effective and efficient method possible. A lot of effort has been put in to the Productivity Commission Bill which is before the house at the moment. I thank members for their contributions and I commend the bill to the house.

Bill read a second time.

Parliamentary Procedure

VISITORS

The DEPUTY SPEAKER: I advise members of the presence in the gallery today of the Prince Alfred College Boarding House prefects and staff from PAC. Welcome to you all. I hope you enjoy the evening. They are guests of the member for Flinders.

Bills

SOUTH AUSTRALIAN PRODUCTIVITY COMMISSION BILL

Committee Stage

In committee.

Clauses 1 to 3 passed.

Clause 4.

Mr MULLIGHAN: My question about clause 4 is a fairly broad and general one: what is the purpose of establishing this commission in legislation, given that its functions and objects seem to be able to be conducted via a sole relationship with a minister rather than its annual reporting?

The Hon. S.S. MARSHALL: I thank the member for his question. I think there are three reasons why we would ensure that this was put in place by an act of the parliament. The first is

transparency. The former minister, the member in his contribution to the parliament earlier today, outlined a range of other methods that a government could use to improve productivity, but one of the critical areas in which I think the people of South Australia were critical of the former government—and certainly we were in opposition—was the lack of transparency. I think one of the reasons why we would establish this as an act of the parliament and to ensure that the objects of the Productivity Commission are very clear is so that the people of South Australia could be assured of what the government specifically was doing. I think that that is absolutely critical.

Some people have made the point: why did we not have a productivity commission previously? The government had an economic development board. The Economic Development Board did a lot of good work, and I agree with that, but not many people in South Australia knew what the Economic Development Board was doing. With the productivity commission, it is exactly the other way around. You can have the productivity commission conducting inquiries—which are mainly conducted in public—and the interim report is published, the final report is published, and the people of South Australia know what is going on. That is very important.

The second thing this does, by setting it up as a separate, stand-alone statutory authority, is that it provides independence to the independent advice. When you have an economic development board that is something not enshrined in legislation, or a committee, or indeed personal advice or advice to the government of the day, it does not necessarily follow that the advice is independent. With a productivity commission we know that the advice is independent because it is provided to the people of South Australia at pretty much exactly the same time it is provided to the government. I think that is important.

The third and final area is that we are setting up a new institution in South Australia, one that we on this side of the chamber are very proud of. We want to see productivity improving. We do not want this to be something that is set up for one, two or three years and then forgotten about. With the previous government, we saw all sorts of committees and government advisory organisations that would shift around like sand on the beach. What we are doing here is setting up an institution that we believe will stand the test of time, an institution that I think those opposite, even those who may be cynical or not appreciative of its true value, will over time come to understand is a fine institution.

It is one that has served our nation well at the federal level with the Australian Productivity Commission, as members opposite acknowledge. It was set up in 1998, but there were plenty of organisations that led to its establishment. In Australia, we have had this sort of independent advice to the federal government for decades and decades, and it has served our nation well. What we are doing here is a similar thing, enshrining in legislation an institution that we think will stand the test of time, provide independent advice to the government and offer the people of South Australia real transparency about the advice being offered to the executive government.

Mr MULLIGHAN: How will the work of this commission differ from the economic advisory council to be established by the new government?

The Hon. S.S. MARSHALL: In my previous answer, I talked about the difference between this body and the Economic Development Board set up by the previous government, but the honourable member is right that we are going to have a new body that is set up to provide advice. That is advice to the Premier about the economic direction of our state.

The productivity commission will be quite different. It will be a body that will take referral from the government but that will go out and provide an opportunity for all members here in South Australia to give their advice to the commission on particular issues, and then ultimately the productivity commission will form a balanced view from all that advice and provide that to the government of the day. It is quite a different orientation, one which is on the overall productivity of our state, whereas the advisory council we are looking to set up for the Premier will have a broader remit beyond productivity. Productivity is crucial, but it will address other issues related to economic growth and social issues as well.

Clause passed

Clause 5.

Ms BETTISON: My question relates to clause 5(1)(a). One of the objects of the commission is to improve the rate of economic growth and productivity in order to achieve higher living standards for South Australians. How will we benchmark this result? How will it be measured? Is it the increase in gross domestic product, gross state product, the United Nations Human Development Index, for example? Can the Premier talk about our aims for increasing income from this, for employment or unemployment rates? What will be the measure within this?

The Hon. S.S. MARSHALL: The member asks a very reasonable and important question about the objects of the commission. She identifies from clause 5 the rate of economic growth and productivity and asks specifically how this will be measured. We do not have gross domestic product at the state level, but the member quite rightly identifies gross state product. This is one measure, but it cannot be limited to that. You might note also that the Australian Productivity Commission publishes each year, usually very early in the year in January or February, the Report on Government Services (RoGS) that provides, if you like, that benchmark across state for the provision of services—this would be another example.

However, let's be very clear: this new commission will take a number of referrals and look into specific areas where we want to effect change and improvement in South Australia, and there will be a different measure for different areas that we are investigating. Some will be just purely economic growth; some might be around employment; some might be around better access to services or better outcomes for services or better cost-benefit ratios for services. We are not stating in this a set of finite key performance indicators but more a reference to the broad objectives of the commission.

I think one of the best things about this commission is that it is a broad commission that can tackle a range of projects, not just one or two narrow areas. I believe it will stand the test of time because there will be different orientations from different governments over a long period of time, and they will want specific things investigated by this body.

Mr MULLIGHAN: In clause 5(2) the commission has the following functions further to its objects: to hold inquiries and report to the minister. Is the act to be committed to you as the Premier or is the act to be committed to the Treasurer, to the government?

The Hon. S.S. MARSHALL: To me as the Premier.

Mr MULLIGHAN: Further to a previous answer that the Premier provided, the economic advisory council is to be established by the new government, to replace the Economic Development Board, to provide you as Premier with economic advice. The purpose of the productivity commission is also to advise you as minister to which the act is committed. So you have two organisations providing you with economic advice; is that correct?

The Hon. S.S. MARSHALL: I am not really sure what the point of the question is, but as the Premier I have multiple sources of advice. I think that the member opposite would remember his time in government—it was not that long ago—when he would have sought advice from numerous sources. I think this is pretty sensible, quite frankly. Getting as many different pieces of advice as possible will make sure that we get the best results for the people of South Australia.

Just because this bill, and ultimately, if it passes, this act, will be committed to me as the Premier, it does not mean that it does not provide advice to the government as a whole. The referrals will be made from the government to the productivity commission. The productivity commission will conduct its inquiries and make its report to the government but, as I have previously stated, it will also be making its report public. There will be a lot of transparency around this measure so that all the people of South Australia can benefit from the advice of this new body that we are establishing.

Mr MULLIGHAN: I noticed that in the course of the answer the Premier was receiving no doubt the wise counsel of the member for Morialta. Shortly after receiving such wise counsel, the Premier pivoted to another part of his answer where he said that the commission will be receiving commissions from the government as well as the minister. Could the Premier perhaps explain how those two different processes of commissioning inquiries will work?

The Hon. S.S. MARSHALL: Could you just clarify your question?

Mr MULLIGHAN: Sure. You have advised us that the minister, which is you, is able to commission an inquiry and, upon counsel from the member for Morialta, also advised us that the government can commission inquiries. How will the cabinet, as well as the minister, commission these inquiries?

The Hon. S.S. MARSHALL: I will be making a referral. Of course, as we have stated many times in parliament recently, we are adopting a new approach, and that is a cabinet government. I know that previous governments have said that they are cabinet governments. We are genuinely a cabinet government, so I think it would be very appropriate for me to take suggestions through cabinet before the referrals are made to the productivity commission. I think it is a very sensible way to go and one that we will be putting in place.

Ms COOK: How will the referrals actually be made by the minister? How will that happen? What is the process?

The Hon. S.S. MARSHALL: I am not trying to be difficult, but are you just asking how do we convey it?

Ms COOK: What is the process?

The Hon. S.S. MARSHALL: I do not think we have covered that off in here, whether it is going to be a telephone call, whether it is going to be a letter, an email or a pigeon, but I feel pretty capable in conveying a message and a referral. If the member opposite would like to move an amendment to seek greater clarification, whether it be an email or a letter, she can feel very free to do so—I would not be supporting it—but I do not have any doubt in my ability to convey a referral to the productivity commission.

Ms COOK: I just want you to clarify this for us: are there options for the referral to be made by any means? There is no specific process. Can it be a phone call, an email, a note or a conversation? Is there going to be an actual procedure for this?

The Hon. S.S. MARSHALL: I have answered that in my previous answer.

Ms BETTISON: When you considered this, and how it would function, did you consider that there would be a role for the parliament to initiate inquiries to the productivity commission?

The Hon. S.S. MARSHALL: No.

Clause passed.

Clause 6.

Mr MULLIGHAN: With regard to the clause regarding independence, in an earlier response the Premier said that the commission will be providing interim as well as final reports to the minister. Is there a capacity for the minister or, indeed, the government, as the entity seems to be interpreted as the same, to provide feedback to the commission on those interim reports?

The Hon. S.S. MARSHALL: I think those interim reports will be made publicly available, and I would encourage anybody who reads an interim report to provide feedback to the productivity commission.

Mr MULLIGHAN: Will the interim report be made public at the same time that it is provided to the minister?

The Hon. S.S. MARSHALL: I would envisage that it would, yes.

Clause passed.

Clause 7.

Mr MULLIGHAN: Could the Premier perhaps provide some examples of the type of statements, other reports—and I am not referring to interim or final reports as a result of inquiries commissioned by the minister—and other guidelines that might be published from time to time by the commission?

The Hon. S.S. MARSHALL: This clause really deals with how the productivity commission will go about interacting with the broader population here in South Australia, and how they would go about publishing statements. For example, you could imagine that an inquiry was instigated by the Premier to the productivity commission. The commission would probably do an issues paper, which would be published for the people of South Australia and flesh out a range of issues that may have been considered in other jurisdictions, or maybe some desktop research that is provided to the people of South Australia. That is an example of how it would go about publishing a statement. It may also outline how it seeks to receive feedback from the people of South Australia. That is what I think is envisaged in clause 7.

Mr MULLIGHAN: I thank the Premier for providing that answer. One of the reasons for my asking that question, other than to seek his counsel, was that in some of his previous statements he alluded to the fact that the federal Productivity Commission provides its annual report on government services, for example, and my understanding is that it also, from time to time, provides reports on various aspects of Australian economic performance. Are similar types of reports envisaged by this commission and, if so, what would they be?

The Hon. S.S. MARSHALL: They could be, but that would be on discussion between the Premier and the productivity commissioner. There is nothing specifically envisaged that we would incorporate into the bill.

Clause passed.

Clause 8.

Mr MULLIGHAN: Premier, in your comments to the house earlier today you alluded to the fact that the membership has already been settled. Who are the members of the commission?

The Hon. S.S. MARSHALL: I certainly did not.

Mr MULLIGHAN: Have any members been confirmed for the commission?

The Hon. S.S. MARSHALL: That is not something that we wish to highlight at the moment. We have a bill before us, and I cannot see that the make-up of the people, whether or not they have been appointed, has anything whatsoever to do with the clauses in the bill. The member opposite might like to check the *Hansard* before he makes an allegation that I had previously indicated that it had been settled. I think he might find that it says that it may have been settled.

Mr MULLIGHAN: It was an interjection, so it probably was not recorded at all, for the Premier's benefit. The reason I ask is that, if the Premier said that it was or may have been settled, then of course it would be a matter of interest to the parliament if the government has sought and locked in membership before the bill has provided for the establishment of the membership of the commission. Has it been agreed by the government that anyone should be a member or chair of this commission?

The Hon. S.S. MARSHALL: My answer to the previous question stands.

The CHAIR: Member for Florey.

The Hon. D.C. van Holst Pellekaan: Hear, hear!

Ms BEDFORD: You do not know what I am going to say yet. I am still worried about the pigeon. Can the Premier advise us how the Governor will receive names as recommendations for commissioner?

The Hon. S.S. MARSHALL: It is fair to say that there is a huge amount of interest in this. Whilst there is a Productivity Commission at the federal level, and there has been a Productivity Commission in Queensland, this is the next cab off the rank and people are looking at this very carefully. We have had some discussions with people who have recommended names of people who would be suitable, and when we have an announcement to make we will make it for the people of South Australia.

However, it is fair to say that the bill has not passed yet. I think it will pass because people recognise it is a good contribution to improving the productivity of our state. So I think it will pass,

and soon thereafter we will make an announcement regarding the inaugural chair and the composition of the productivity commission.

Ms COOK: What sort of remuneration is envisaged for the chair of the committee?

The Hon. S.S. MARSHALL: That is not something that is covered by this bill, and it is not something I am canvassing in the public domain. I am sure it will be, once it is decided, something that will be known to the people of South Australia, but I will not be passing on that information at the moment.

Ms BETTISON: Is it your expectation that the commissioner will be here on a full-time basis?

The Hon. S.S. MARSHALL: This legislation, as you would envisage, goes beyond the initial appointment. We have created an opportunity to consider that somebody may be here as a full-time chair taking on some of the, if you like, CE role as well, and also a situation where we may have a part-time chair here in South Australia, who may be employed doing other work. Both models can operate under the legislation that is provided.

Ms COOK: Is there an anticipated budget for the whole commission?

The Hon. S.S. MARSHALL: Yes, there is. Can I just say that in our campaign costing document, we had a figure of $1.5 million per annum indexed over the forward estimates. Since then, we have decided to also take the resources currently allocated to the Simpler Regulation Unit, which currently sits within the Department of Treasury and Finance, and they will be relocated into the commission. There may be some additional cost to the establishment of the commission. If that is the case, then that will be included in the September budget.

Clause passed.

Clause 9.

Mr MULLIGHAN: Just to refresh the memory of us all, several of the objects of the commission were, how can I politely put it, borrowed from the federal act. I am wondering for the purposes of clause 9—Commissioners, why similarly requirements that are outlined in the federal act in terms of the experience or the knowledge of commissioners was not replicated in the South Australian bill before us now?

The Hon. S.S. MARSHALL: I do not have the federal bill before me so it is difficult for me to make a comparison. We have arrived at this after consultation looking at not only the legislation which exists at the federal level but also in other state jurisdictions, and we believe that this is the legislation which best serves the needs of the people of South Australia. Again, I just say to those opposite, if they have any suggestions for improvement: please feel free to move an amendment.

Mr MULLIGHAN: For the benefit of the Premier, the federal act specifies a fairly general clause up-front that a person must not be appointed as a commissioner unless he or she has in the opinion of the Governor General—obviously the federal equivalent—the qualifications and experience relevant to the commission's functions. That is fair enough, but the subsequent sections then go into specific skills:

> At least one Commissioner must have extensive skills and experience in applying the principles of ecologically sustainable development and environmental conservation.

The next one is:

> At least one Commissioner must have extensive skills and experience in dealing with the social effects of economic adjustment and social welfare service delivery.

And:

> At least one Commissioner must have extensive skills and experience acquired in working in Australian industry.

I note that in clause 9(1) a person may be appointed as a commissioner who is qualified for appointment because of a person's knowledge of, or experience in, only one or more of the fields and then it lists the fields. The concern I raise is that all commissioners may come from one of the following fields: industry, commerce, economics, law or public administration, and ignore those areas

that the federal act pays particular attention to, particularly those areas of social effects of economic adjustment, social welfare service delivery, sustainable development and environmental conservation. How will the Premier perhaps assuage the fears of the parliament that there will be a broad representation of the skills of the commissioners?

The Hon. S.S. MARSHALL: It is not the parliament that is appointing the commissioners; it is actually the Premier that is appointing the commissioners. I have no such fears. It will be appointed by the Governor of South Australia on the recommendation of the cabinet, but I have no such fears that we will not be able to get a very complete set of skills represented on that commission.

We have kept ourselves with a maximum amount of flexibility, as you will see from the legislation that we have put forward to the parliament. There is a chair and then up to four commissioners. It might not be that we appoint all four immediately. We might appoint two, or one, or three, and give ourselves some flexibility so that, if there is a referral to the productivity commissioner, and they do not have the requisite skill set, we will be able to appoint a new productivity commissioner who does have the skills. We have very deliberately kept this as broad as possible and we as a party much prefer the term 'may' rather than 'must'.

Mr MULLIGHAN: Regarding clause 9(5):

A Commissioner must not engage, without the consent of the Minister, in any other remunerated employment.

Given not just the potential conflict in time allocation to duties, how can the parliament or the public of South Australia understand what other remunerated employment a commissioner might be engaged in?

The Hon. S.S. MARSHALL: This is regarding clause 9, is it?

The CHAIR: Clause 9.

The Hon. S.S. MARSHALL: It provides:

A Commissioner must not engage, without the consent of the Minister, in any other remunerated employment.

This is to make sure that we understand what other work the commissioners do to avoid any conflicts. I think it is a pretty reasonable request. For example, a productivity commissioner in South Australia could in fact simultaneously be a productivity commissioner at the federal level, or they could be a deputy secretary within federal Treasury. They could have another role which would be complementary, but we would like to know what 'any other' role is to make sure that we can manage any conflicts.

Mr MULLIGHAN: My question is: how would everybody else know what that other work is?

The Hon. S.S. MARSHALL: I do not know that that is envisaged in the legislation. As I keep saying, this is not something which is not a parliamentary appointment. It is an appointment by the Governor, which is on the recommendation of the Premier and the cabinet.

Ms BETTISON: Given your previous answer, it strikes me that we are hearing a difference between stability and flexibility for who will be on the commission. Can you elaborate further on how you will achieve that balance?

The Hon. S.S. MARSHALL: Between?

Ms BETTISON: The stability of a commissioner, who you said can be up to five years, and the potential that we might have people come in and out of the commission from time to time.

The Hon. S.S. MARSHALL: I think the honourable member explained it pretty well herself. It is a balance between stability, so we can appoint for up to five years, but in some instances there will be shorter terms. As I said in my previous answer, it is not necessary, but a full complement of commissioners needs to be in place the entire time, which does maximise the amount of flexibility that we have. If you contrast that with what we have the moment, if a government of any political persuasion wants to have an inquiry done in South Australia, they have to go and find one single person to do that.

You have to establish an office, put the researchers in place and put the back office, if you like, in place of every single inquiry, which can take a long time and also cost a lot of money. By

having this body in place, the government now has an alternative, where it can direct or make a referral for an inquiry to the productivity commission where there is a body already established, where there is an office, protocols, a back office and a research capability established.

We believe that by doing this there will be a number of advantages: (1) that the inquiries will be more timely; (2) that we will get greater economies from the inquiries; and, (3) one of the advantages of having a productivity commission is that the person who is doing the inquiry is not doing it by themselves. The inquiry is done by the commission and there is, if you like, a review within the commission that I think would add to the quality of the ultimate report.

Clause passed.

Clause 10 passed.

Clause 11.

Mr MULLIGHAN: It is just a request for some information. The Premier alluded to the staff of the department's better economic regulation unit, I think it is called, being transferred from the Department of Treasury and Finance to the commission. You do not have to provide it right now but perhaps before it heads upstairs. Is the Premier able to advise the committee how many staff, what the remuneration cost is and whether that is a part of the $1.5 million budget that was alluded to earlier?

The Hon. S.S. MARSHALL: I do not have that number with me at the moment, but it is called the Simpler Regulation Unit, which sits within the Department of Treasury and Finance. The cost associated with the personnel who will be transferred from the Department of Treasury and Finance to the productivity commission will be in addition to the $1.5 million envisaged in our campaign costing document. We think that this will significantly help the smooth and efficient operation of the productivity commission. If the honourable member would like details of the exact cost, I am more than happy to provide that between the houses.

Ms BEDFORD: Premier, are you anticipating any savings, perhaps, in persons already employed by the Public Service being reassigned to the productivity commission?

The Hon. S.S. MARSHALL: No. The Simpler Regulation Unit has, I am reliably informed, around six people, and we would envisage that that be continued and augmented with other staff in the productivity commission. The real efficiency of this, as I said a couple of answers ago, would be when the government wants to make an inquiry. All governments want to make inquiries, and this just gives another option.

That is not to say that the government will always and only use the productivity commission to conduct all inquiries, but it does give an option for, I believe, more timely, cost-effective, better referenced and internally workshopped reports because there is not just one author for an inquiry but multiple people who can review interim results. I think that by doing that we will get a better result. I think that methodology will provide some efficiencies to the government and some cost savings.

Ms BEDFORD: Apart from the roughly six people we are talking about in the unit you have mentioned, would there be no other public servants, from anywhere in the Public Service, ever called upon to advise the productivity commission?

The Hon. S.S. MARSHALL: It is envisaged that, from time to time when there is a specific inquiry, some public servants could be seconded into the productivity commission. I imagine that if there was a specific inquiry into a detailed area where there is a lot of experience in the Public Service, which does not reside within the Public Service but within departmental staffing arrangements, those staff, or some of those staff, could be seconded to the productivity commission for expert advice during the life of that inquiry.

Ms BEDFORD: Finally, would those positions be backfilled from their departments?

The Hon. S.S. MARSHALL: I would envisage that would be the case.

Mr MULLIGHAN: I refer to subclause (1)(b):

persons appointed by the Commission on terms and conditions determined by the Commission.

Will those employment conditions and remuneration arrangements be consistent with like positions in other areas of the Public Service?

The Hon. S.S. MARSHALL: Yes, absolutely.

Clause passed.

Clause 12.

Mr MULLIGHAN: I will take a question mischievously grouping a reference to both clauses 11 and 12, and that is the employment arrangements in general and the use of consultants. Will the details of those two be disclosed in the commission's annual report?

The Hon. S.S. MARSHALL: It is envisaged that the productivity commission would have exactly the same compliance requirements as other government-controlled entities, so the answer to that is, yes, it will be disclosed. That sort of expenditure will be disclosed in the annual report as per other government-controlled entities.

Clause passed.

Clause 13.

Mr MULLIGHAN: I can understand that, if the commission was conducting an inquiry that required some particular research or economic modelling, for example, that task might be carried out by someone external to the commission and particularly expert in that. Are there any types of delegation, beyond that sort of arrangement, that are envisaged by this clause?

The Hon. S.S. MARSHALL: I am advised that clause 13 was really one that was suggested as an administrative clause by parliamentary counsel, but there is nothing specifically envisaged that I would be able to report from this. I think the example that you give is a very reasonable example to give, but there is nothing else over and above that that I envisage from clause 13.

Mr MULLIGHAN: I appreciate that and I suspected that may be the case, but it is just that the manner in which this clause has been drafted and also one of the last clauses of the bill about the making of regulations is a very, very broad catch-all. There are some functions of the commission that are required of it, as per this bill, that seem able to be unconditionally delegated on whatever terms and conditions the commission sees fit. It just seems a fairly broad capacity for otherwise statutory responsibilities to be carried out by somebody who might otherwise have no connection to the commission or the Public Service.

The Hon. S.S. MARSHALL: My previous answer stands, quite frankly. There is nothing that is specifically envisaged with this clause. It is the advice of parliamentary counsel that we put it in because there may be some extenuating circumstances. It is not something that we would be using in the normal course, but with the drafting of this legislation, it is better to provide for all and any possibilities and this is the advice that we have received.

Mr MULLIGHAN: Very briefly, will any delegations, if they do occur, be publicly reported or declared, for example in the agency's annual report?

The Hon. S.S. MARSHALL: Yes, I believe they would be.

Clause passed.

Clause 14.

Mr MULLIGHAN: Obviously, the potential for a conflict of interest for a commissioner or the chair of the commission, if it were perceived to occur, would give rise to great concern amongst some people. I appreciate that clause 14(1) requires that the person who may have the conflict declare it to the minister and take those appropriate steps, which of course is appropriate, but my first question was really about clause 2 and that is the resolution of that conflict. Perhaps the Premier and his adviser could give some examples as to how that would be managed.

The Hon. S.S. MARSHALL: The clause that the honourable member is referring to is really there to ensure that we seek advice from a commissioner of any potential conflict so that it can be resolved before any work is done so that we can be assured that there is no bias in the final report.

If there is, of course, this is a matter for the chair of the commission and then ultimately it could be resolved by going for advice to the Premier. I think that early acknowledgement of any potential conflicts would allow the early resolution of any of those conflicts, to make sure that they do not end up the subject of any concern once the final report is published.

Mr MULLIGHAN: I have a question about subclause (3):

This section does not apply if the interest is as a result of the supply of goods or services that are available to members of the public on the same terms and conditions.

My understanding is that a similar clause is provided for in the Queensland Productivity Commission Act. Could you perhaps try to advise the parliament why that clause is appropriate for this circumstance and what it captures?

The Hon. S.S. MARSHALL: This is a similar clause to the one that exists within the ESCOSA Act in South Australia. I can imagine that some people could say, 'Well, I'm not going to do it. Am I precluded from doing an inquiry into the wine industry because I drink wine?' There would not be too many people who could do that inquiry, of course.

Ms Bedford: I could do it.

The Hon. S.S. MARSHALL: The member for Florey would be happy to do that inquiry. She is not envisaged to become a commissioner in the early days of the productivity commission, but I would not like to rule out further opportunities for the member for Florey post her 30 or 40 years in this house. This is really mirroring the provision in the ESCOSA Act, and I hope that my example is useful to the member.

Mr MULLIGHAN: I guess my concern was not about whether you might consume a product that is manufactured by an industry—for example, wine—but whether somebody might hold shares that are available to members of the public. My more substantive question was: will there be a register of the chair's and commissioners' pecuniary interests and will that be made publicly available somehow, either through the annual report or by other means?

The Hon. S.S. MARSHALL: No, I do not envisage a register, but, as I said, all potential conflicts should be disclosed and discussed with the chair, and ultimately any conflict should be resolved in discussion with the minister.

Clause passed.

Clause 15.

Mr MULLIGHAN: The last subclause, subclause (6), states: 'Subject to this Act, the Commission may regulate its own procedures.' Will there be any formal records kept of meetings of the commission, either in taking advice or evidence from people who appear before it or in deliberative meetings?

The Hon. S.S. MARSHALL: What I am advised is that the commission will establish its own framework for taking and recording evidence from people. It will, of course, have records which it keeps, and those records will be subject to all the various legislation that other public corporations or government-controlled entities in South Australia are required to abide by.

Clause passed.

Clause 16.

Mr MULLIGHAN: Referring to subclause (2), is it usual that any other person who is not an employee of the commission or a commissioner be able to execute documents on behalf of an agency like the commission?

The Hon. S.S. MARSHALL: I do not know whether it is usual, but this is certainly what has been provided to us by parliamentary counsel. Again, I invite those opposite if they have an alternative to put it forward now.

Clause passed.

Clause 17 passed.

Clause 18.

Ms BETTISON: Based on annual performance plan and budget, subclause (1) states:

The Commission must, from time to time, prepare and submit to the Minister a performance plan and budget for the next financial year…

When we were given our briefing, I suggested that there did not appear to be a commitment to a certain case load of inquiries. I understand that the federal Productivity Commission commits to six inquiries per year. Is there a reason why you did not give a particular figure for the number of inquiries that you would undertake?

The Hon. S.S. MARSHALL: The federal Productivity Commission has operated for many decades and that is what they have settled on. This is a brand-new instrument of the people of South Australia and we are not prepared to commit to a number. What we are looking for in the first instance is quality and outcomes, rather than just a number of actual inquiries. All I can do is assure this house and the honourable member opposite that this will be a very hardworking group—I am absolutely sure of it. From the people I have spoken to so far, there is a lot of interest, as I said, in joining the South Australia productivity commission. People are excited about the opportunity to improve the overall productivity of this state.

Ms BETTISON: I know that you envisage that the productivity commission will be around for some time to come. Looking forward to this financial year, would you put a number on the inquiries you expect—one, two, three inquiries? Obviously, you are very excited about this new commission and very committed to it. I am just keen to understand what the workload will be during the initial period.

The Hon. S.S. MARSHALL: Of course, as the member would be more than aware, we have not appointed a chair. I think that it is sensible to discuss that with the inaugural chair to see what their capacities are. We would, of course, discuss the topics that we would be looking to make early referrals and they would then, in discussion with the government, look at the workload and the resources that they have been provided with by the government and then we would work on a plan, which will be made clear to the people of South Australia at the time.

Ms BETTISON: What do you think your first inquiry might be?

The Hon. S.S. MARSHALL: That will be a very exciting day and I am sure those opposite are very excited about the opportunity when we make that announcement. I hope they will be there. There are lots of things that we can look at; however, tonight in this chamber we are looking at the overall framework, rather than at the specific referrals that will go to this body, so I would prefer if we could just stay on the individual clauses.

Mr MULLIGHAN: In approaching the potential commissioners, has the government canvassed any potential inquiry subjects?

The Hon. S.S. MARSHALL: As you would be aware, sir, this is a policy position that the Liberal Party in South Australia has held for I think at least five years. We have had many discussions with Australian productivity commissioners, past and present, about the opportunities for improving productivity in this state and the likely referrals that we could make—referrals that would give us good quality outcomes, outcomes that would improve the lives of the people of South Australia.

So the answer is, yes, we have had many discussions with many people over a long period of time. We have read, with much interest, the work which has been published by various other similar entities right around the country. We read the RoGS with much interest every single year and, yes, there are many things that we are contemplating.

What we will do, though, if this legislation passes, is make the appointment of the chair of the commission. We will then, jointly with the chair, make the appointments for the individual commissioners and work through that proposed work plan for the next 12 months. We will make that very clear to the people of South Australia. We want this to be open and transparent. It is not something that we are hiding or trying to be particularly difficult about at the moment, but it really will depend on the appointment of the chair, their level of interest, the resources and how quickly we can get underway with the various inquiries.

As you would be aware, it is not like there is just one or maybe two things that we are choosing between. Let me tell you, this is a target-rich environment after 16 years of being in opposition. We believe there are many opportunities that we could focus this new productivity commission on, and we are looking forward to the opportunity of making those early referrals.

Ms BETTISON: Looking at clause 18(1) again, when you look at the performance plan and budget, is it your consideration that we will have South Australians on this commission?

The Hon. S.S. MARSHALL: Absolutely. I certainly envisage that there will be South Australians represented on the productivity commission.

The CHAIR: Member for Ramsay, you have already had four questions; I might rule the next one out of order.

Clause passed.

Clause 19 passed.

Clause 20.

Mr MULLIGHAN: Clause 20(3) says 'the Minister may', rather than 'must'—

The Hon. S.S. Marshall: We like 'may' rather than 'must'.

Mr MULLIGHAN: —indeed—'require the Commission to make a draft report publicly available'. In the Premier's earlier comments he certainly gave the commitment that an interim report or a draft report would be provided and that it would be made publicly available when it was provided to the minister. Does that commitment stand?

The Hon. S.S. MARSHALL: I cannot think of any instance where we would not want the interim report to go out, because, of course, the nature of this is really that we want to have as much input into the process as possible, and, rather than get through to a final report and then have people say, 'By the way, there were things that should have been inputs to this process. You've got it completely wrong,' we would much rather keep it open and transparent. We are not hiding any of this from the public. We are holding public hearings. We are calling for public submissions. There is nothing about this model that we are looking to keep from the people of South Australia.

Clause passed.

Clause 21.

Mr MULLIGHAN: Regarding the notices that are required to be published by the commission, clause 20 specifies the manner in which a minister can require an inquiry, a written notice, rather than a telephone call or an email, and also provides for the ability for the minister to make further additional requirements or refinements to those initial instructions. I just want to be clear that clause 21 provides for all of that to be made public and posted publicly by the commission in the course of its inquiry.

The Hon. S.S. MARSHALL: Yes.

Mr MULLIGHAN: Does that also extend to any feedback that might come from the minister back to the commission in the event that an interim or draft report has been provided?

The Hon. S.S. MARSHALL: I am not sure that there will be a formal process from feedback from the government to the commission on the interim report. That is not something that I have contemplated. I do not envisage that there is going to be a huge time frame between the publication of the interim report and the final report.

In fact, in some instances the commission might decide to go straight to the final report because they do not think that going to further consultation would be envisaged. I think probably in most cases it would be, but I think in some cases there would be some discretion from the commission to just publish the final report. Hopefully that clarifies the question from the former minister.

Mr MULLIGHAN: Not surprisingly, it does not. Without trying to put too fine a point on it, I am envisaging a circumstance where an inquiry is commenced, the commission proceeds with the

inquiry and produces an interim report or a draft report with some draft findings or recommendations, it is received by the minister, the minister's eyes bulge somewhat and there is some sort of communication somehow, saying, 'Come on. What are you doing to me?' How would that be—

Members interjecting:

Mr MULLIGHAN: Perhaps in the federal context, I'm thinking of the final report into horizontal fiscal equalisation. But I am trying to establish, if that sort of report was to be provided to a minister on an interim basis, what mechanism there is for the minister to provide feedback to that draft or interim report and how that ministerial feedback might be made available publicly in the same manner as any other notice or direction provided from the minister to the commission, which is to be provided publicly.

The Hon. S.S. MARSHALL: There is no requirement on the government to provide feedback to the commission between the interim and final report. That would be something that would be up to the government at the time. I think the entire body is designed to be open and transparent, so if there were a change between the commission's interim report and their final report, I think it would be perfectly reasonable for people to be asking the question, 'Well, why has there been a change?' I think there would need to be quite a lot of transparency around why the commission changed its recommendations or its final report relative to the interim, and all those reasons would need to be outlined and made very clear to the people of South Australia.

Ms BEDFORD: Premier, how will the commission know the period during which the inquiry is to be held? Will there be a ballpark time frame, and then if things become trickier they will extend it?

The Hon. S.S. MARSHALL: I think that will depend very much on the inquiry itself. Obviously, the period of time that public submissions will be sought and public hearings will be held will be very clearly defined. It is difficult to really be too definitive about the other time frames because of course there could be things which come out of those public submissions and public hearings where the commissioner says, 'Well, actually this is a lot broader and a lot more complex and a lot more interesting than what we had originally envisaged.' So we are not putting any absolute time frame on the final reports but, as I said, the notice periods for public consultation initially—for receiving public submissions and for the public hearings—will be made very clear to the people of South Australia.

Ms BEDFORD: What are you envisaging might be a sort of normal, ordinary, average kind of commission inquiry?

The Hon. S.S. MARSHALL: I do not know the exact answer to that, but I would envisage that it would be very similar to that time frame which is provided in other jurisdictions. I am more than happy to find out, on average, what that has been. There might be a bit of variance on the scope of inquiries. I will try to find out a bit of information on that period of time and provide it to the member before this goes to the Legislative Council.

Ms BEDFORD: How will we know that the Productivity Commission is working productively?

The Hon. S.S. MARSHALL: I envisage an inquiry. I think we are going to have to—

Members interjecting:

The Hon. S.S. MARSHALL: I think this is something for the people of South Australia to judge. This is one of our criticisms of the Economic Development Board. As I said, when we made the decision to lose the Economic Development Board, some people were critical of this. They said, 'Didn't you like the people on the Economic Development Board?' I looked at the list and it is mouth-watering. These are some of the brightest people we have in this state, providing advice to the government, but the reality was that very few people in South Australia knew what was actually going on.

Therefore, I think people can legitimately ask: what advice are you providing? The reality is that the economic performance of this state has been very poor since an economic development board was established. Either of two things has occurred: (1) they were providing very poor advice

to the government, or (2) they were providing very good advice to the government that was not being implemented. We do not know which has occurred.

I think that those of us on this side of the chamber probably guess that it was No. 2, that they were providing excellent advice to the government that was not being implemented and therefore we were not progressing as a state, but the reality is that we never knew. What is envisaged with this is that it is open and transparent and people would know the advice given to the government. The government is not compelled to take up and implement everything that is recommended. That is never part of it, but they are giving independent advice to the government.

That is made clear to the people of South Australia at the same time and then the people of South Australia can judge. They can judge whether this is an effective instrument for the people of South Australia.

Clause passed.

Clause 22.

Ms BETTISON: In this new era of transparency, I was a little surprised with clause 22(1)(b), that during the conduct of an inquiry it 'may (but need not) involve public hearings'. Do you not think this is a bit of hypocrisy when you have talked about transparency?

The Hon. S.S. MARSHALL: If I am right, your question is really about a component of the legislation that provides that maybe a public hearing is not held; is that correct?

Ms BETTISON: As I read it, it says:

22—Conduct of inquiry

(1) Subject to any requirement or direction of the Minister under this Part…

(b) may (but need not) involve public hearings.

The Hon. S.S. MARSHALL: As per the example I gave before of the Australian Productivity Commission that releases the RoGS reports, they are not subject to public inquiries. So there may be work that is referred to the productivity commission that does not necessarily have a public hearing component to it.

One of the examples that I gave in an earlier answer was about the government using the productivity commission to do some of the work that was previously done through the establishment of independent inquiries. As you could imagine, some of those independent inquiries have public hearing components and some of them do not. A royal commission often has public hearings or hearings in private and some do not.

There are inquiries that are undertaken by a government that do not have public hearings, so I think that this gives us the option. I think that this would be the exception but, again, we are wanting to keep the legislation as broad as possible so that this productivity commission can be as useful to the people of South Australia as possible.

Mr MULLIGHAN: Further to what the member for Ramsay said, I refer to the combination of the wording of subclause (1):

Subject to any requirement or direction of the Minister under this Part…

(b) may (but need not) involve public hearings.

So it is open to a minister to direct the commission that there be no public hearings for an inquiry?

The Hon. S.S. MARSHALL: I think that that would be done in consultation with the chair and with the commission.

Mr MULLIGHAN: If that direction was made by the minister, would that be something that, under clauses 20 and 21, needs to be publicly declared or reported by the commission?

The Hon. S.S. MARSHALL: Yes.

Clause passed.

Clause 23.

Ms BEDFORD: Premier, you said earlier—as we accept—that not all the recommendations will be implemented. What would be the purpose of having a productivity commission present you with recommendations if you do not implement them?

The Hon. S.S. MARSHALL: Again, I point the member to the operation of the Productivity Commission at the federal level and to other jurisdictions as well. This is a report for the government but not of the government. So it is not the government's report: it is an independent body's report, and they make recommendations that are not taken up by the government.

We see this a lot with reports and inquiries to government. Only today, when we were acknowledging the 10th anniversary of the apology to the children in state care, which followed on from a report made for the people of South Australia by Mr Mullighan, there were, I think, 54 recommendations in the report, and 52 were taken up. I think it is common practice for the government to have the right to decide which of the recommendations it will be taking up.

The critical thing is the transparency around those recommendations. The recommendations are made. Yes, they are made to the government, but they are also being made to the people of South Australia. Again, this was the problem with the previous regime, because it was quite possible that the Economic Development Board was making recommendations.

Take, for example, their advice to the government around their energy strategy. We will simply never know what the EDB was providing as recommendations to the government. We believe that was unsatisfactory. For all we know, the EDB was providing excellent advice to the government that was being ignored.

What is envisaged in this legislation is that that cannot occur going forward. We are going to have this independent body which is going to be undertaking these inquiries. They will, yes, be providing that report to the government, but they will also be providing that report to the people of South Australia so they can read that report, see what is in the mind of the commissioner conducting the report and understand the recommendations and the rationale for the recommendations. If the government does not accept it, then the people of South Australia know that there was another option that was available to the government that was not taken up.

Ms BEDFORD: Does that mean you would be explaining why you would not accept a recommendation?

The Hon. S.S. MARSHALL: Yes, I think so.

Mr MULLIGHAN: Clause 23(2)(a) states 90 days. It is a long time. Why the specification of 90 days?

The Hon. S.S. MARSHALL: Again, I think this is just common practice that the report is provided to the government. There is an opportunity to respond up to 90 days. I think that gives the government the opportunity to consider its response. I do not think that we want kneejerk responses to comprehensive policy recommendations from a body like the productivity commission. This is in line with other jurisdictions, and I think it is a sensible inclusion in the bill.

Mr MULLIGHAN: I thank the Premier. My understanding is that it is not in line with other jurisdictions. I think the commonwealth is 25 days, albeit sitting days, which would obviously be longer than 25 calendar days. Ninety days is obviously a very long period of time, three months. In that time, you could receive the report. Even if it were 30 days, you could comfortably receive the report, perhaps have at least three or four cabinet meetings on a weekly basis or, if you meet twice a week, double that number to consider the report and how best to respond to it. Was any consideration given to a shorter period, either 30 or even 60 days?

The Hon. S.S. MARSHALL: I think that what we have provided here is sensible. It provides for flexibility. I reiterate that it is up to 90 days. The government can respond more quickly. This is 90 calendar days. The reference that the honourable member made was to sitting days. That is a piece of string in some jurisdictions. Our parliament did not sit, for example, in South Australia between the end of November last year and, I think, early May this year.

Mr MULLIGHAN: So, if the minister were to specify a shorter period, would that be publicly disclosed by the commission in the course of its public reporting on the conduct of inquiry?

The Hon. S.S. MARSHALL: Sorry what was your question?

Mr MULLIGHAN: I think you said yes.

The CHAIR: Member for Lee, could you repeat the question?

Mr MULLIGHAN: Yes, if the minister specifies a shorter period that the final report is to be made available on the commission's website, would that shorter period specified by the minister have to be publicly acknowledged by the commission as part of its regular acknowledgements of the terms of reference and any directions from the minister in the conduct of its inquiry?

The Hon. S.S. MARSHALL: Yes.

Clause passed.

Remaining clauses (24 and 25 passed) and title passed.

Bill reported without amendment.

Third Reading

The Hon. S.S. MARSHALL (Dunstan—Premier) (21:21): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (SACAT FEDERAL DIVERSITY JURISDICTION) BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 June 2018.)

Mr PICTON (Kaurna) (21:21): I rise at this late hour to indicate the opposition's support for the Statutes Amendment (SACAT—

The DEPUTY SPEAKER: Member for Kaurna, sorry to interrupt, are you the lead speaker?

Mr PICTON: Deputy Speaker, I am the lead speaker. Take note, everybody. I am the lead speaker of this. We should write that in here in the future. I rise to indicate the opposition's support for the Statutes Amendment (SACAT Federal Diversity Jurisdiction) Bill 2018. The Statutes Amendment (SACAT Federal Diversity Jurisdiction) Bill deals with the High Court decision in Burns v Corbett which has resulted in the South Australian Civil and Administrative Tribunal potentially being unable to exercise its jurisdiction in relation to residential tenancy matters where one party resides interstate.

The bill allows that where SACAT is now potentially unable to exercise its jurisdiction, the Magistrates Court will effectively be swapped in to consider the dispute with the same powers and fees as SACAT. Advice provided by the Attorney-General's Department shows that there are around 700 cases that are impacted by the Burns v Corbett High Court decision. I am advised that these cases largely fall into the category of disputes where interstate landlords are seeking to either evict tenants or recover unpaid rent.

The High Court decision potentially also impacts on other matters within SACAT's jurisdiction which involves the exercise of judicial powers and involves residents of different states. However, advice received through the Attorney-General's Department suggests that SACAT is yet to identify any other matters that may be impacted. Officers from the Attorney-General's Department have also advised that the implementation of this bill will not have resourcing impact on the Magistrates Court, as SACAT officials will be appointed as auxiliary judges.

The Attorney-General, or whomever her representative might be at this point—I believe the Minister for Education—might like to expand on those points in their response. I also have some questions which I might read, given the hour, and the minister might take them on notice and respond

between the houses rather than our going into committee. What other matters might be affected by the High Court decision and how will the resourcing work?

I am also advised that the other jurisdictions are affected by the Burns v Corbett High Court decision in different ways. For example, Victoria is currently considering how to deal with the matter, QCAT is a judicial jurisdiction rather than an administrative jurisdiction and therefore is not affected, and Western Australia and the Northern Territory do not appear to have bodies that are affected.

I would like to outline some of the questions for which we seek a response from the minister representing the Attorney-General:

- What consultation happened in relation to this bill?
- What kind of residential tenancy matters are dealt with under this bill?
- Are there any concerns that the current regime, or the regime as outlined in this bill, affects overseas parties?
- The lessee can often self represent but not have had much experience in litigation. Are there any residential tenancy matters that come before SACAT where the lessee can have legal representation?
- Can we confirm that this amendment means that in any matter effectively transferred to the jurisdiction of the Magistrates Court the lessee can have legal representation?
- Can the Attorney-General confirm that the effect of this amendment is to transfer the jurisdiction of the Magistrates Court to these matters?
- How will SACAT officials be appointed as auxiliary magistrates or judges?
- How will the resourcing effect this?
- What is the budget that the government has set aside for this?
- What is the reason that SACAT bailiffs are undertaking what will be magistrates' work under the proposed section 38G?
- Is this a no-cost jurisdiction?
- What will the costs be for appeals to the District Court?

They are the opposition's questions. I am sure the minister will take them on notice and reply to the other place where my learned colleague the Hon. Kyam Maher, who has primary carriage of this matter as shadow attorney-general, will, I am sure, have other questions and other detail he will wish to explore in the committee stage there. With those words, I indicate the opposition's support of this bill.

Mr PATTERSON (Morphett) (21:26): I rise tonight to speak on the Statutes Amendment (SACAT Federal Diversity Jurisdiction) Bill 2018. This is an emergency bill to deal with an issue that has arisen recently from the High Court. Essentially, it has been determined that the South Australian Civil and Administrative Tribunal (SACAT) does not have jurisdiction in matters of a judicial nature between residents of different states. Instead, this must be handled by a court pursuant to chapter III of the constitution.

SACAT itself deals with housing disputes in South Australia in relation to landlords and tenants about a residential tenancy agreement, residents and proprietors about a rooming house agreement, residents and operators of non-premium retirement villages, and residential park residents and owner operators. SACAT does not decide on disputes between tenants themselves, disputes about holiday rental agreements, disputes between landlords and agents, residential tenancy or residential park disputes where the claims are over $40,000, or commercial tenancy disputes.

SACAT itself provides a cost-effective and quick tribunal process that allows disputes between tenants and landlords to be ruled upon without either party having to go to court and incurring the increased costs that path would create for both parties. Prior to reaching a dispute that

is decided upon by SACAT, under the Residential Tenancies Act tenants would first have to breach the lease agreement.

Some of the conditions where they might breach such an agreement are if they fall more than 14 days behind in rent, if they cause or allow damage, if they do not keep the property reasonably clean or do not comply with other lawful conditions included in the lease.

At this stage, the landlord can give the tenant a legal notice that identifies the problem as well as the date by which the tenant needs to leave the property if the problem itself is not fixed. If the tenant does not remedy that breach and does not leave on their own, at that stage the landlord can apply to SACAT for termination and vacant possession. That is what this bill seeks to address.

It is also worth noting that landlords can also be in breach of the Residential Tenancies Act—for example, if they do not respect a tenant's peace, comfort or privacy, including giving the right of notice for entry, or if they do not maintain the property in reasonable condition. Therefore, the tenant can also give a legal notice to the landlord which identifies the problem and advises that if it is not fixed they would move out as well. These are some of the instances that could lead to a dispute where SACAT would have to rule.

What has brought this bill before us is that the High Court in Burns v Corbett held that a dispute held before the New South Wales Civil and Administrative Tribunal did not have jurisdiction to deal with that dispute before it because it was a judicial dispute between residents of different states. On that occasion, the court heard that under the Australian Constitution and the commonwealth Judiciary Act 1903, only a Chapter III court exercising federal judicial power can resolve these disputes.

Subsequent to this ruling, in a judgement handed down by the President of SACAT, the Hon. Justice Hughes, in the matter of Raschke v Firinauskas, it was held that SACAT did not have jurisdiction to hear residential tenancy disputes where one of the parties was resident interstate. So, under the Residential Tenancies Act 1995, these were matters that could only be heard by courts exercising federal judicial power.

Consequently, the Attorney-General instructed the Crown to intervene on this point of law in a residential tenancies dispute before SACAT that involves residents of other states. The immediate concern is that there is no appropriate body to resolve these residential tenancy disputes between residents of different states under the Residential Tenancies Act 1995. This act has the provision to deal expediently with tenancy disputes, as I have previously mentioned, which will then include making vacant possession orders and using the South Australian Civil Administrative Tribunal bailiff to enforce them.

SACAT has advised that the Burns v Corbett decision could affect between 700 and 800 matters per year, with landlords in affected cases unable to collect rent or evict tenants under the Residential Tenancies Act.

Consequently, urgent action is required to address this matter, and the government has prepared this bill, which amends the South Australian Civil and Administrative Tribunal Act 2013 and also the Magistrates Court Act 1991, to ensure that the Magistrates Court is able to exercise jurisdiction in any matter in which SACAT may be unable to because the matter involves an exercise of federal diversity jurisdiction.

In terms of what we are doing, the bill provides jurisdiction for the Magistrates Court to resolve residential tenancy disputes and it will have the same powers and functions as SACAT when required. If, following an application made to the tribunal, the tribunal considers that it does not have or there may be some doubt as to whether it does have jurisdiction to determine the application, because its determination may involve the exercise of federal diversity jurisdiction, and also that the tribunal would otherwise have had that jurisdiction enabling it to determine the application, then the tribunal may order that the proceedings of that application be transferred to the Magistrates Court.

These amendments mean that the Magistrates Court is now able to exercise all the powers and functions of SACAT in dealing with such matters. The current members of the SACAT hearing residential tenancy disputes will be appointed as auxiliary magistrates, and there will be little practical

difference for parties and no issue for courts, as a member of SACAT can swap with the magistrate to ensure that court time is not lost.

In the interim, while we are considering this bill, the Commissioner for Consumer Affairs has the power to refund bonds to landlords in instances where SACAT has dismissed an application and it has been referred back to the commissioner. It should be pointed out that this is only occurring where tenants have not responded to the landlord's claim, thereby offering some form of compensation for landlords while this issue is being addressed.

The same costs that apply to SACAT, which are quite low and assist both tenants and landlords to resolve disputes quickly, will apply to this same matter if it is heard by a magistrate. Practically, the matter may still be heard in the same location with as little disruption as possible to both parties. So, for all intents and purposes, the disputing parties will be receiving a SACAT decision; however, the order will formally be a magistrate's order to conform to the constitution.

Picking up on some of the questions that the member for Kaurna asked previously, the government has consulted with the courts and SACAT regarding the drafting of this bill. While SACAT has not identified any areas other than residential tenancies that would require transfer to the Magistrates Court, it is noted that this bill is not just for residential tenancies. It is a general provision allowing the Magistrates Court to step in where SACAT does not have jurisdiction because of Burns v Corbett.

These amendments will be implemented to streamline as best as possible the handling of affected members so that the impact on parties is minimised. I commend the Attorney-General for acting so quickly on this matter. It is another example of a hardworking Marshall Liberal government, and I commend the bill to the house.

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (21:35): In closing the debate, on behalf of the Attorney-General I thank all members who have made contributions to this debate. I thank the member for Stuart, the member for Kaurna and the member for Morphett.

I note there were a number of questions raised during the second reading address from the member for Kaurna. I commend the contribution made by the member for Morphett to those opposite and to the shadow attorney-general in another place to answer some of those questions. The member for Morphett is an outstanding example of a hardworking member of parliament. He has been paying attention during his briefings, and I commend that activity to all members who attend briefings.

I would like to assist the house and the opposition by confirming that we will take on notice the questions raised by the member for Kaurna in his contribution and provide information to the opposition between the houses, and I am pleased to confirm that that will happen. This is important legislation. The Attorney-General has acted swiftly in ensuring that it is brought to the parliament, and I thank the officers and counsel who have prepared this legislation. I commend the bill to the house.

Bill read a second time.

Third Reading

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (21:37): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 21:37 the house adjourned until Wednesday 20 June 2018 at 10:30.

Answers to Questions

SA HEALTH

45 Mr PICTON (Kaurna) (30 May 2018). What public selection process did the Premier undertake prior to the appointment of Mr McGowan as CE of the Department for Health?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

Dr McGowan was one of several candidates interviewed for the chief executive's role. He was recommended for appointment based on his experience, skills and his extensive experience in the health sector.

SA HEALTH

46 Mr PICTON (Kaurna) (30 May 2018). Did the now Premier have any discussions with Mr McGowan about taking on the position of chief executive prior to the 17 March 2018 election?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

The government was not in a position to offer anyone the position until after it was sworn in on 22 March.

SA HEALTH

47 Mr PICTON (Kaurna) (30 May 2018). What was the total cost of the early end of Ms Kaminski's contract?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

The terms of Ms Kaminski's early resignation are subject to a confidentiality deed between her and the government.

SA HEALTH

48 Mr PICTON (Kaurna) (30 May 2018). Will Mr McGowan have complete authority as chief executive regarding the staff within the Department for Health services as per his own judgement as per the Public Service Act?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

Dr McGowan has been engaged as the Chief Executive of the Department for Health and Wellbeing, as per section 34(1) of the Public Sector Act 2009. He has the functions and duties of a chief executive of an administrative unit, as set out in section 31 of the act.

SA HEALTH

49 Mr PICTON (Kaurna) (30 May 2018). Have any key performance indicators been set for Mr McGowan—and if so what are they?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

The priorities and performance measures that Dr McGowan is expected to attain are contained in his performance agreement with his minister. All documents pertaining to chief executive performance management, including the performance agreement, are managed in accordance with the Department of the Premier and Cabinet Circular 12: Information Privacy Principles Instruction.

MINISTERIAL STAFF

50 Mr ODENWALDER (Elizabeth) (30 May 2018). What are the names, titles and salaries of ministerial staff working for the minister at any stage between 18 March 2018 and 15 May 2018?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):

Name	Position Title	FTE	Salary
Allison Mildren	Ministerial Adviser	1	$109,000
Travis Moran	Ministerial Adviser	1	$109,000

MINISTERIAL STAFF

51 Mr ODENWALDER (Elizabeth) (30 May 2018). What are the names, titles and salaries of departmental staff working in the minister's office at any stage between 18 March 2018 and 15 May 2018?

The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):

Position Title	FTE	Salary
Office Manager	1	$106,507

Position Title	FTE	Salary
Ministerial Liaison Officer	1	$94,543
Ministerial Liaison Officer *	1	
Ministerial Liaison Officer *	1	
Personal Assistant to Minister**	1	$86,297
A/Personal Assistant to Minister	1	$86,297
Parliamentary Officer	1	$86,297
Senior Administration Officer	0.6	$86,297
FOI Officer	0.6	$86,297
Correspondence Officer	1	$56,503
Business Support Officer	1	$64,868
* Employee not funded by Ministerial budget		
** Employee on leave		

MINISTERIAL STAFF

54 **Ms HILDYARD (Reynell)** (30 May 2018). What are the names, titles and salaries of ministerial staff working for the minister at any stage between 18 March 2018 and 15 May 2018?

The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

As shown in the list of ministers published in the *Government Gazette* on 22 March 2018, there is no Minister for Multicultural Affairs. Ministerial and departmental staff in my office are supporting me in the administration of multicultural affairs.

MINISTERIAL STAFF

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The Hon. S.S. MARSHALL (Dunstan—Premier): I have been advised:

As shown in the list of ministers published in the *Government Gazette* on 22 March 2018, there is no Minister for Multicultural Affairs. Ministerial and departmental staff in my office are supporting me in the administration of multicultural affairs.

MINISTERIAL STAFF

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Business Support Officer	1	$64,868
* Employee not funded by Ministerial budget		
** Employee on leave		

MINISTERIAL STAFF

60 **Ms STINSON (Badcoe)** (30 May 2018). What are the names, titles and salaries of ministerial staff working for the minister at any stage between 18 March 2018 and 15 May 2018?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

The names, titles and salaries of ministerial staff working within the Office of the Minister for Child Protection between 18 March 2018 and 15 May 2018 are:

Name	Title	Salary
Penny Pratt	Chief of Staff	$160,000
Brendan Clark	Ministerial Adviser	$109,000

MINISTERIAL STAFF

61 **Ms STINSON (Badcoe)** (30 May 2018). What are the names, titles and salaries of departmental staff working in the minister's office at any stage between 18 March 2018 and 15 May 2018?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

The names, titles and salaries of departmental staff working in the Office of the Minister for Child Protection between 18 March 2018 and 15 May 2018 are:

Title	Salary
Manager	$106,507
Ministerial Liaison Officer	$ 94,543
Ministerial Liaison Officer	$ 75,634 (part-time)
Parliamentary and Cabinet Officer	$ 89,184
Executive Assistant	$ 77,230
Senior Business Support Officer	$ 60,681