

**HOUSE OF ASSEMBLY****Wednesday, 19 June 2019****The SPEAKER (Hon. V.A. Tarzia)** took the chair at 10:30 and read prayers.**The SPEAKER:** Honourable members, I respectfully acknowledge the traditional owners of this land upon which the parliament is assembled and the custodians of the sacred lands of our state.*Bills***CRIMINAL LAW CONSOLIDATION (ASSAULTS ON EMERGENCY WORKERS) AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 5 June 2019.)

**Mr PEDERICK (Hammond) (10:31):** I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes .....	23
Noes .....	18
Majority .....	5

**AYES**

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Cregan, D.	Duluk, S.	Ellis, F.J.
Gardner, J.A.W.	Harvey, R.M. (teller)	Knoll, S.K.
Luethen, P.	Marshall, S.S.	McBride, N.
Murray, S.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G.	Sanderson, R.	Speirs, D.J.
Teague, J.B.	Treloar, P.A.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Wingard, C.L.	

**NOES**

Bettison, Z.L.	Bignell, L.W.K.	Boyer, B.I.
Brown, M.E.	Close, S.E.	Cook, N.F.
Gee, J.P.	Hildyard, K.A.	Hughes, E.J.
Koutsantonis, A.	Malinauskas, P.	Michaels, A.
Mullighan, S.C.	Odenwalder, L.K. (teller)	Picton, C.J.
Stinson, J.M.	Szakacs, J.K.	Wortley, D.

Motion thus carried; order of the day postponed.

**MOTOR VEHICLES (MOTOR BIKE LICENSING) AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 1 May 2019.)

**Mr PEDERICK (Hammond) (10:37):** I move:

That this order of the day be postponed.

**The Hon. A. KOUTSANTONIS:** Point of order: the member needs to seek leave to move that motion.

**The SPEAKER:** There is a point of order on the point of order.

**The Hon. J.A.W. GARDNER:** Orders of the day are dealt with in standing order 192.

**The SPEAKER:** Yes, thank you; one moment. Member for West Torrens, I am informed that I do not have to uphold that point of order. I will seek a detailed answer for the member and clarify that situation as soon as possible.

**The Hon. A. KOUTSANTONIS:** On a point of reference, the reason I moved this point of order is that I was so advised by the Clerk.

**The SPEAKER:** I believe that for an order of the day there is a slightly different explanation.

**The Hon. A. KOUTSANTONIS:** Yes, for orders of the day ministers may move an adjournment or a procedural motion, but this is private members.

**The SPEAKER:** Yes.

*Members interjecting:*

**The SPEAKER:** Order! At the moment, I have a contrary view, but if that requires further explanation I will come back to the house.

The house divided on the motion:

Ayes ..... 23  
Noes ..... 20  
Majority ..... 3

#### AYES

Basham, D.K.B.  
Cregan, D.  
Gardner, J.A.W.  
Luethen, P.  
Murray, S.  
Pisoni, D.G.  
Teague, J.B.  
Whetstone, T.J.

Chapman, V.A.  
Duluk, S.  
Harvey, R.M. (teller)  
Marshall, S.S.  
Patterson, S.J.R.  
Sanderson, R.  
Treloar, P.A.  
Wingard, C.L.

Cowdrey, M.J.  
Ellis, F.J.  
Knoll, S.K.  
McBride, N.  
Pederick, A.S.  
Speirs, D.J.  
van Holst Pellekaan, D.C.

#### NOES

Bell, T.S.  
Boyer, B.I.  
Close, S.E.  
Hildyard, K.A.  
Malinauskas, P.  
Odenwalder, L.K. (teller)  
Szakacs, J.K.

Bettison, Z.L.  
Brock, G.G.  
Cook, N.F.  
Hughes, E.J.  
Michaels, A.  
Picton, C.J.  
Wortley, D.

Bignell, L.W.K.  
Brown, M.E.  
Gee, J.P.  
Koutsantonis, A.  
Mullighan, S.C.  
Stinson, J.M.

Motion thus carried; order of the day postponed.

### SENTENCING (HOME DETENTION) AMENDMENT BILL

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 5 December 2018.)

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (10:44):** I rise to confirm the government's position in relation to this bill and in particular to confirm that we oppose the same. In doing so, I bring to the attention of the house that the government have advanced and, with the blessing of this parliament, produced reforms in relation to sentencing law, which cover not only the issues that were extant and the basis upon which this bill was presented for our consideration but also a number of other matters.

It follows a second attempt by the opposition to rush into this parliament to subvert prospective determinations by courts on matters the subject of the legislation; that is, sentencing laws passed by the previous Labor government were identified as being inadequate. One included the events of last year surrounding the Schuster case. This was a matter also particularly important to the Leader of the Opposition because a judge of the Supreme Court had announced the prospective potential of Mr Schuster being released from custody into a residential facility within his electorate.

I fully understand the concerns raised at that time by him and, indeed, by the Minister for Child Protection because this was a proposed move that was concerning to her and her electors and, indeed, the then federal member for Adelaide, the Hon. Kate Ellis, who had also raised concerns. I wrote to each of them to indicate that the government would be following up on this matter. I highlighted that we would fix some inadequacies of the law passed by the previous Labor government, and we did.

The second time surrounding this legislation was when the now infamous Deboo case was approaching a period in which there had been concern raised in the member for Elder's electorate. Resident in that electorate was Mr Deboo, who was the subject of charges in relation to serious child sex offences, historical offences that had happened some time before, to which Mr Deboo had pleaded guilty and was on bail. He continued to reside in his residence with certain conditions relating to his bail.

Only when public statements were made by one of the victims of Mr Deboo's behaviour—after he had pleaded guilty and remained on bail—did the Leader of the Opposition see fit to enter into this debate and make any public statement. In doing so, he did two things: he came to this parliament, into this house, with a bill to support a bill to change the Sentencing Act, which he thought was so urgent that there needed to be a suspension of standing orders. That request to the parliament was rejected. The grounds claimed were that there was no time to waste, that we needed to immediately progress this bill and not wait for the government's more comprehensive investigation of the assessment of the law and how it be remedied and that we needed to immediately attend to it.

That is notwithstanding that the debate we had on that matter on 13 November was clear that the case was not even listed until the end of that month, at a time to receive submissions in regard to sentencing, and, obviously, that there was no immediate threat, let alone the process that occurs after that for obtaining various reports to advise the sentencing judge and then the delivery of sentence. So the feigned urgency to deal with this matter was seen as political opportunism.

Nevertheless, the general principle needed to be addressed. This was the second tranche where the previous Labor government's sponsored laws had significant weaknesses. Not stopping at that, the Leader of the Opposition took the view that we should provide details of exactly what was going to be produced and when the draft legislation was going to be available, etc.

A situation has transpired where legislation has been introduced, and passed by this house, that comprehensively dealt with the issues that were extant, including weaknesses highlighted in respect of the previous government's legislation. To some degree, we come to a circumstance where this bill is neither useful nor will it be effective because we have remedied the problem.

Let me just reflect on two things for the house. One is that the weakness in the law, the ill that needed to be cured in this matter, related to section 70 of the Sentencing Act, which set out certain offences where home detention, as a sentencing option, was not to be available. They were murder, treason, offences involving a terrorist act and any other offence in respect of which an act expressly prohibits the reduction, mitigation or substitution of penalties or sentences.

The further circumstance where home detention was not available was set out in section 71(2)(b). Essentially, the broad position there is that home detention can only be granted to a person who is being sentenced for a 'serious sexual offence' if the court is satisfied that special circumstances exist, namely, that the person is of advanced age or infirm and no longer presents a risk to the community and the interests of the community as a whole are better served by a home detention sentence.

This bill purported to introduce a new model, which was to insert a new section 70A that effectively prohibited home detention being available to a whole lot of prescribed sexual offences. Some of the weaknesses in relation to the model (and, in fact, they are still in this bill) are that perhaps in the haste of dealing with it, I do not know, in listing the prescribed offences—which were obvious offences in relation to indecent assault, rape, gross indecency, abduction of a male or female person, etc., procuring sexual intercourse, all the usual offences—it failed to capture, for example, people who had committed incest, or a person who had committed an offence in part 3 of the Criminal Law Consolidation Act where the victim was an adult.

It failed to deal with a person who had committed an offence in other parts of the division, where the victim was an adult, and also all attempts to commit such offences. On the other hand, it made a person ineligible for home detention even if their single offence was in contravention of 63A of the CLCA, which is the possession of child exploitation material, and a householder not to permit unlawful sexual intercourse on a premises, which is under section 61. So there were clearly deficiencies in relation to progressing this model.

But I think what is even more important is that the Leader of the Opposition, during the course of the public discussion on the Deboo case, which appeared only to take the interest of the Leader of the Opposition once one of the victims had raised the matter publicly, had this to say back in 2015, when the then opposition worked very hard to restrict home detention being available to a number of parties regarding murder, treason, etc. We went through all those and we had these debates. This is what the Leader of the Opposition had to say in refusing to support an amendment proposed by the then opposition via, at that stage, Mr Andrew McLachlan. I will refer to it later.

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (10:55):** The opposition welcomes the opportunity to be able to close the debate on this important piece of legislation here today and hopefully have a vote of this house. The Attorney-General has articulated a bit of a summary, much of which I dispute, of the sequence of events which got us to this point. But it is worthwhile starting with some basic principles that I would have thought everybody in this house subscribes to.

One of the first order obligations that we all collectively have in this place is to keep our community safe, and that is particularly true when it comes to young people. The government has moved legislation in this place which has passed the parliament, which was done with the support of the opposition, with the support of the Australian Labor Party, because it sought to address some of the issues we raised in the first instance.

I appreciate that it is to the extraordinary and eternal frustration of the Attorney-General that she was caught napping in the first instance. I understand that her pride has been dented because it took the opposition, and me as the member for Croydon, to act while she was napping on a number of occasions when it came to this. Nevertheless, that is the way our parliamentary democracy operates. Those on this side of the chamber have the opportunity to take the initiative. Those on this side of the chamber have an obligation to protect the community just as much as those on the other side.

Where the government and the Attorney-General are focused on doing other things and are not fulfilling that core function of keeping the community safe, we have no reluctance and no hesitation in taking the initiative in acting first. I want to put on the record my thanks to the shadow attorney-general for providing the necessary support and assistance to ensure that occurs. Nevertheless, the government did eventually act and we supported various changes to the legislation. But there remain problems inherent in the existing law that this bill seeks to address that are worth addressing.

On this side of the chamber, after some deliberation the opposition and the Labor Party decided to take an absolute position when it comes to the idea of home detention for people who have committed serious child sex offences. Our position is crystal clear. If someone is found guilty of serious child sex offences, they should not under any circumstances get access to home detention.

*The Hon. V.A. Chapman interjecting:*

**The SPEAKER:** Order!

**Mr MALINAUSKAS:** Those opposite have decided to take a different view, that there should be some very specific circumstances where that rule should not apply. Well, not here. We disagree with the Attorney-General and the Liberal Party, who want to take a slightly softer approach when it comes to home detention for people who have been found guilty, those who have been convicted of child sex offences.

I find it extraordinary that those opposite, members on the backbench of this parliament, would stand silent and allow the Attorney-General to perpetuate a piece of legislation that leaves loopholes within it that would potentially see people convicted of child sex offences getting access to home detention. We do not agree with that. You want to allow that to take place; that is on you. But there is an opportunity for this parliament to take a definitive position, to take an absolute position, that if you are found guilty of serious child sex offences, home detention is not an option.

This parliament now has an opportunity to express its view on it. Those opposite should think very carefully about that opportunity. They should think very carefully about whether or not we want to have a piece of legislation that would allow a child sex offender who has been found guilty and convicted within a court to potentially get access to home detention. We say no. Let's hope that the majority of the parliament agrees with that position.

The house divided on the second reading:

Ayes ..... 20  
Noes ..... 23  
Majority ..... 3

#### AYES

Bell, T.S.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brock, G.G.	Brown, M.E. (teller)
Close, S.E.	Cook, N.F.	Gee, J.P.
Hildyard, K.A.	Hughes, E.J.	Koutsantonis, A.
Malinauskas, P.	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K.	Picton, C.J.	Stinson, J.M.
Szakacs, J.K.	Wortley, D.	

#### NOES

Basham, D.K.B.	Chapman, V.A. (teller)	Cowdrey, M.J.
Cregan, D.	Duluk, S.	Ellis, F.J.
Gardner, J.A.W.	Harvey, R.M.	Knoll, S.K.
Luethen, P.	Marshall, S.S.	McBride, N.
Murray, S.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G.	Sanderson, R.	Speirs, D.J.
Teague, J.B.	Treloar, P.A.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Wingard, C.L.	

Second reading thus negated.

**MOTOR VEHICLES (OFFENSIVE ADVERTISING) AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 1 May 2019.)

**Mr PEDERICK (Hammond) (11:05):** I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes ..... 23  
Noes ..... 20  
Majority ..... 3

**AYES**

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Cregan, D.	Duluk, S.	Ellis, F.J.
Gardner, J.A.W.	Harvey, R.M. (teller)	Knoll, S.K.
Luethen, P.	Marshall, S.S.	McBride, N.
Murray, S.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G.	Sanderson, R.	Speirs, D.J.
Teague, J.B.	Treloar, P.A.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Wingard, C.L.	

**NOES**

Bell, T.S.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brock, G.G.	Brown, M.E. (teller)
Close, S.E.	Cook, N.F.	Gee, J.P.
Hildyard, K.A.	Hughes, E.J.	Koutsantonis, A.
Malinauskas, P.	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K.	Picton, C.J.	Stinson, J.M.
Szakacs, J.K.	Wortley, D.	

Motion thus carried; order of the day postponed.

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

Adjourned debate on second reading.

(Continued from 4 July 2018.)

**Mr PEDERICK (Hammond) (11:11):** I move:

That this order of the day be postponed.

The house divided on the motion:

Ayes ..... 23  
Noes ..... 20  
Majority ..... 3

**AYES**

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Cregan, D.	Duluk, S.	Ellis, F.J.
Gardner, J.A.W.	Harvey, R.M. (teller)	Knoll, S.K.

## AYES

Luethen, P.	Marshall, S.S.	McBride, N.
Murray, S.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G.	Sanderson, R.	Speirs, D.J.
Teague, J.B.	Treloar, P.A.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Wingard, C.L.	

## NOES

Bell, T.S.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brock, G.G.	Brown, M.E. (teller)
Close, S.E.	Cook, N.F.	Gee, J.P.
Hildyard, K.A.	Hughes, E.J.	Koutsantonis, A.
Malinauskas, P.	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K.	Picton, C.J.	Stinson, J.M.
Szakacs, J.K.	Wortley, D.	

Motion thus carried; order of the day postponed.

**ROAD TRAFFIC (DRUG TESTING) AMENDMENT BILL***Second Reading*

Adjourned debate on second reading.

(Continued from 4 July 2018.)

**Mr PEDERICK (Hammond) (11:16):** I move:

That this order of the day be postponed.

The house divided on the motion.

Ayes .....	23
Noes .....	20
Majority .....	3

## AYES

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Cregan, D.	Duluk, S.	Ellis, F.J.
Gardner, J.A.W.	Harvey, R.M. (teller)	Knoll, S.K.
Luethen, P.	Marshall, S.S.	McBride, N.
Murray, S.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G.	Sanderson, R.	Speirs, D.J.
Teague, J.B.	Treloar, P.A.	van Holst Pellekaan, D.C.
Whetstone, T.J.	Wingard, C.L.	

## NOES

Bell, T.S.	Bettison, Z.L.	Bignell, L.W.K.
Boyer, B.I.	Brock, G.G.	Brown, M.E. (teller)
Close, S.E.	Cook, N.F.	Gee, J.P.
Hildyard, K.A.	Hughes, E.J.	Koutsantonis, A.
Malinauskas, P.	Michaels, A.	Mullighan, S.C.
Odenwalder, L.K.	Picton, C.J.	Stinson, J.M.
Szakacs, J.K.	Wortley, D.	

Motion thus carried; order of the day postponed.

## **FIRE AND EMERGENCY SERVICES (VOLUNTEER CHARTERS) AMENDMENT BILL**

*Second Reading*

**Mr BELL (Mount Gambier) (11:21):** I move:

That this bill be now read a second time.

As the Independent member for Mount Gambier, I am proud to support the Fire and Emergency Services (Volunteer Charters) Amendment Bill. This bill provides parliamentary recognition of the South Australian State Emergency Service Volunteer Charter and the Country Fire Service Volunteers Charter.

The bill takes the CFS and SES volunteer charters out of the regulations for the Fire and Emergency Services Act and puts them in the legislation itself. It also creates a requirement for the government to consult with the CFS and SES on matters that affect them—in short, to respect those who protect us. This same bill was previously introduced in 2012 and 2015 by the former member for Morphett, Dr Duncan McFetridge, and in 2015 in the other house by the Hon. Robert Brokenshire. At those times, it garnered support from government, opposition and crossbench but repeatedly fell short of passing through both houses.

The CFS and SES volunteers often leave their families and homes to protect someone else's from a raging fire, flood, an extreme weather event, or to provide help at a motor vehicle accident or rescue someone from a precarious situation. The services these volunteers provide are an essential component of the emergency system in place for the communities of South Australia. It is a service that is vitally important, especially for the regional areas of our state. Due to the close-knit communities that exist in regional areas, a volunteer will sometimes attend an incident and know the person or people in need of assistance. Attending a traumatic scene is difficult enough, but the lasting effects can be magnified when it is somebody they have known.

The Limestone Coast has seen many incidents where the SES and CFS have arrived to help: from the 1983 Ash Wednesday bushfires to the mini tornadoes that ripped through Penola and destroyed the local bowling club. Every region has its stories. I would like to read out an email that was sent to Tammy Franks in the other place from the Executive Officer of Volunteers' Association Incorporated because I think it captures quite succinctly their frustration at the delay of this bill and how they feel about it. The email reads:

Hi Tammy.

As you are aware from our discussions over the last 18 months or more, our volunteers were most disappointed when Rob Brokenshire's, with your support, bill which was fully supported in the Legislative Council, and then supposed to be moved in the House of Assembly failed, due to a supposed lack of time on the day (December 2017).

The Association then sought endorsement from all parties (prior to the 2018 State Election) for the charter to be introduced into legislation as a priority of the government and these commitments were forthcoming.

To date this has not occurred in that the Volunteer Charter was suddenly included as part of the Miscellaneous Amendments Bill, and here we are still waiting for a timeline, after the Bill's delay last year and the subsequent Select Committee on areas, which really should have been considered separately.

Simply, the Volunteer Charter being delayed is an insult to our volunteers and has had many of them question whether the majority of Members of Parliament really understand the roles and commitment forthcoming to our State, the thousands of hours freely given to support the community, not even mentioning the millions of dollars donated through these hours.

The Volunteer Charter is both a recognition and commitment to them, our volunteers (together with CFS volunteers) are out at the coalface and understand their communities and their needs and hence their voices need to be recognised.

The Association looks forward to your proposal to bring to a vote Legislative Council Bill No. 79 the Fire and Emergency Services (Volunteer Charters) Amendment Bill 2018...

Kind regards.

Susan



It is with those words that I commend this bill to the house and seek its swift passage through this house so that the 15,000 South Australians who volunteer for the SES and CFS have their voice recorded and the important work they do for our state recognised. We are truly grateful for all their sacrifices and the sacrifices that all volunteers make for this great state. With those words, I commend the bill to the house.

Debate adjourned on motion of Mr Pederick.

### *Motions*

#### **HEALTH CONSUMERS ALLIANCE**

**Mr PICTON (Kaurna) (11:28):** I move:

That this house—

- (a) notes the vital importance of retaining an independent advocate for consumers in our healthcare system;
- (b) congratulates the work of the Health Consumers Alliance over the past 16 years in representing and empowering consumers and patients in our health system;
- (c) condemns the government for cutting all funding to the Health Consumers Alliance in the 2018 budget;
- (d) notes that this cut will leave South Australia as the only state without an independent health consumer advocate funded by the state government; and
- (e) urges the state government to immediately reverse this cruel cut and support a voice for health consumers in our state.

It is vitally important that there is a voice for patients, for consumers, for people who use the health system in South Australia. Every time the health system is discussed, obviously you hear word from the government, you hear word from the opposition, you hear word from a range of different stakeholder groups, such as doctors, nurses and other employees, but the key people we absolutely should be listening to more are the patients who use the healthcare system: the people who turn up at emergency departments, the people who need our healthcare system, the people who rely on mental health services as consumers.

We want these people to have an improved voice in our healthcare system. We must have a patient-orientated healthcare system, one which ultimately works for patients because that is what the healthcare system is completely designed to do. Obviously the number of consumers of healthcare services is so massive that it is difficult to have a union in the same way that you would for workers who are represented through such a forum.

That is why the previous government, some 16, almost 17 years ago now, helped to create the Health Consumers Alliance of South Australia to be an independent body to represent patients and consumers in South Australia, to help train up patients and consumers to help represent themselves and others and to be involved in the plethora of fora, engagements, consultations, round tables and panels that Health has as part of its engagement process.

In addition, the Health Consumers Alliance was created to make sure that at each of those meetings there is a voice for patients and consumers in those processes and to make sure that the people who are going to those bodies, panels and consultations are people who not only have experience on the front line in the healthcare system but also have had the training and backup to enable them to understand what can be a quite complex bureaucracy that they are navigating in terms of advocating their position at that whole of state or local level.

That is why it was set up as a body, that is why it was set up independently from government and that is why it was set up with a stream of government funding in the same way that so many other peak bodies are funded by the government—to enable that peak body to represent consumers. There is no other way that the Health Consumers Alliance is going to be able to facilitate enough funding. You can hardly go rattling the tin around emergency departments to do that. It is a role for government, and we know that is the case because progressively every other state has done the same thing.

There is a similar national body as well: the Consumers Health Forum of Australia. Every other state has a government-funded, independent, consumers advocacy body that is funded as a peak body by the government to represent consumers and patients in their healthcare system, which is ultimately recognised as one of the most complex things that government does and obviously the highest spending of any portfolio in the government.

That is why I was very disappointed, in fact, angered—as were so many people on this side and so many people in the community—that one of the cruel cuts nine or 10 months ago in the 2018 state budget was that the government decided without any consultation and without any discussion to cross a line through all funding given to the Health Consumers Alliance, saying that no central funding will be given to this organisation anymore.

I think that is a disgusting move. I think that was clearly done by some Treasury official who thought, 'Why do we need this body?' not somebody who understands the importance that this body has had in involving consumers and patients in our healthcare system, trying to get improvements, and trying to make sure that their voice is always listened to. We know that Health has been pleased with the performance of the Health Consumers Alliance because the health department has said that to them many times.

The health department has made sure that they have been involved in a whole range of different discussions and panels, and all the feedback they were getting was very positive about the contribution they were making. In fact, the health minister in the other place, the Hon Stephen Wade, very much praised the Health Consumers Alliance and said what a great job it was doing. The government has gone from a position of saying that this is important, saying that they are doing a good job, to now cutting the entirety of their funding—not cutting 20 per cent, not cutting 50 per cent, but cutting 100 per cent of their funding.

This leaves this organisation in a perilous state. Very sadly, they have had to let go of the vast majority of their staff. They have had to let go of their office lease where they were able to hold meetings with consumers, hold training for consumers and patients and hold confidential discussions with people about their experiences. They do not have that office floor lease anymore and they do not have nearly as many staff as they did before. They are running now on the smell of an oily rag and basically facing the sad prospect of whether they will be able to survive.

The government's line is: 'We don't need this body anymore. We don't need any central funding because we're going to have boards at the local level of LHNs. That will take care of all this. Having boards will take care of this voice.' That is absolutely absurd. It is complete rubbish. We know that those boards will comprise a whole range of people who are not necessarily health consumers at all. They are people who might have experience in corporate governance or business, but they are not health consumers. They are not trained to represent health consumers. They are on that board to run the business, not to represent consumers or to stand up and provide independent advocacy for them.

The government also says, 'Those boards will set up their own little panels of consumers. We will make sure that they talk to consumers about things.' The difference here is that the Health Consumers Alliance is an independent body. It is an independent body that is not afraid to stand up to government, not afraid to say things that might be unpleasant to government, yet what the government is proposing is that it would all just be internal to government. They would never hear any opposition or criticism from the consumers and patients within these forums because it would all be within the government.

The other big problem with what they are suggesting is that we know that so much of the health system has policies, procedures and budgets set at the statewide level. Even under what the government is proposing, an enormous amount of work is happening at the moment at the statewide level, looking at the future of our mental healthcare services; at the statewide level, looking at how our governance system is structured at the moment; at the statewide level, looking at how out-of-hospital services are being provided; at the statewide level, looking at things like drug and alcohol services. These are all being done at the statewide level.

Not to have a body involved at the statewide level representing patients and consumers is depriving them of a voice. We know that the health department still thinks that it is important because

they are still asking the Health Consumers Alliance to go to a whole range of consultation forums at that central level, but we are faced with the very real prospect that this organisation might not be around for very much longer in the future if these budget cuts remain. The truth of the matter is that they just cannot operate to the extent that we need them to in South Australia without any funding from the state government.

The state government fund a whole range of different peak bodies in health, education and social services. This is one. Why were they singled out? I do not know, but it looks to me like a pattern. The government have already tried to remove the Health Consumers Alliance by cutting all their funding. They are actively considering abolishing the Mental Health Commission, another independent organisation that provides a voice for people, and in fact have endorsed an interim report recommending it. They are trying to get a bill through parliament to get rid of the Health Performance Council as well. That clause has so far been rejected by the Legislative Council, thank goodness. Hopefully, that still remains the case.

So here we have three bodies providing independent voices for our healthcare system and the government is actively seeking to remove those voices, that independence, and bring everything inside the tent in which there cannot be criticism of the government. Of course, this is the complete opposite of what the Liberals said when they were in opposition. When they were in opposition, they said that we needed more independent oversight, that we needed more independent voices about the healthcare system. Now they are in government, we see that being taken away.

The Health Consumers Alliance is just one example of that. I have met a number of people who are involved in the Health Consumers Alliance. These people have been trained by the Health Consumers Alliance and therefore gone on to train other people, bringing in other people as advocates for our healthcare system. They have been able to pursue the things that they see as important, which are not always going to be the same as those that bureaucrats or staff in the healthcare system think are important.

It is about what matters for the patient. That is ultimately what this body is there for. That is why we will keep fighting for this body. That is why I think that this motion today is essential, that this house stands up and says that this cut is not good enough, that this cut should be reversed. Sadly, in the budget we had yesterday it was not reversed. Sadly, we did not see this cut or a whole range of other cuts to the healthcare system reversed yesterday, and they will be continuing for the near future.

I hope that the government have a change of heart on this. To try to do that, we have introduced an amendment to a bill, which will probably be coming down to this house today, to seek that, as part of the Health Care Act, it should be a provision that the government should be supporting an organisation that represents consumers at the statewide level. That is something that is now supported by the Legislative Council. I hope that this house and the government support it as well because it is absolutely essential that there is a role for that central body.

If it is not them, then who is going to do it? If it is not them, then who is going to train people, find consumer advocates and help them to speak independently on behalf of patients and consumers in the healthcare system to try to improve things? If it is not that independent organisation, then nobody is going to do it. We will be much poorer for that. There will be fewer independent voices and there will be less focus on patients in the healthcare system, which is ultimately what South Australians want to make sure does not happen in the future.

I endorse the motion today. I hope that it is something the government will support. I hope that we can get the \$500,000 a year cut by the government reversed and make sure that we are not left as the only state without such a body that represents patients and consumers in the healthcare system and that we try to bring about meaningful change where we can improve things for them.

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining)**  
**(11:41):** I move to amend the motion, as follows:

Delete all words after 'That this house' and insert the following in lieu thereof:

- (a) welcomes the devolution of health governance to boards with the focus of consumer and community engagement on the local health networks' governing boards;

- (b) notes that each network's governing board will have a statutory responsibility to establish a strong relationship with its local community through the development and implementation of a community engagement strategy; and
- (c) acknowledges the work of the Health Consumer Alliance over the past 16 years and the opportunities it now has to become an even stronger and more independent consumer voice under the new governance arrangements.

I agree with much of what the shadow minister has just said and much of it I disagree with. It is probably fair to say that one of the most fundamental differences between the government and the opposition is the opposition's desire to centralise most things and the government's desire to work as closely as possible with people on the ground.

There is nothing about the work of the Marshall Liberal government or of the Minister for Health and Wellbeing, the Hon. Stephen Wade from the other place, that is about trying to silence a voice or in any way impede the valuable information that the consumers' health services have across the state from being heard; we just believe that we should do it in a different way. SA Health values the important contribution consumers, carers, families and the community make in improving health services.

The Marshall Liberal government is reforming the governance of SA Health. With the establishment of the local health network governing boards in July 2019, the focus and governance of consumer and community engagement will shift to the local health networks. They will establish strong relationships with local consumers and the community through the development of a local community engagement strategy. The Department for Health and Wellbeing is working collaboratively with and funding the Health Consumers Alliance of SA to develop the statewide consumer and community engagement strategic framework.

The strategic framework will ensure that consumers and the community are engaged in service planning, designing care, service measuring and evaluation. The reforms will support local decision-making, meaning that decisions about health services will be better tailored to local needs and will deliver a safe, high-quality and financially sustainable health system into the future. Each local health network will be required by the government's legislation to develop a consumer engagement strategy.

The Health Consumers Alliance are encouraged to engage with chairs of the local health network board, as the boards work to engage consumers. The government believes that the Health Consumers Alliance are well placed to play a role in this service and can become a stronger voice by more effectively engaging with a range of networks.

The government wishes to thank the Health Consumers Alliance for their commitment over the years. It is envisaged that the Health Consumers Alliance will continue to play an integral role in consumer and community engagement and advocacy in South Australia. The government believes that as they devolve management of health services to the regions it also makes sense to devolve consumer engagement to the regions far more directly.

I have no doubt that the shadow minister, just as I do, just as the Minister for Health and Wellbeing does and just as, I am sure, every member of our parliament does, wants consumers to have a strong voice with regard to engaging with the health system so that the health system can deliver the very best outcomes possible for those who are, of course, at the centre of the health system, which is those people who receive support.

We do have different opinions between the government and opposition about the best way to go about that, and we are going down the path that I have just described. It is no surprise to the opposition that we are going down this path; it was known that we planned to establish these health governance boards, these local health networks, since well before the March 2018 election. It was an election commitment that we made very clearly at the time, it is an election commitment that we are delivering on and it is an election commitment that we are delivering on because we want South Australians to receive the very best health care that they possibly can.

We understand that that, of course, includes their having a strong, capable voice to the health system with regard to what their needs are, but we do differ from the opposition in that they believe that it must be a centralised voice overwhelmingly, whereas we believe that, the closer we can get

to those consumers, the closer we can engage directly with the public who consume health services—through the governance boards we are establishing in regional areas and metropolitan Adelaide specifically so that they have a more direct pathway into decision-making—and that that is a far better way to go about it.

**Mr BOYER (Wright) (11:48):** I rise to support the motion from the member for Kaurna. I think I can speak on behalf of probably many members of this place in saying that one of the most common requests we as members of parliament get is to assist constituents to navigate the health system. It is a behemoth, and I think all health systems around the country and around the world are like that. It is a challenge for anybody to navigate it, especially if you are ill, which is of course often the case, or elderly or, in many cases, both those things. That is why having an advocate like the Health Consumers Alliance is so important—an independent voice to distil the feedback of people who are actually using the system into policy in order to make those processes easier and better for people who are using the system into the future.

Recently, I have been called on to assist two constituents in the seat of Wright with serious issues that they have encountered in our health system, issues that I know could provide valuable insight for the Health Consumers Alliance and provide beneficial change to policy and practice. The first was the case of Mr Claus Burg—and I asked questions of the minister representing the Minister for Health in this place yesterday about that tragic case.

Mr Burg is a 70-year-old man who lives in Brahma Lodge with his devoted, Lynda. About 11 years ago, in 2008, Mr Burg was sadly diagnosed with bladder cancer. He commenced treatment at The QEH and that treatment was largely successful in containing the cancer and preventing it from spreading anywhere further in his body. Following that successful treatment, under recommendation from his doctor, Mr Burg was to continue to obtain a CAT scan every six months to monitor and detect any changes in his condition.

Last year, Mr Burg went to see a new oncologist after his previous specialist moved on from The QEH. Mr Burg was called in to discuss the results of a CT scan and was told the good news that it was all clear. Claus and Lynda were obviously ecstatic about this news and it was a huge relief for both of them. But a few months later, after he experienced some very rapid weight loss, he did the right thing and went back for a check-up, in this case to his local hospital, the Lyell McEwin Hospital.

More tests were conducted and the previous CT scans from The QEH were sought by doctors for checking. It was then that Claus was told the tragic news that his final CT scan from The QEH had been misread by that oncologist and that very visible spots on his lung and stomach, clear signs that the cancer had spread, were missed. Claus and Lynda were told that the cancer was now stage 4, terminal and inoperable. I cannot imagine being told that you are terminally ill, but being told that it was avoidable and due to a very simple error on behalf of your oncologist is gut-wrenching.

The decision Claus and Lynda were faced with at that time was whether to spend the time that Claus had left putting it behind them and enjoying the remainder of the time they had together or standing up and seeking answers about what happened and doing everything in their power to make sure that it never happens to anyone else again. Claus and Lynda courageously chose the latter option. I have helped them in that endeavour as best I can, but it has not been easy. Not even with the assistance of their member of parliament has this been an easy process, by any stretch of the imagination.

Claus first wrote to the Minister for Health seeking an investigation into what occurred around about the first week of April. I followed up that correspondence with a letter of my own to the minister on 5 April and, after no response to that or to Claus, I wrote again on 25 April. My diligent office manager called the office for the Minister for Health on 24 and 29 April and then on 8, 14, 21, 23 and 27 May to ask when a response would be forthcoming. On every occasion, we were told that the correspondence was with the department for a response.

In early June, we literally gave up hope of ever getting a response from the minister and Claus spoke to Channel 7 journalist Mark Mooney about the tragic circumstances of his case. Miraculously, the next day a letter was couriered out to Brahma Lodge from the Department for Health, but still to this day, months afterwards, there has been nothing from the Minister for Health—nothing to Claus and nothing to me—despite the minister attending a health forum in Salisbury just

last week and practically driving right past their house. This is from a government that tells us that there is no need for an independent health consumers alliance.

The other case I would like to briefly mention is that of Mrs Beverly Sawlwin, a 78-year-old resident of Modbury Heights. Mrs Sawlwin received treatment for cataracts at both the old and the new Royal Adelaide hospitals over a long period of time. The treatment on her left eye had been successful, but over time her right eye deteriorated, too. It got so bad that Bev requested to be referred from the RAH to Modbury Hospital because she could no longer safely make her way into town to those appointments.

This referral was accepted, but Bev was told that it would be more than a year before she would receive an appointment, so she approached the hospital to inquire just how long the wait could be. She was told eight to nine years. In other words, 78-year-old Bev would be at least 87 years old before she received an ophthalmology appointment. Again, due to no response from the Minister for Health, an elderly consumer—a patient in the health system, to use that language—was forced to turn to their member of parliament and the media to get help.

Unfortunately, weeks after that story aired on Channel 9, Bev still does not have an appointment at Modbury Hospital and she still has not received a reply and nor have I. Following the story on Channel 9, she was called by some people from the health department and offered an appointment at the Royal Adelaide Hospital but had to remind them that she was seeking the appointment locally because she could no longer attend the Royal Adelaide Hospital due to her eyesight. You can imagine Bev's frustration.

These are just two examples, and we all know that there are many, many more. These cases need to be heard and they need to be considered. They need to be acknowledged at the highest level of decision-making to make sure the mistakes that we have seen in these cases—cases such as those of Claus and Bev—are not repeated.

This is why the previous Labor government, as the member for Kurna mentioned in his contribution, many years ago funded the Health Consumers Alliance—to make sure consumers and patients have a voice in that decision-making. But this Marshall government has cut that funding, leaving South Australia as the only state without an independent health consumers advocate funded by the government.

I know I speak on behalf of not just Claus and Bev but many other patients and consumers who feel helpless when trying to navigate the health system when I say that I wholeheartedly support this motion from the member for Kurna and call on the government to immediately reverse this cruel cut.

**Mr PICTON (Kurna) (11:55):** I thank the member for Wright for his words. In some ways, I thank the Minister for Energy for his words. Certainly, the opposition and I will not be supporting the amendment moved by the government, which is pretty disappointing. It is just as disappointing as the government's entire approach to this issue. The government's amendment says, 'We acknowledge what great work the Health Consumers Alliance have done,' but has the gall to say, 'It will be even stronger now that we have cut all your funding.' It is like saying, 'We will let poverty set you free.'

There is no way that the Health Consumers Alliance is going to be stronger through having all its funding as a peak body cut by this government. The only result from that will be that consumers and patients will have less say in the health system and that there will be fewer independent voices in our health system. The government is going to be controlling any attempt by patients to have a say through the new structure they are putting in place. We are not going to have an outside body actually trying to identify, train and create healthcare advocates who are able to speak on their own behalf—the sorts of people the member for Wright was talking about from his electorate, who have experienced issues and want to speak up about them.

What we are going to have is a completely government-controlled process. The Health Consumers Alliance is really struggling; they are surviving on a little bit of money they have in the bank, which is not very much, and on a couple of small project grants they have at the moment. The future of that organisation is completely uncertain. That is very difficult for the government to grasp,

but they need to. They say, 'We have devolved this all down to the local level,' but they have not devolved any of the funding.

We would not be moving this motion today if the government had said, 'We are not going to hold this money centrally. We are going to give it to the LHNs and they will have contracts with the Health Consumers Alliance to advocate for consumers in their local health network.' But that is not what has happened here. That money has not been devolved. That money has gone, disappeared, nowhere to be seen again.

The LHNs are already cash-strapped. We know from the budget yesterday that the LHNs have a future for the next three years in which their budgets are going to be frozen. When you account for the fact that salaries will go up, that demand will go up and that the cost of providing services will go up, it is a net reduction in healthcare services for not just the next year but the next three years in South Australia.

There is no way that those LHNs will be able to absorb this cut and find additional money to give to this organisation. It is going to disappear. The funding is going to disappear. The Health Consumers Alliance has a very dicey future unless the government stand up, admit that they got this wrong, admit that funding needs to be restored to give patients and consumers a voice, give them training, give them support and make sure that we are not the only state that does not have an organisation like this to represent patients and consumers in our healthcare system.

The driver, the mission statement of the Health Consumers Alliance, is putting consumers at the centre of our health care. What we have here is the government trying to move consumers away from the centre of our health care, remove their independence and remove their ability to independently stand up and represent themselves and have a voice through all levels of our healthcare system. They should be condemned. The opposition absolutely opposes the government's amendment and we support the motion as it originally stood.

The house divided on the amendment:

Ayes ..... 24  
 Noes ..... 21  
 Majority ..... 3

#### AYES

Basham, D.K.B.	Chapman, V.A.	Cowdrey, M.J.
Cregan, D.	Duluk, S.	Ellis, F.J.
Gardner, J.A.W.	Harvey, R.M. (teller)	Knoll, S.K.
Luethen, P.	Marshall, S.S.	McBride, N.
Murray, S.	Patterson, S.J.R.	Pederick, A.S.
Pisoni, D.G.	Power, C.	Sanderson, R.
Speirs, D.J.	Teague, J.B.	Treloar, P.A.
van Holst Pellekaan, D.C.	Whetstone, T.J.	Wingard, C.L.

#### NOES

Bedford, F.E.	Bell, T.S.	Bettison, Z.L.
Bignell, L.W.K.	Boyer, B.I.	Brock, G.G.
Brown, M.E. (teller)	Close, S.E.	Cook, N.F.
Gee, J.P.	Hildyard, K.A.	Hughes, E.J.
Koutsantonis, A.	Malinauskas, P.	Michaels, A.
Mullighan, S.C.	Odenwalder, L.K.	Picton, C.J.
Stinson, J.M.	Szakacs, J.K.	Wortley, D.

Amendment thus carried; motion as amended carried.

*Matter of Privilege***MATTER OF PRIVILEGE, SPEAKER'S STATEMENT**

**The SPEAKER (12:05):** Before I call on Mr Clerk, I wish to make a statement regarding the privilege matter that was raised regarding Veterans SA. I make the following statement with regard to the matter of privilege that was raised by the Attorney-General, the honourable member for Bragg, in the house on 18 June. Before addressing the matter, I wish to outline the significance of privilege as it relates to the house and the members in the house.

Privilege is not a device by which members, or any other person for that matter, can seek to pursue matters that can be addressed by debate or settled by the vote of the house on a substantive motion. As we have heard, McGee in *Parliamentary Practice in New Zealand* in my view makes the test for whether or not a matter is a matter of privilege by defining it as a matter that can genuinely be regarded as tending to impede or obstruct the house in the discharge of its duties.

Generally speaking, any act or omission which obstructs or impedes the house in the performance of its functions, or which obstructs or impedes any member or officer of such house in the discharge of his or her duty, which has a tendency to directly or indirectly produce such a result may be treated as contempt and therefore be considered a matter of privilege even though there is no precedent of the offence.

I would also like to take this opportunity to confirm my role in these matters as to the inquiries I undertake in coming to my decision on matters of privilege, as they recently arose in the last sitting week. I refer to Speaker Oswald's statement in the house on 2 July 1998, page 1270 of *Hansard*, and I quote:

...I would like to clear up any confusion about the Speaker's role in these matters. Simply stated, it is only to decide whether to give precedence to a motion which would then be put to the House, presumably alleging deliberate misleading of the House by the Minister—and I emphasize the word 'deliberate'. Standing Order 132 provides that any question of privilege suspends all other business before the House until the matter is decided. However, the practice has evolved, since at least the early 1970s, of the Speaker's listening to the allegation, deliberating on it, and later giving a ruling on whether a prima facie case has been made out and, if so found, to give precedence to a motion. This is what occurred on this occasion.

He goes on:

Whether my decision is favourable or unfavourable, nothing should be read into that decision for precedence to suggest that I have formed a judgment about the allegation but merely, on the information contained in the Leader's allegations, there may be issues that are appropriate for the House to decide upon. I stress, so that no member should feel threatened by this test, that the act of misleading the House must be deliberate rather than inadvertent...In coming to my decision, I want to stress that I am in no way confirming the allegation or adjudicating on whether the Minister has deliberately misled the House. That is for the House to decide.

Further to the statement made by Speaker Oswald, I have also informed myself of a quote from McGee's *Parliamentary Practice in New Zealand*, fourth edition, pages 787 and 788. It states:

The Speaker does not inquire into the veracity of the evidence presented, and does not hold a full inquiry into the matter that is raised...The Speaker appraises the evidence submitted in support of a complaint to determine whether it points to a reasonable (rather than remote) possibility that a breach of privilege or contempt has occurred.

Members affected by a matter of privilege raised with the Speaker may make representations about it to the Speaker. It is expected that a member who is implicated in a complaint of breach of privilege or contempt will wish to make known his or her point of view for the Speaker's consideration. But members must take the initiative in making such representations...

I refer to the matter raised by the Attorney-General in relation to queries asked by the Leader of the Opposition in the house on 4 June 2019. More specifically, the Leader of the Opposition asked the following question to the Premier: 'Are you abolishing Veterans SA as a standalone agency?' The Attorney-General went on to quote a further question asked by the leader, namely: 'Will it, Veterans SA, retain a status as a standalone agency within Defence SA?'

The Attorney-General, in raising this matter of privilege, advises the house that the leader has since gone on to write a letter to the veterans community arguing that Veterans SA may be abolished as a standalone agency. The Attorney-General notes that Veterans SA has never been a standalone agency but, rather, a program of government. The Attorney-General alleges the leader



should be aware of this arrangement and, by purporting in his questions to the Premier that Veterans SA was a standalone agency, the leader knowingly misled the parliament.

I have examined the *Hansard* record and the letter of the leader, as referred to by the Attorney-General. The letter contains references to Veterans SA, stating:

...it was the previous Labor government that established Veterans SA as a standalone agency back in 2008 following requests from the RSL and other Ex-Service Organisations (ESOs).

While I am not in a position to verify the veracity of the statement or content of the letter, the tenor of the letter is consistent with the leader's questions in the house that refer to Veterans SA as a standalone agency. The Attorney-General has provided me with extracts from budget papers for the periods from 2011-12 to 2017-18, and I note in the extracts that Veterans SA appears to consistently be referred to as a program within an agency.

Whilst there is a requirement that information contained in a question should be authenticated by the questioner, this requirement is very rarely applied unless the accuracy of the information is challenged, and usually challenged at the time. As the content of the leader's questions were not challenged at the time, I take it the Premier had no doubt in his mind as to the intent of the questions.

Whether, as alleged by the Attorney-General, the leader was purporting in his question that Veterans SA was a standalone agency, I believe in the context of the questions being asked this did not reach a threshold where it could generally be regarded as tending to impede or obstruct the house in the discharge of its duties. In support of this contention, on reading the Premier's answers to the leader's questions, his responses are quite general in nature.

For these reasons, on the evidence available to me it is not clear that a prima facie case has been made. Accordingly, I do not propose to give the precedence which would enable this matter to be immediately pursued as a matter of privilege. However, this decision does not prevent the Attorney-General, or any other member for that matter, from proceeding with a motion on a specific matter by giving notice in the usual way.

#### *Motions*

### **WORLD MICRO, SMALL AND MEDIUM-SIZED ENTERPRISES DAY**

**Mr COWDREY (Colton) (12:12):** I move:

That this house—

- (a) recognises that 27 June 2019 is World Micro, Small and Medium-Sized Enterprises Day;
- (b) recognises the contribution to our state of small and medium business owners, sole traders and entrepreneurs who put their capital on the line daily to create opportunity for themselves and their families;
- (c) acknowledges that SME businesses are critical to the future prosperity of our state; and
- (d) commends the Marshall Liberal government for improving economic settings for SME businesses in South Australia.

For statistical purposes, the Australian Bureau of Statistics defines a small business as one that is actively trading with zero to 19 employees. Microbusinesses are small businesses with zero to four employees, and the ABS defines a medium-sized business as one actively trading with 20 to 199 employees. For the purposes of covering the field, a large business is an actively trading business with 200 or more employees.

These definitions are not universally adopted, meaning that there are variations in statistical representations and sometimes commentary based on these differences, but I am certain that, for the purposes of this motion that recognises the contributions of such businesses to our state, we across both sides of the chamber can take a broader understanding approach. Since 2017, the UN has encouraged micro, small and medium-sized businesses to celebrate their day—this year, 27 June—in recognition of their work in local and global economies.

These enterprises, which generally employ fewer than 250 persons, are the backbone of most economies worldwide and play a key role in developing countries. SME businesses are

certainly the backbone of our economy in South Australia. Importantly, worldwide MSME businesses tend to employ a larger share of the vulnerable sectors of the workforce, such as women, youth and people from lower socio-economic households. It is also important to recognise that MSMEs can sometimes be the only source of employment in rural areas.

MSME Day 2019 is not only dedicated to raising awareness of the need for greater investment into small and mid-sized businesses in developing countries; it is also a celebration of the gigantic contribution away from the spotlight that smaller companies make to our local, national and, more broadly, global economy.

It was estimated via recent ABS data that SME businesses contribute approximately \$35 billion annually to our state's economy and employ more than a third of South Australia's workers. It is also estimated that there are more than 143,000 small businesses operating in South Australia or 98 per cent of all businesses in the state. It is also estimated that the highest proportion of these businesses operates in the services sector.

For a more local view, as the representative in this place for the people of Colton and the great western suburbs of Adelaide, I can assure members that we have both a strong and diverse SME sector. With an electorate running along the coast, we naturally see many food, retail and hospitality businesses from the marina at Anzac Highway at Glenelg North, through to the West Beach Road and Henley Beach South precincts, and of course the vibrant hub at Henley Square, where you can find the best fish and chips in Adelaide, to Grange Road, to the Lockleys local food precincts. Finding a fantastic coffee in Colton is not very difficult.

The Adelaide Airport Business District is also growing in popularity, with a vast array of small and medium businesses setting up manufacturing, packaging, logistics and maintenance businesses, and many more call this area home. Also, I cannot forget the many and even more diverse businesses run by mums and dads, often from their kitchen table or a back room, with professional services, accountants, lawyers, consultants, landscapers and mechanical repair businesses.

The member for Unley, I am sure, will certainly enjoy this one. I was contacted last week by a local setting up and expanding a cabinetry and woodworking business right in the heart of Henley Beach. We cannot forget the many sparkies, plumbers, chippies and others who have completed their apprenticeships and certificates and put their own skin in the game by starting their own businesses. The contribution of these small and medium businesses to our community is immense. It is immense in terms of our state and our economy, not just by way of economic contribution but by way of the opportunities they provide via employment for so many South Australians.

We on this side of the house recognise that ultimately the future prosperity of our state is reliant on our businesses creating jobs and employing more South Australians. We need to position the levers of government in a way that creates a competitive South Australian business environment, both nationally and globally, because a strong local economy and SME sector will create jobs for the next generation, drive investment and also allow government to continue providing the essential services that our community expects of government.

One of the biggest concerns that the business and SME sector voiced over previous years was the impact of payroll tax in South Australia, some describing it as a handbrake on our economy, a tax on jobs. I quote from one unidentified SME manufacturing business owner as part of the BDO state business report:

Reduce the red tape around small business, provide incentives to SME's to employ people—not make it harder with...payroll taxes.

This government listened to those concerns and has since released the handbrake and provided confidence to our small businesses by introducing the Payroll Tax (Exemption for Small Business) Amendment Bill to this place. The bill amended the Payroll Tax Act 2009 to exempt small businesses from paying payroll tax.

Under the existing act, payroll tax was levied on taxable wages at a rate of 4.95 per cent above the annual tax free threshold of \$600,000. Changes introduced by this government mean that

as of 1 January 2019 businesses with annual taxable payrolls below \$1.5 million are no longer liable for any payroll tax.

Other key improvements to economic settings and job creation measures that the government is pursuing over the next four years include \$95.9 million to reduce land tax from 1 July 2020; \$360 million in cuts to the emergency services levy, as at 1 July last year; \$202 million investment, with the federal government, in the Skilling South Australia fund; a record infrastructure spend and initiatives to reduce electricity, water and workers compensation costs. But wait, there certainly is more. A reduction in CTP premiums will see hundreds of dollars saved by businesses or sole traders with one or more motor vehicles.

We also recognise that improving avenues for our SME businesses to get to market is also incredibly important. It is why, in November last year, we opened the first of five new overseas trade and investment offices. The new office in Shanghai, China, facilitates business connections and provides support and guidance to South Australian companies looking to enter the Chinese market. Other overseas trade investment offices will soon be opened in Tokyo, Kuala Lumpur, Dubai and the United States of America.

Lot Fourteen, the headquarters of the Australian Space Agency, Mission Control, the Space Discovery Centre and the SmartSat Cooperative Research Centre, will also play a key role in creating and unearthing the next wave of South Australian businesses. A start-up hub will provide the ideal environment for businesses to flourish and accelerate their growth, providing 650 work spaces for entrepreneurs to develop their business ideas.

An innovation hub will bring together entrepreneurs from differing industries to collaborate and launch their businesses right here in South Australia. Also part of Lot Fourteen, the FIXE Initiative (Future Industries Exchange for Entrepreneurship) will connect and build the entrepreneurial ecosystem in our state and be a showcase of South Australian people, businesses and ideas.

I am pleased to say that since coming to government in March 2018 it is clear that SME businesses in our state are seeing improved levels of confidence. Last year's BDO SA State Business Survey noted:

Businesses have experienced a surge in optimism with 56 per cent believing the state economy is improving, up from 25 per cent last year.

Recently, the Marshall Liberal government welcomed the ANZ Stateometer report, which shows South Australia's economy as a stand-out amongst all Australian states and territories, experiencing above trend growth and improving economic conditions in the December quarter.

Our SME businesses are the backbone of our state economy. As the son of a small business owner and ahead of World SME Day on 27 June, I recognise the importance of the contribution our SME businesses are making to our state, both now and into the future. I thank them for taking a risk and continuing to take risks for employing and creating opportunities for South Australians. I commend the Marshall Liberal government for the decisions made to improve economic conditions for our small and medium businesses here in South Australia and I commend this motion to the house.

**The Hon. Z.L. BETTISON (Ramsay) (12:22):** I seek to move an amendment to the motion, as follows:

Delete paragraph (d) and insert the following in lieu thereof:

- (d) calls on the Marshall Liberal government to do more to support small and medium-sized businesses in South Australia, and to stop its high-taxing agenda on many small and medium-sized businesses in South Australia.

The Marshall Liberal government campaigned throughout the last state election for more jobs, better services and lower costs, but what we have seen is the complete opposite. First of all, we heard that Service SA centres were going to close, and now we are seeing an increase in taxes for individuals and small businesses.

The Marshall Liberal government has increased motor vehicle charges, the Marshall Liberal government has increased driver licence renewals and, just a few weeks ago, it was revealed that

the Marshall Liberal government will be increasing licence fees for small bars and venues in the city by an extreme amount. The Treasurer, in a desperate bid to make up money lost through the GST shortfall, announced a 500 per cent increase on all small bars and venues in the CBD. It is a desperate attempt to raise an additional \$130 million a year. This 'entertainment tax' will hurt small businesses at the hip pocket and goes against everything that the Liberals are proposing in this motion.

The Marshall Liberal government claims to be improving economic settings for small and medium-sized businesses in South Australia, but whacking a 500 per cent increase on taxes does the complete opposite. Another tax that the Marshall Liberal government has slammed on small business is the 'tradie tax'. We know that many microbusinesses are run by tradies all around South Australia. In this budget, tradies are being hit with a 10 per cent increase on individual contractors' licences and a 10 per cent increase on registration fees for tradies performing plumbing, gasfitting and electrical services.

Yesterday, we also heard about the rise in the solid waste levy. This is a dramatic increase, to \$140 a tonne. It will be charged through the local government, and we know that it will be passed on to residents and businesses. We know that increased costs can change behaviour, but really this is adding incredible costs and incredible taxes to those microbusinesses we are celebrating today. We know that we must change our behaviours. We know that we will support the circular economy and we know that we must recycle more, but this is like a sledgehammer—like changing it overnight. For many businesses, who will see the impost of this, this will be very difficult to swallow.

To make matters worse, it was announced a few weeks ago that the Marshall Liberal government has cut all funding to Brand SA. Brand SA had a specific responsibility to support micro, small and medium-sized businesses to grow and expand into new markets and to improve economic settings for those businesses. This is so disappointing for me. I have had many conversations with people who reached out to the opposition about why this decision was made. We say to people, 'We have to make up the shortfall; it's the GST,' or, 'Perhaps they didn't have their priorities right.'

However, what I am very concerned about is that an organisation that was supported by government, and also by members and sponsors, is being cut. I might be wrong, but the Liberal philosophy is about people supporting themselves, and that is what Brand SA did. Sure, the government played a role, and maybe the purpose could have been for government to reduce that role over time. Maybe there was opportunity to pivot, to do more interstate and internationally, but we just saw them being cut. We know that more than 8,000 businesses supported the state logo. Sure, that is going to be continued by the department, but how much money and time will really be provided for that?

In recent times, we have seen the Marshall Liberal government take the axe to small business in this state. In last year's budget, the Minister for Innovation and Skills cut the Small Business Development Fund, which provided valuable support to small businesses in our state. Over the last 12 months, the minister and the Marshall Liberal government have cut a range of programs that supported small businesses, and they have not replaced the cuts with any other programs to assist small businesses in our state.

The motion being moved by the member for Colton commends the Marshall Liberal government for improving economic settings for small and medium-sized businesses in South Australia. However, the question that needs to be asked is: what have the Marshall Liberal government and, in particular, the minister responsible for small business done to assist small business since taking office in March 2018? The Minister for Innovation and Skills has cut all support programs and is yet to introduce into the parliament legislation that seeks to support small business. Paragraph (b) of the motion reads:

- (b) recognises the contribution to our state of small and medium business owners, sole traders and entrepreneurs who put their capital on the line daily to create opportunity for themselves and their families;

This is certainly something the opposition supports and believes. However, if this Marshall Liberal government believes this, too, you have to question why they are slugging taxpayers, many of whom are small business owners who will see an extra \$350 million this year in increases in taxes and fees—way above CPI. This will impact businesses every day. We are going to see those costs go

up, not just every quarter, not just every year, but every day when they pay extra money in dramatically increased fees and charges, so much so that this flies in the face of what this Marshall Liberal government said they would do: a promise of lower costs and better services.

I come from a family who had a small business—my father was incredibly disappointed when I chose not to follow in his footsteps—so I know how much stress and commitment it takes to run a business. We know that many families dedicate their time to do this, and what we as parliamentarians, as policymakers, must do is support people in these businesses to be able to conduct their business, develop their business and innovate in their business. Ultimately, we want to see small and microbusinesses move to become medium-sized and eventually large businesses. I recognise that 27 June 2019 is World Micro, Small and Medium-Sized Enterprises Day, and I support the amended motion.

**The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (12:31):** I stand to support the unamended motion. I thank the member for Colton for bringing this motion to the house because it is extremely important for South Australia. If we look at some of the statistics about small business and South Australia, there is no doubt that South Australia should be known as the small business state because we are in actual fact a state of small businesses.

In 2017-18, according to the ABS there were 146,492 small businesses in South Australia—that represents 98 per cent of all businesses in South Australia—and they employ 43.9 per cent of the state's workforce, which is around 367,000 people. Of those 146,492 small businesses, about 92,000 do not actually employ anybody, so you can see that there is a group of small businesses doing the heavy lifting. We are also celebrating those 92,000 microbusinesses in the member for Colton's motion this afternoon.

It is fair to say that the microbusinesses that have been operating in South Australia for quite some time and have not taken on employees are now looking at taking on employees for the first time. They are looking at taking on trainees and apprentices. We are spending around \$200 million on removing barriers, bringing enablers into play and working with industry and even individual businesses to deliver bespoke programs so that it is easier for them. We are even mentoring those businesses that have never employed an apprentice or a trainee to start that process, and we are with them right until the day the apprentice or trainee starts in that role.

We are making sure that they are comfortable and that they have the tools they need. We are even providing grants for those businesses to prepare them to take on apprentices and trainees because, obviously, important requirements need to be met to ensure a safe workplace. We are providing support for materials or tools required, even a workbench for some of those more traditional skills and we are also providing support for the apprentices themselves so there is not an extra burden on the employer.

Some very big things have happened for small business since the election of the Marshall Liberal government, and one, of course, is the increase in the threshold for payroll tax here in South Australia. I think it would be the best part of a decade ago that I recall we had quite large growth in real wages, but the threshold remained at \$600,000 and, therefore, smaller and smaller businesses were hit with the obligation to pay payroll tax. In the lead-up to the election, we identified that as being a barrier for employment and a barrier for business growth in South Australia.

The increase in the payroll tax threshold commitment was made prior to the election and confirmed in the budget last September. From 1 January this year, that threshold was lifted to \$1.5 million, which is an extraordinary outcome for small business. It is not just the 3½ thousand businesses that were paying payroll tax between \$600,000 and \$1.5 million but all those businesses that were not growing for fear of having to pay a payroll tax obligation.

Microbusinesses were celebrating this motion as well. There was no incentive for them to grow their businesses because not only would they have to find an extra 4.9 per cent (or, in round figures, 5 per cent) of their wages to send off to the government but they would also have to start another round of paperwork every month.

Many of our small businesses are people who have moved from the trades into their own businesses, whether they be contractors working in partnership or, alternatively, contractors working

together with other microbusinesses or contractors who have gone on to employ more staff and apprentices of their own. Being a tradie in business for 22 years, I can tell you that the last thing they want is more paperwork. They want to be out there on the job doing the work, not doing the government's paperwork. That is not what they want. So that is another big advantage in lifting the payroll tax threshold.

Another interesting statistic is the amount of confidence that has returned to the private sector here in South Australia. The latest ABS figures show a record number of South Australians in jobs, a record number of South Australians in full-time jobs and a record number of hours worked and wages and salaries paid. What does that do? Firstly, that growth in full-time jobs indicates that businesses are now, finally, able to plan longer term.

It is much more difficult to shift full-time employees out of your business if conditions change than casual workers. That is where the growth was under Labor. In three of the last four years they were in office, not only did they deliver the highest or the second to highest unemployment rate in the country but we also saw a boom in part-time and casual work under Labor because there was simply no confidence in the business sector.

What we are seeing now is confidence in the business sector. We are seeing a record 1.4 billion hours worked in South Australia, which have delivered \$50 billion in wages paid to South Australians—and that is a total record—and that money is being spent here in South Australia. If you can stay with me here, Mr Acting Speaker, there is more money for businesses to attract more customers through reductions in the emergency services levy and no obligation to pay payroll tax so they can grow their businesses until they get to a \$1.5 million payroll.

You can see that we have moved those levers. Small business is very quick to respond to those changes in the levers, and that is what we have seen, whether they are on the farm, in the retail sector or in manufacturing. I should also use this opportunity—and I will—to thank the former member for Sturt, Christopher Pyne, for his work as defence industries minister and then as defence minister for engaging the manufacturing sector in South Australia to transition into the defence sector. We have seen an incredible transition.

Companies that in some cases were struggling with the very difficult contracts that they had to work to in the motor industry are now moving into the defence sector in a very strong and robust way. They are prepared to invest in their businesses and employ more staff. I was at Axiom a few weeks ago. They had 23 staff when they were building parts for the motor industry and now 95 per cent of their business is in the defence sector and there is over 60 staff: apprentices, trainees and interns from university. They are moving and growing.

As you can see, small business has responded to the changes in policies introduced by the Marshall Liberal government, and the economy is benefiting because of it.

**Mr McBRIDE (MacKillop) (12:41):** I rise to speak in support of the original motion put by the member for Colton:

That this house—

- (a) recognises that 27 June 2019 is World Micro, Small and Medium-Sized Enterprises Day;
- (b) recognises the contribution to our state of small and medium business owners, sole traders and entrepreneurs who put their capital on the line daily to create opportunity for themselves and their families;
- (c) acknowledges that SME businesses are critical to the future prosperity of our state; and
- (d) commends the Marshall Liberal government for improving economic settings for SME businesses in South Australia.

I thank the member for Colton for highlighting this important day, as it provides an opportunity for reflection on the importance to our state of our micro, small and medium-sized enterprises: 27 June, a day designated by the United Nations General Assembly, recognising the need to improve small business access to microfinance and credit. The goal stated by the UN for this day is to encourage and increase awareness and actions to support small business, in particular in developing countries.

This day, under the UN designation, is also a celebration of the significant contribution that smaller companies make to the global economy. Micro, small and medium-sized businesses are the powerhouse behind the South Australian economy. These businesses are a significant generator of employment and contribute to the economic prosperity of our state. These businesses include small family delis, small supermarkets, farming enterprises, retail outlets and wholesale traders. They also include accounting firms, physios, doctors, hairdressers and regional tourism service providers.

What is the scale of these enterprises? A medium business is defined by the ABS as employing between 20 and 199 employees. Small businesses, according to the ATO, have an aggregate turnover of between \$2 million and \$10 million annually, while the ABS identifies that small businesses are those that employ between five and 19 people. Microbusinesses, according to the ATO, have a total business income of less than \$2 million, and the ABS categorise microbusinesses as enterprises that employ between zero and four employees. These businesses are important to our state. They are providing employment, job security and, in turn, support the state's economic growth.

The ABS provides some useful reference to the contribution to state employment from a range of small and medium businesses. These statistics identify that small business's share of employment was 43 per cent of all employment in South Australia. These are important employment sectors for both our rural and regional populations.

Small business owners are hardworking people. We know that hotel owners routinely work 13 days per fortnight. They are on site servicing the needs of their customers. We know that farmers are on duty 24 hours, seven days a week. We know that tourism operators work long hours and are often on call, and that a great many retail traders are looking to maximise their opportunities to capture the retail dollar. Small business owners are particularly important in small towns. They provide the goods and services that make our towns viable and sustainable.

Small businesses also have to navigate a lot of red tape. They are dealing with WorkCover, superannuation, including catering to the preference of employees, and they are dealing sometimes with complex employer-employee relationships and workplace agreements. They are also organising training. They are also skilling themselves and their workers. Small business owners are often a jack-of-all-trades. They are multiskilled.

They are the HR manager, the accounts manager, the finance brokers, dispatch and customer service managers, and they are also the workers. These businesses are often not large enough to warrant specialist staff to fulfil these roles where they are required. They need to be practically across all facets of their business. Small businesses have to be very nimble, flexible, fast and adaptable. They are susceptible to changing and cyclical economic times. They need to be competitive as they often compete with a large number of competitors.

One of the great things about our state is that a great many small businesses are developed and initiated by tradespeople. These people have done their time as apprentices, learned their trade and then have seen business opportunities. These tradies go out and start up electrical, plumbing, building, carpentry, earthmoving businesses and the like. However, the start-up can involve people mortgaging their family home. They can find it extremely hard to attract finance due to the risk-averse financiers. These people often will borrow from family to start out.

The Marshall Liberal government recognises the importance of these micro, small and medium businesses to our economy, and it has been proactive since the election last year in creating settings that help these businesses thrive. We understand that successful business means employment, productivity and value-adding, which contribute to a successful economy. We understand that businesses in the country and the city need the right conditions to thrive. We have taken steps to improve business conditions through a range of measures, including cutting red tape and reducing the cost of doing business.

Cutting payroll tax has been a great initiative for small and medium businesses, which has provided a payroll tax-free threshold for businesses that have a wage bill up to \$1.5 million. Businesses that have a wage bill between \$1.5 million and \$1.7 million are also benefitting from a reduced payroll tax rate. This has provided much-needed relief to business, which means they can reinvest in their own success rather than paying tax.

We have been supporting businesses through supporting traineeships, including providing support and funding for new traineeships. This in turn gets new people into employment. It results in upskilling of individuals. It provides opportunities for businesses and employees to gain mutual benefits. We have been investing in infrastructure, making doing business more attractive, which includes providing funding for mobile blackspot towers. Infrastructure of this type is very important in all businesses regardless of their size. Good mobile reception is fundamental for doing business in 2019, whether you live in the city, metro or regional areas.

The emergency services levy cuts have assisted households and businesses across the state, again freeing up money for individuals to make choices about where and with whom they do business. This gives me an opportunity to touch on my experience in small businesses. I come from a small farming business down in the heart of MacKillop. Obviously, it was where I was born and where I grew up. It was a farming business that was and still is a small business, sometimes employing three full-time staff and then casuals and sometimes taking on at least 20 contract employees in busy times like shearing.

One of the greatest opportunities I had came after leaving the farm and going to work at a shipyard in Adelaide. The business was owned by a Croatian who built fishing boats for South Australians and, in the end, for people around Australia—and they were not all just fishing boats. It was a small business that was started up by my former boss, who was a tradesperson. He was a fitter and turner and worked at Holden.

I remember him starting out initially doing two shifts at Holden to try to save enough money to start up his own boatbuilding business, and I know that he mortgaged his house to do so. In the heyday of his business, before it was finally wrapped up because of some mistakes that were made and some of the vagaries of small business, there were 120 workers of 20 different nationalities in that shipyard. It was a real experience that I was so glad to participate in. There was never a dull moment in that shipyard. It was tough work and there were tough conditions.

There were some serious injuries in that shipyard, too, with accidents and WorkCover and being in the metal trade. There were no deaths, but we had an employee who lost one of his fingers in a grinder and someone lost a bit of his hearing and sight due to an unforeseen pressurised testing of pipes causing a massive explosion. It was not done correctly because English was part of the problem for the yard, and the gentleman who got himself in a spot of bother could not speak a lot of English. Going through and being able to communicate and work well, to survive and get along in that business is one of those accolades that I will never forget. It was a position that I will always feel privileged to have had.

In speaking in support of this motion, I say to the members of this house: next time you are out and about in your electorates, I encourage you on 27 June to think about the importance of micro, small and medium-sized businesses to our communities and our economy. I commend the motion to the house.

**Dr HARVEY (Newland) (12:51):** I am very happy to rise today to support this motion, and I very much commend the member for Colton for giving us all the opportunity to express how important micro, small and medium-sized businesses are to South Australia. Small business is the lifeblood of our nation with, according to the Australian Chamber of Commerce and Industry, 98 per cent of businesses in Australia being small businesses employing about five million Australians, one-third of young Australian workers and 40 per cent of all apprentices. In South Australia, we have 143,000 small businesses representing, as with the national figure, 98 per cent of all South Australian businesses, contributing \$35 billion annually to our economy and employing 36 per cent of our entire workforce.

Far from the class warfare rhetoric that those opposite and their friends around Australia like to trumpet, owners of small and medium-sized businesses are hardworking, regular people who have taken huge risks to create opportunities not only for themselves and their families but for others. Thirty-six per cent of our entire workforce in South Australia is employed by small businesses. That is a significant proportion of South Australians and shows how important small businesses are for our state. On this side of the house, we have an everlasting commitment to improving conditions for local businesses and making sure that it is as easy as it possibly can be for small businesses to go about doing what they do.



Since coming into government, we have abolished payroll tax for 3,200 small businesses with a taxable payroll of up to \$1.5 million, with a further 400 businesses with taxable payrolls of between \$1.5 million to \$1.7 million having their rate of payroll tax reduced. As I know every member on this side of the house understands, reducing and abolishing payroll tax for small businesses brings to an end small businesses in South Australia being punished for providing jobs and livelihoods for over one-third of South Australians and removes a disincentive for them to create more jobs for South Australians.

The abolition of payroll tax for small businesses is one of the many promises which we made to the South Australian people prior to the state election last year and which, now that we are in government, has been delivered. The fulfilment of promises like this is having a very real and positive impact on the confidence of South Australian business. The Sensis Business Index for the March quarter showed that, where small and medium business confidence fell nationally to plus 34, the confidence of South Australian small and medium businesses has increased to an all-time high of plus 56, making South Australian small and medium-sized businesses the most confident in Australia.

Encouragingly, now that South Australia has a government that recognises that regions matter, the confidence of regional small and medium-sized businesses in South Australia has increased to a record high of plus 72. The index further showed that the perception of the South Australian government by small and medium-sized businesses is at a six-year high at plus 19. This is a stark turnaround from the years of negative ratings under the previous government's high cost of utilities, power, rates and burdensome red tape.

To keep this momentum going, to keep businesses investing in South Australia and to attract new businesses to South Australia, it is crucial that we ensure we have the skilled workforce that businesses now and into the future will need. This has been a priority of the Marshall Liberal government, and the Minister for Innovation and Skills has wasted no time in getting young South Australians into apprenticeships and traineeships, something I know is a real passion of his.

In partnership with the Morrison government, we are investing over \$200 million to create an additional 20,800 new apprenticeships and traineeships. Since this program began, we have already seen 10,000 commencements, which is a very strong start. There is still plenty more work for us to do but, as with the many other messes that those opposite left for us to clean up, turning around the historical decline in enrolments in apprenticeships and traineeships in our state cannot be done overnight.

Another important area in which the Marshall Liberal government is supporting small and medium-sized businesses is reducing congestion across the state. There are massive amounts of money in this year's budget to upgrade key intersections across the state to reduce congestion. When you are sitting stuck in traffic, you are usually focusing more on whether you are going to be late to something rather than the cost to the economy, but the reality is that congestion is a real and frustrating cost to our economy.

I do not want to focus only on the policies of the government when discussing the success of small and medium-sized businesses, regardless of how positive our policies are. The overwhelming reason why small and medium-sized businesses succeed is that the businesspeople themselves devote so much of their time, energy and capital working to improve their business and create more opportunities for themselves and others South Australians.

Earlier this year, I hosted a round table with the Minister for Trade, Tourism and Investment. At the round table were a number of small businesses from my electorate, and the Minister for Education's electorate, who I am very pleased were able to attend. The Minister for Trade, Tourism and Investment discussed with these businesspeople strategies that they can implement to take advantage of the amazing area in which they operate, and I would certainly like to pay tribute to all those in my electorate who work very hard in this sector.

There is no doubt that small and medium-sized businesses are critical to the future of our state and I thank everyone who is involved. I thank the member for Colton for moving this motion and I commend it to the house.

**Mr COWDREY (Colton) (12:57):** I would like to thank the member for Ramsay, the Minister for Innovation and Skills and the members for MacKillop and Newland for their contributions to the debate on this motion. I would also like to quickly point to two of the issues raised by members who spoke. Firstly, I think it is pertinent to remember that the crux of the payroll tax issue is not just about allowing businesses already paying payroll tax to reinvest in their businesses in different ways but also the disincentive that the low tax threshold created for businesses wanting to grow and expand in our state.

I wanted to touch on that and also reinforce a point that the member for Newland made: this motion is really about recognising the hard work, dedication and contribution of owners and others who support our SME businesses across South Australia. We thank them for their contribution to our great state.

Amendment negatived; motion carried.

*Sitting suspended from 12:59 to 14:00.*

#### *Petitions*

### **SERVICE SA MODBURY**

**Ms BEDFORD (Florey):** Presented a petition signed by 100 residents of South Australia requesting the house to urge the government not to proceed with the proposed closure of the Service SA Modbury Branch, announced as a cost-saving measure in the 2018-19 state budget.

### **TRANSPORT SUBSIDY SCHEME**

**Ms COOK (Hurtle Vale):** Presented a petition signed by 131 residents of South Australia requesting the house to urge the government to take immediate action to reverse its decision to discontinue the South Australian Transport Subsidy Scheme from 31 December 2019 and to continue the scheme indefinitely akin to other Australian jurisdictions or engage with the disability sector in helping to create a new scheme enabling South Australians the transport freedom and flexibility they deserve.

*The Hon. A. Koutsantonis interjecting:*

**The SPEAKER:** Member for West Torrens, you are called to order.

#### *Parliamentary Procedure*

### **ANSWERS TABLED**

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

*The Hon. S.K. Knoll interjecting:*

**The SPEAKER:** The Minister for Transport is also called to order.

### **PAPERS**

The following papers were laid on the table:

By the Premier (Hon. S.S. Marshall)—

Tandanya—National Aboriginal Cultural Institute Incorporated—Annual Report 2017-18

Regulations made under the following Acts—

Aboriginal Heritage—Fees No. 2

Dangerous Substances—

Dangerous Goods Transport—Fees No. 2

Fees No. 2

Employment Agents Registration—Fees No. 2

Explosives—Fees No. 2

Fair Work—Representation—Fees No. 2

Fees Regulation—

Proof of Age Card—Fee

Public Trustee Administration Fees No. 2  
Land Tax—Fees No. 2  
Petroleum Products Regulation—Fees No. 2  
Work Health and Safety—  
Fees No. 2  
Prescription of Fee No. 2

By the Deputy Premier (Hon. V.A. Chapman)—

Regulations made under the following Acts—  
Disability Services—Assessment of Relevant History—Fees No. 3  
Housing Improvement—Fees No. 2  
Supported Residential Facilities—Fees No. 2

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

Regulations made under the following Acts—  
Associations Incorporation—Fees No. 2  
Authorised Betting Operations—Fees No. 2  
Births, Deaths and Marriages Registration—Fees No. 2  
Building Work Contractors—Fees No. 2  
Burial and Cremation—Fees No. 2  
Conveyancers—Fees No. 2  
Co-operatives National Law (South Australia)—Fees No. 2  
Coroners—Fees No. 2  
Criminal Law (Clamping, Impounding and Forfeiture of Vehicles)—Fees No. 2  
District Court—Fees No. 2  
Environment, Resources and Development Court—Fees No. 2  
Evidence—Fees No. 2  
Expiation of Offences—Fees No. 2  
Fines Enforcement and Debt Recovery—Fees No. 2  
Freedom of Information—Fees No. 2  
Gaming Machines—Fees No. 3  
Labour Hire Licensing—Fees No. 2  
Land Agents—Fees No. 2  
Land and Business (Sale and Conveyancing)—Fees No. 3  
Legal Practitioners—Fees No. 2  
Liquor Licensing—Fees No. 2  
Lottery and Gaming—Fees No. 2  
Magistrates Court—Fees No. 3  
Partnership—Fees No. 2  
Plumbers, Gas Fitters and Electricians—Fees No. 2  
Public Trustee—Fees No. 2  
Relationships Register—Fees No. 2  
Second-hand Dealers and Pawnbrokers—Fees No. 2  
Security and Investigation Industry—Fees No. 2  
Sheriff's—Fees No. 2  
South Australian Civil and Administrative Tribunal—Fees No. 3  
State Records—Fees No. 2  
Summary Offences—Fees No. 2  
Supreme Court—Fees No. 2  
Youth Court—Fees No. 3

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

Regulations made under the following Acts—  
SACE Board of South Australia—Fees

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

South Australian Petroleum and Geothermal Energy Act 2000—Compliance Report 2018  
Regulations made under the following Acts—

Controlled Substances—

Fees No. 2

Poppy Cultivation—Fees No. 2

Food—Fees No. 2

Mines and Works Inspection—Fees No. 2

Mining—Fees No. 2

Opal Mining—Fees No. 3

Petroleum and Geothermal Energy—Fees No. 2

Retirement Villages—Fees No. 2

South Australian Public Health—Fees No. 2

Tobacco and E-Cigarette Products—Fees No. 2

By-Laws made under the following Acts—

Health Care Act 2008—

Barossa Hills Fleurieu Local Health Network Incorporated

Central Adelaide Local Health Network Incorporated

Eyre and Far North Local Health Network Incorporated

Flinders and Upper North Local Health Network Incorporated

Northern Adelaide Local Health Network Incorporated

Riverland and Mallee Coorong Local Health Network Incorporated

South East Local Health Network Incorporated

Southern Adelaide Local Health Service Incorporated

Women's and Children's Health Network Incorporated

Yorke and Northern Local Health Network Incorporated

By the Minister for Child Protection (Hon. R. Sanderson)—

Regulations made under the following Acts—

Adoption—Fees No. 3

By the Minister for Primary Industries and Regional Development (Hon. T.J. Whetstone)—

Regulations made under the following Acts—

Fisheries Management—Fees No. 3

Industrial Hemp—Fees

Livestock—Fees No. 2

Pastoral Land Management and Conservation—Fees No. 2

Plant Health—Fees No. 2

Primary Produce (Food Safety Schemes)—

Egg—Fees No. 2

Meat—Fees No. 2

Plant Products—Fees No. 2

Seafood—Fees No. 3

By the Minister for Police, Emergency Services and Correctional Services (Hon. C.L. Wingard)—

Regulations made under the following Acts—

Fire and Emergency Services—Fees No. 2

Firearms—Fees No. 3

Hydroponics Industry Control—Fees No. 2

Police—Fees No. 2

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

Regulations made under the following Acts—

Botanic Gardens and State Herbarium—Fees No. 2

Crown Land Management—Fees No. 2  
 Environment Protection—Fees No. 2  
 Heritage Places—Fees No. 2  
 Historic Shipwrecks—Fees No. 3  
 Marine Parks—Fees No. 2  
 National Parks and Wildlife—Fees No. 2  
 Native Vegetation—Fees No. 2  
 Natural Resources Management—  
     Fees No. 2  
     Financial Provisions—Meters  
 Radiation Protection and Control—Fees No. 2  
 Water Industry—Fees No. 2

By the Minister for Transport, Infrastructure and Local Government (Hon. S.K. Knoll)—

Regulations made under the following Acts—  
 Bills of Sale—Registration of Water Interests  
 Heavy Vehicle National Law (South Australia)—  
     Expiation Fees No. 4  
     Fees No. 2  
 Local Government—Fees No. 2  
 Motor Vehicles—  
     Accident Towing Roster Scheme—Fees No. 2  
     Expiation Fees No. 2  
 Rail Safety National Law (South Australia)—  
     Fees No. 2  
     Miscellaneous  
 Road Traffic—  
     Miscellaneous—Expiation Fees No. 2  
     Miscellaneous—Fees No. 2

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

Regulations made under the following Acts—  
 Development—  
     Activities of Environmental Significance  
     Fees No. 2  
 Private Parking Areas—Fees No. 2

*Ministerial Statement*

**MINISTERIAL STATEMENT**

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:03):** I seek leave to make a ministerial statement.

**The SPEAKER:** Is leave granted? Leave is not granted, Premier.

**The Hon. S.S. MARSHALL:** I table a ministerial statement.

*Parliamentary Committees*

**LEGISLATIVE REVIEW COMMITTEE**

**Mr TEAGUE (Heysen) (14:09):** I bring up the 21<sup>st</sup> report of the committee, entitled Subordinate Legislation.

Report received.

**Mr TEAGUE:** I bring up the 22<sup>nd</sup> report of the committee, entitled Subordinate Legislation.

Report received and read.

*Question Time***STATE DEBT**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:11):** My question is to the Premier. Does the Premier agree with the Treasurer that state debt of more than \$21 billion forecast in his latest state budget will not be paid off in the Treasurer's lifetime?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:11):** I have seen the Treasurer go down to the Myer Food Court at lunchtime over a long period of time. He has a high sugar diet. I'll be surprised if he makes it till the end of the month.

*Members interjecting:*

**The SPEAKER:** Order! The Leader of the Opposition has the call.

*Members interjecting:*

**The SPEAKER:** Leader of the Opposition, please be seated for a moment. Has everyone finished? The leader has the call.

**STATE DEBT**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:12):** My question is to the Premier. How long will it take for the budget debt to be paid off?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:12):** Mr Speaker, as you would be aware, that would be a function of how soon the surpluses are returned to the budget in South Australia. We have a balanced budget at the moment. I wouldn't call it any more than a balanced budget, but we of course hope to be returning to surpluses into the future.

We have just had a budget brought down where, I think, everybody realises the very significant challenges that we face with a \$2.3 billion writedown in revenue to the state and, despite that, we present a good budget to the people of South Australia, which invests in South Australia, and very significantly infrastructure investment of \$11.3 billion.

Last year, we presented a budget that delivered on the election promises that we made and set a vision for our state. This year's budget is focused on building our state with \$11.9 billion worth of investments in our state. We think it is a good budget, which is going to grow our economy—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —grow jobs and secure the future prosperity of our state.

*Members interjecting:*

**The SPEAKER:** I call to order the members for Hammond, the Leader of the Opposition and the member for Reynell. The leader has the call.

**STATE DEBT**

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:13):** My question is to the Premier. Can the Premier guarantee that interest rates on the government's debt will remain low until it is paid off?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:13):** Well, it's almost impossible to believe the questions today. Can I guarantee interest rates? I don't know whether those opposite understand the way that interest rates work. They are not set by the state government. It is very—

*Mr Malinauskas interjecting:*

**The SPEAKER:** Order! We have the question, leader.

**The Hon. S.S. MARSHALL:** —difficult to understand where this line of questioning is going. The fact of the matter is that nobody can guarantee what interest rates are going to be into the future,

but what we can do is look at what is happening in the global market at the moment. We can look at what is happening in the Australian market at the moment.

What we have heard overnight, of course, is that many very significant commentators, including one of our major four banks in Australia, have predicted that the official rate will drop below 1 per cent, so we are in an environment at the moment that is the lowest interest rate environment of my lifetime—51 years on this earth. All predictions at the moment are that that is going to continue and perhaps ease going forward.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** For some reason, those opposite think that this is a bit of a disaster. Quite frankly, I think a low interest rate environment is very good for us to service the increased debt that we have in South Australia at the moment. We are using this opportunity that is presented to us at the moment, making the most of it, investing in productive infrastructure, which was neglected by those opposite when they were in government.

When we came to government, there was a huge amount of work that we needed to do in terms of investment in productive infrastructure—particularly in roads, both in metropolitan Adelaide and regional South Australia—investing in schools and hospitals. They are things that should have been done by the previous government, but they weren't. We are not complaining about it: we are getting on with it. We are very proud to be investing \$11.9 billion—

*Members interjecting:*

**The SPEAKER:** The leader and the member for West Torrens, please cease interjecting. The Premier has the call.

**The Hon. S.S. MARSHALL:** We are very proud to be investing \$11.9 billion in this budget. This is a budget which builds for our state and builds into the future.

#### STATE DEBT

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:15):** My question is to the Premier. Does the Premier still believe that \$14 billion in debt is too much for the state budget?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:15):** I am not 100 per cent sure what the Leader of the Opposition is referring to.

*The Hon. A. Koutsantonis interjecting:*

**The SPEAKER:** The member for West Torrens is warned.

**The Hon. S.S. MARSHALL:** He is probably referring to a specific point in time. There will be some times in history when \$14 billion will be very significant. For example, in 101 that would have been a very large sum of money.

*Members interjecting:*

**The SPEAKER:** The member for Playford is called to order. The member for Ramsay is also called to order. The Premier has the call.

**The Hon. S.S. MARSHALL:** But we are satisfied that we have struck the right balance in terms of debt for our state, investing in jobs at a time when the national economy—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. T.J. Whetstone:** Economic geniuses over there.

**The SPEAKER:** The Minister for Primary Industries is called to order.

*Members interjecting:*

**The SPEAKER:** Premier, please be seated for one moment.

*Mr Boyer interjecting:*

**The SPEAKER:** The member for Wright is called to order.

**The Hon. S.C. Mullighan:** It's genii.

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

*The Hon. T.J. Whetstone interjecting:*

**The SPEAKER:** The Minister for Primary Industries is warned. The Premier has the call.

**The Hon. S.S. MARSHALL:** I've finished, sir; thank you.

**The SPEAKER:** The Premier has completed his answer. Leader of the Opposition.

#### STATE DEBT

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:17):** My question is to the Premier. Can the Premier advise the house what he told South Australians before the election, that he would be increasing debt to \$21 billion?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:17):** We worked very hard after the 2014 election on what those settings would be. We made it very clear in chapter 9 of '2036' that what we would do was focus on bringing down balanced budgets. That was something that was very important to us as a party.

*The Hon. L.W.K. Bignell interjecting:*

**The SPEAKER:** The member for Mawson is called to order.

**The Hon. S.S. MARSHALL:** Even confronted with a—

**The Hon. A. Koutsantonis:** Where are your land tax increases in that document?

**The SPEAKER:** The member for West Torrens is still interjecting when the Premier has the call.

**The Hon. A. Koutsantonis:** Sorry, sir.

**The SPEAKER:** He is on one warning.

**The Hon. S.S. MARSHALL:** Even when the budget has the incredible headwinds of a \$2.3 billion writedown in GST revenue and other areas of state revenue, we are still in a position to continue to grow our economy. We are pleased with the budget. It is a budget which is focused on—

*The Hon. A. Koutsantonis interjecting:*

**The Hon. S.S. MARSHALL:** —building our economy, growing our economy and growing jobs.

**The SPEAKER:** The member for West Torrens is warned for a second and final time. The member for Lee has the call.

#### STATE DEBT

**The Hon. S.C. MULLIGHAN (Lee) (14:18):** Thank you, sir. My question is to the Premier. Can the Premier advise the house why government debt increases by more than the value of new infrastructure investment and the impact of accounting changes?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:18):** I don't have that detail with me in question time—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** I'm sure the Treasurer will be able to provide a comprehensive answer to the member. Estimates is coming up. That's a good time to ask a question like that. We



know that debt is increasing. I make the point that it is increasing in virtually every jurisdiction around Australia except for Western Australia. But in virtually—

**Mr Malinauskas:** It's not double.

**The Hon. S.S. MARSHALL:** The leader interjects.

**The SPEAKER:** And he shouldn't.

**The Hon. S.S. MARSHALL:** Usually, I wouldn't respond, but I would like to just correct what he has stated because he has indicated that other areas haven't doubled. Well, it hasn't doubled in South Australia; in fact, the debt projection between the 2019-20 year and the 2022-23 year is a 57 per cent increase. That actually compares favourably with Victoria, which increases by 94 per cent, and Tasmania, which increases by 139 per cent.

We can continue to go down this line because those opposite believe that they are experts in managing the economy. I would suggest this hasn't been the case. They had 16 years in government. We didn't see boom times in South Australia during those 16 years. In fact, if we need to look at improved circumstances—

*Members interjecting:*

**The SPEAKER:** The member for Giles and the member for Elizabeth are called to order.

**The Hon. S.S. MARSHALL:** —improved circumstances have occurred in South Australia over the last 12 months, not in the previous 16 years of that failed government. I am encouraged when people with real skill and credibility in this area reflect on the increased levels of debt that we have here in South Australia. We know that the Reserve Bank governor has made plenty of statements in recent months regarding the ability of states to increase their borrowings and fund productive infrastructure. We were delighted overnight when—

**The Hon. S.C. MULLIGHAN:** Point of order: the Premier is quoting from a ministerial statement that he has not received leave to provide to the house.

**The SPEAKER:** Point of order on the point of order.

**The Hon. D.C. van Holst Pellekaan:** This is the one you wouldn't give leave for.

**The SPEAKER:** Yes, if it is a tabled document, I don't believe leave is required, if it's a public paper.

**The Hon. A. KOUTSANTONIS:** Sir, the document that the Premier tabled was about Tandanya, not about government debt or borrowings.

**The SPEAKER:** I am just seeking some clarity.

**The Hon. J.A.W. GARDNER:** Point of order, sir: that makes the member for Lee's point of order bogus.

**The SPEAKER:** I will listen carefully to what the Premier is quoting and I will decide.

**The Hon. S.S. MARSHALL:** We were very pleased because one of the good things about getting a reflection on the health of a state's economy and their budget comes from independent ratings agencies, not from those who had their chance in government and failed the people of South Australia. We were very pleased overnight with both what Moody's had to say and what Standard & Poor's had to say about the budget that was brought down yesterday.

I take you back to last year's budget, which was brought down around this time last year. There was an upgrade in the ratings of our state by the major ratings agencies. They took South Australia from the lowest ranked state in Australia—in fact, ranked lower than Tasmania; one of the independent ratings agencies had us ranked below Tasmania and—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —improved us up to the second spot in Australia. Overnight, we had verification, if you like, from the ratings agencies that there would be no change to the ratings that were provided this time—

**The Hon. S.C. MULLIGHAN:** Point of order: the question was about the reason for debt increases.

**The SPEAKER:** I have the point of order.

*Members interjecting:*

**The SPEAKER:** I ask the level of interjections to reduce; they are coming from the left and the right at the moment. I will listen carefully to the Premier's answer. Has the Premier finished? The Premier has finished his answer.

#### STATE DEBT

**The Hon. S.C. MULLIGHAN (Lee) (14:22):** My question is to the Premier. Will there be any further increases in government debt beyond the \$21 billion forecast for the 2022-23 financial year?

**The Hon. J.A.W. GARDNER:** Point of order: I think the way that is framed is a hypothetical question.

**The SPEAKER:** Given the tone of the questions thus far, I am prepared to allow that question. Premier.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:22):** Of course, we are busy working on next year's budget—

**Mr Brown:** Just get started, hey?

**The Hon. S.S. MARSHALL:** —and when I have something further to report, I will certainly do that.

**The SPEAKER:** The member for Playford is warned.

#### WOMEN'S AND CHILDREN'S HOSPITAL

**The Hon. S.C. MULLIGHAN (Lee) (14:23):** My question is again to the Premier. How much additional debt will be required to fund the remaining construction works for the new Women's and Children's Hospital due beyond the forward estimates?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:23):** I am delighted to provide an update to the house on the Women's and Children's Hospital. As you would be aware, sir, the former government said that they would have a co-located Women's and Children's and Royal Adelaide Hospital arrangement. They reneged on that promise and, in fact, between the 2014 election and the 2018 election they downgraded and said that they would only move one component of the Women's and Children's Hospital to be co-located with the Royal Adelaide Hospital. This was completely against the advice—the clinical, considered advice—of our medical fraternity in South Australia.

We were delighted, pleased and proud to say that we would implement what was required to provide the women and children in South Australia with the very best care. We immediately set to work on forming government to put a group of clinicians together to develop a plan. This group has been working diligently, as you would appreciate, sir. It's not the sort of hospital that you can just click your fingers and create.

One of the major problems we have had as a state with the development of the new Royal Adelaide Hospital is the lack of consultation that went into that project, leaving us with a project that we are trying to manage at the moment. So we are putting all the work in up-front to make sure that we can have the very best facility. We have put \$550 million into the forward estimates. That money is there—

**Mr Picton:** How much is it going to cost?

**The SPEAKER:** The member for Kaurua is called to order.

**The Hon. S.S. MARSHALL:** —in the final years of the forward estimates. There will be more that is required, and we will update the house when that information is available.

#### **WOMEN'S AND CHILDREN'S HOSPITAL**

**The Hon. S.C. MULLIGHAN (Lee) (14:25):** Supplementary question arising from the Premier's previous response: what is the current construction cost estimate for the new Women's and Children's Hospital?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:25):** It's pretty much the same answer to this question as the previous one, but I will take this opportunity to remind the house that the previous government said that they would actually have a new co-located hospital in 2023.

**The Hon. S.C. MULLIGHAN:** Point of order, sir: the question was very specific. This is debate.

**The SPEAKER:** The point of order is for debate. I will allow the Premier a little bit of preamble, and then I will ask him to come back to the substance of the question. Premier.

**The Hon. S.S. MARSHALL:** The original estimate from the government of South Australia—at that time it was Labor—was for a new co-located hospital in 2023. We were elected just 15 months ago. We have already advised that we will not be able to meet the original estimate of time, and we have been very up-front with the people of South Australia. We are not going to rush it. We want it as soon as possible, but we are not going to rush it.

We are going to get an excellent hospital for the people of South Australia, so we have updated that that hospital won't be available until the 2025-26 year. We have put \$550 million into the forward estimates. There will be more that is required, and we will update the house as soon as possible.

#### **WOMEN'S AND CHILDREN'S HOSPITAL**

**The Hon. S.C. MULLIGHAN (Lee) (14:26):** Further supplementary question: is the Premier committed to the construction of the new Women's and Children's Hospital regardless of the final construction cost estimate?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:26):** We are absolutely committed to the construction of a new co-located Women's and Children's Hospital.

**Mr Brown:** Blank cheque.

**The Hon. S.S. MARSHALL:** We think that this will provide—

**The SPEAKER:** The member for Playford is warned for a second and final time.

**The Hon. S.S. MARSHALL:** —the future generations with a hospital that they deserve. There is nothing—

*Members interjecting:*

**The SPEAKER:** The Leader of the Opposition is warned.

**The Hon. S.S. MARSHALL:** —in the cost estimates that we have received to date—they are preliminary—that would scare us into not proceeding with the commitment that we made in the lead-up to the election.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** The detailed planning needs to be done.

**The Hon. A. Koutsantonis:** You just told the house the opposite.

**The SPEAKER:** Member for West Torrens, I ask you to respectfully leave for half an hour under 137A. Thank you.

*The honourable member for West Torrens having withdrawn from the chamber:*

**The Hon. S.S. MARSHALL:** As you would appreciate, sir, there's a very big difference between a cost estimate, which might look at a range of different options, and a budget number. That's why, being the prudent government that we are, we are already provisioning, in those outer years, to start the work on the new Women's and Children's Hospital. When the final number has been provided, when the final configuration is arrived at, we will update the house.

#### WOMEN'S AND CHILDREN'S HOSPITAL

**The Hon. S.C. MULLIGHAN (Lee) (14:28):** One last supplementary on this matter: can the Premier advise the house what is the range of construction cost estimates he is so far in receipt of?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:28):** I don't have that information with me.

*Mr Picton interjecting:*

**The SPEAKER:** The member for Kurna is warned. I can still hear him behind the member for Lee. Member for Lee.

#### NORTH-SOUTH CORRIDOR

**The Hon. S.C. MULLIGHAN (Lee) (14:28):** My question is again to the Premier. Premier, how much additional debt will be required to fund the remaining sections of the north-south corridor upgrade, due beyond the forward estimates?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:28):** I am very pleased to talk about the north-south corridor. This is an important project for South Australia. In fact, I think it's probably the most significant infrastructure project ever undertaken in this state. Of course, we on this side of the house tried to do it 50 years ago and were somewhat constrained by the subsequent Labor government sale of all the land that had been acquired for that purpose.

**Mr Brown:** You cancelled it because of Rose Park residents.

**The SPEAKER:** Member for Playford!

**The Hon. S.S. MARSHALL:** But let's leave that alone because that is a historic piece of information that probably isn't relevant to this particular question. Back in 2013, though, we did reach an agreement with the commonwealth government—the Abbott government, at the time—to have a continuously flowing north-south corridor. We wanted to see that happen as a matter of priority. They committed to it as a matter of priority as well.

With credit to the previous government, they did work on some sections of that north-south corridor. I would note that they did leave the complicated parts to us. We are not complaining about that, but I think it's fair to say that the remaining sections are the more complicated sections. We have now negotiated a funding envelope of \$5.4 billion: that's \$2.7 billion from the state and \$2.7 billion from the commonwealth. Of course, we have some money contained within the forward estimates, which is critical for us to get on with the early works—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —and design works for this important project, and that's precisely what we're doing.

#### *Parliamentary Procedure*

#### VISITORS

**The SPEAKER:** I welcome to parliament today students from Seymour College, who are guests of the Attorney-General. This morning, we had Rostrevor College students, who were guests of the Minister for Education.

*Question Time***REGIONAL ROADS**

**The Hon. S.C. MULLIGHAN (Lee) (14:30):** My question is to the Premier. Can the Premier advise how much additional debt will be required to fund the remainder of the Princes Highway upgrade due beyond the forward estimates?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:30):** No, I don't have that information with me at the moment. It's pretty simple: we have a program to recover the situation that we inherited from the previous government. There is a backlog of important roadworks that needs to be done.

*Mr Malinauskas interjecting:*

**The SPEAKER:** Leader of the Opposition!

**The Hon. S.S. MARSHALL:** Some people say that they would like us to move faster. Those same people didn't do the work when they were in government. It's not like you can just turn up, get into government and then a year later—

*Mr Malinauskas interjecting:*

**The SPEAKER:** Order, leader!

**The Hon. S.S. MARSHALL:** —have shovels in the ground. This is the most important infrastructure project in the history of the state—the north-south corridor—and that is why we have to make sure that we get it right. I am absolutely convinced that the Minister for Planning, Transport and Infrastructure—

**The Hon. S.C. MULLIGHAN:** Point of order: the question was about the Princes Highway upgrade.

**The SPEAKER:** Yes, you say it is for debate. I have given the Premier some time to get to the substance of the question. The way I caught it, I believe that it was about how much money to complete the Princes Highway. The Premier is speaking generally about other projects that might be relevant to the budget. I do ask him to come back to the substance of the question.

**The Hon. S.S. MARSHALL:** As I was saying, we came to government with a deficit of road projects and upgrades that were necessary. I am very proud of the fact that in this budget that has just been released there is \$1.1 billion for regional roads, and I know the people of South Australia are extraordinarily pleased about that investment. We think that it is going to go a long way to addressing some of the safety issues we have on our country roads in South Australia. We appreciate that the current road safety issues in regional South Australia are completely and utterly unacceptable, so we will be working through a range of projects.

Unlike those opposite when they were in government, we will be consulting with experts regarding the prioritisation of those projects. That's been difficult in the first instance because we have had to establish InfrastructureSA. They will have input into that prioritisation that we need to go forward with. We have rejected the previous model, which was a range of pet projects around marginal streets in electoral cycles and wasn't serving the people of South Australia well.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** Rather than that, we have argued, since 2013 I think, for the establishment of InfrastructureSA, an independent statutory authority to guide those investments. There's a lot of work that needs to be done. We will work through that list in a prioritised way. When we have further announcements to make about the upgrade of country roads, we will bring that to the house.

**The SPEAKER:** I have given the Leader of the Opposition a fair bit of latitude today. I am now going to warn him. The member for Lee has the call.

### INFRASTRUCTURE PROJECTS

**The Hon. S.C. MULLIGHAN (Lee) (14:33):** My question is to the Premier. Has InfrastructureSA considered all the infrastructure projects that received funding in the state budget?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:33):** As you would be aware, sir, InfrastructureSA was established by an act of this parliament last year. We have now appointed the board, which has three members of the Public Service in South Australia: we have the Under Treasurer, the Chief Executive of the Department of the Premier and Cabinet and the Chief Executive of the Department of Planning, Transport and Infrastructure (DPTI). We also have independent people who are put onto that board, and it is chaired by Tony Shepherd, who we believe has had extensive experience in infrastructure in Australia. That board is working through its first advice to government. My understanding is that that will come in the coming months.

### ABORIGINAL ART AND CULTURES GALLERY

**The Hon. S.C. MULLIGHAN (Lee) (14:34):** My question is to the Premier. How much additional debt will be required to fund the remainder of the Aboriginal art gallery due beyond the forward estimates?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:34):** I thank the member for his question. As this house would be aware, this is a priority project for our government—and for our state, quite frankly. We are in possession of some of the most incredible collections in the world of both Aboriginal art and artefacts. We believe that these are collections that should be shared with the rest of the world. We believe that this will create an incredible attraction to Adelaide, to South Australia, bringing people from interstate and overseas, increasing those tourist numbers to South Australia.

To my knowledge, \$150 million is committed in the budget towards this project to date. That includes a contribution from the state government, which was included in last year's state budget, and a further contribution from the federal government, which was incorporated into the City Deal. In the budget that was presented the other day, so in the upcoming financial year, we have half a million dollars committed to the full detailed costing of the Aboriginal art and cultures centre, and we will bring that information back to the house as soon as it's concluded.

### ABORIGINAL ART AND CULTURES GALLERY

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:36):** A supplementary question to the Premier: how much does the government forecast the full cost of the Aboriginal art gallery will be?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:36):** It's hard to answer that in any other way than the previous answer because the \$150 million has been included in the budget. Work is being done at the moment on the scoping of that project, as those opposite may appreciate. This is a complicated issue, where we are managing collections that sit between multiple organisations. We want to be extraordinarily respectful to Aboriginal communities in South Australia and in other jurisdictions about what we are moving ahead with, so we are taking our time to make sure that we come up with the right result.

I make this point: there is still a huge amount of work to do on Lot Fourteen to prepare that site for the establishment of the gallery, and so we would rather take the time to get this right. We believe that this is going to be a centre of international significance and will draw people here to South Australia. The demolition work is continuing on the Lot Fourteen site, so it's not as if we had made up our mind, finalised the design and put the money into the budget so that we could be starting work on the gallery or the centre at the moment. We will take the time, we will get it right and we will update the house as soon as possible.

### INFRASTRUCTURE PROJECTS

**Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:37):** My question is to the Premier. Outside the Aboriginal art gallery and the new Women's and Children's Hospital, are there any other projects that the state government has committed to where the cost is not known and the burden will be paid for by future taxpayers in higher debt?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:38):** I don't have that detail with me; the budget papers were brought down yesterday.

*Members interjecting:*

**The Hon. S.S. MARSHALL:** I refer the honourable member to the papers that were tabled in the house yesterday.

**The SPEAKER:** The member for Wright is warned.

*Mr Malinauskas interjecting:*

**The SPEAKER:** The Leader of the Opposition is warned for a second and final time. The member for Lee has the call.

#### ROADS OF STRATEGIC IMPORTANCE

**The Hon. S.C. MULLIGHAN (Lee) (14:38):** My question is to the Premier. How much additional debt will be required to fund the remainder of the Roads of Strategic Importance initiative required beyond the forward estimates?

*The Hon. J.A.W. Gardner interjecting:*

**The SPEAKER:** The Minister for Education is called to order. The Premier has the call.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:38):** Thank you very much. I don't have that number with me but, as I have outlined—

*Ms Stinson interjecting:*

**The SPEAKER:** The member for Badcoe is called to order.

**The Hon. S.S. MARSHALL:** —all the money that is required for these projects within the forward estimates is included in the forward estimates. Those opposite want to ask about projects which might be—

*Dr Close interjecting:*

**The SPEAKER:** The deputy leader is called to order.

**The Hon. S.S. MARSHALL:** —completed in five, six, seven years' time. We will update the house in due course. That is exactly and precisely what we will do. But I make the point that all the money required for the projects and the expenditures within the next four years are included in the budget, which was tabled in this house yesterday.

#### STATE DEBT

**The Hon. S.C. MULLIGHAN (Lee) (14:39):** My question is again to the Premier. Has the government identified what a sustainable level of debt is for the state budget, as required by the budget's fiscal targets?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:39):** Well, these are changed times. As I said, it's a balancing act. We believe that we've got that balance right. We believe that we sit within comfortable boundaries in terms of our ability to sustainably service that level of debt, and we are supported in that position by both Moody's and Standard & Poor's. What I will find very interesting, given the line of questioning—

*The Hon. S.C. Mullighan interjecting:*

**The SPEAKER:** The member for Lee is warned.

**The Hon. S.S. MARSHALL:** What I will find very interesting, given the line of questioning in the house today, is what the Leader of the Opposition will talk about in his budget reply speech tomorrow because it seems to me that those opposite—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —are violently opposed to increased debt—

**The SPEAKER:** There is a point of order.

**The Hon. S.S. MARSHALL:** —so I hope the Leader of the Opposition—

**The SPEAKER:** Can the Premier be seated for one moment, please. The member for Lee has a point of order.

**The Hon. S.C. MULLIGHAN:** The Premier is clearly debating.

**The SPEAKER:** Debate. The way I caught the question, member for Lee—and I have no pre-knowledge of these questions—is, 'Has the government identified a sustainable debt level, as required?' or something along those lines. The Premier is deviating a little bit from the substance of the question. I ask him respectfully to come back to the substance of the question. Thank you.

**The Hon. S.S. MARSHALL:** Yes, sir. We have identified that level and it is contained within the budget. It is supported by Moody's and it is supported by Standard & Poor's, and what will be interesting to this parliament tomorrow is what the opposition think is a sustainable level of debt and what projects they are going to outline to the people of South Australia that they are going to cut. What are you going to cut to reduce the debt?

**The Hon. S.C. MULLIGHAN:** Point of order, Mr Speaker.

**The SPEAKER:** I believe the Premier has finished his answer. He has finished his answer. Member for Lee, do you have another question?

#### STATE DEBT

**The Hon. S.C. MULLIGHAN (Lee) (14:41):** Thank you, Mr Speaker, I have a supplementary. Would an increase in debt beyond those levels forecast in the state budget be unsustainable for the budget's fiscal targets?

**The Hon. J.A.W. GARDNER:** Sir, that question is framed as a hypothetical question and is outside standing order 97.

**The SPEAKER:** Yes, I respectfully uphold that point of order. Member for Lee, another question?

#### STATE DEBT

**The Hon. S.C. MULLIGHAN (Lee) (14:42):** I am happy to rephrase it, sir. Can the government increase debt levels any further than those forecast in the state budget and remain consistent with the state's fiscal targets?

**The SPEAKER:** I am prepared to allow that question. Would someone like a go? Premier.

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:42):** I would like to share—

*The Hon. L.W.K. Bignell interjecting:*

**The SPEAKER:** The member for Mawson is warned.

**The Hon. S.S. MARSHALL:** If possible, I would like to share with the house comments made by Moody's overnight, and I quote:

While the infrastructure spending program will drive a large increase in the state's debt burden to \$21.3 billion by fiscal 2023—

**The Hon. S.C. MULLIGHAN:** Point of order, sir: the Premier is quoting from a press release, which is currently available from the Moody's Investors Service website.

**The SPEAKER:** I have only heard a few words from that quote but, if that is the case, I will ask to be availed of that press release, but I will listen to it carefully. The Premier has the call.

**The Hon. S.S. MARSHALL:** In fact, sir, I don't know whether this is permissible, you might like to make a ruling, but I am quoting a press release from the Hon. Rob Lucas who quotes Moody's. But if those opposite—



**An honourable member:** So he's a plagiarist as well, is he?

**The Hon. S.S. MARSHALL:** We've got no problems in tabling it.

**The SPEAKER:** I will listen to the Premier's answer. Let's hear the answer please. Premier.

**The Hon. S.S. MARSHALL:** It seems extraordinary that they don't want to hear the information.

*Members interjecting:*

**The SPEAKER:** Let's get on with it.

**The Hon. S.S. MARSHALL:** I will start again:

While the infrastructure spending program will drive a large increase in the state's debt burden to \$21.3 billion by fiscal 2023, it comes from a low base of \$13.5 billion to fiscal 2019 and is manageable within the current—

*Mr Brown interjecting:*

**The SPEAKER:** Premier, be seated for one moment please. The member for Playford can leave for the remainder of question time under 137A. He can pay for that outburst. Thank you.

*The honourable member for Playford having withdrawn from the chamber:*

*The Hon. J.A.W. Gardner interjecting:*

**The SPEAKER:** The Minister for Education is warned. The Premier has the call.

**The Hon. S.S. MARSHALL:** As is clear from that commentary, our rating from Moody's is stable. It has been essentially given the tick by the rating agencies. It hasn't been given the tick from those opposite, who would like us to slash our infrastructure investments in South Australia. What the Leader of the Opposition needs to do tomorrow is have the courage to outline the programs that you want to cut.

**The SPEAKER:** I ask the Premier please to direct his remarks through the Chair.

*An honourable member interjecting:*

**The SPEAKER:** I believe the Premier has finished.

### REGIONAL ROADS

**Mr TRELOAR (Flinders) (14:44):** My question is to the Minister for Transport, Infrastructure and Local Government. Can the minister inform the house how the Marshall government is investing in our regional roads?

**The Hon. L.W.K. Bignell:** Closed the railway lines on the West Coast.

**The SPEAKER:** The member for Mawson is warned for a second and final time. The minister has the call.

**The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:45):** Don't let hypocrisy and irony get in the way of a good story. Can I say that what this budget does—

**The Hon. S.C. MULLIGHAN:** Point of order: use of the terms 'hypocrisy' or 'hypocrite' has previously been ruled as unparliamentary. I would ask—

**The Hon. J.A.W. GARDNER:** Point of order, sir.

**The SPEAKER:** There is a point of order on a point of order.

**The Hon. J.A.W. GARDNER:** The member is incorrect. By my knowledge, previous Speakers have ruled that specifically calling somebody a hypocrite would be unparliamentary or inappropriate. That is not what the minister did: he gave good advice to everybody, in my view.

**The SPEAKER:** The minister certainly hasn't assisted with the decorum of the house with those comments. I believe that the Minister for Education is right. I respect the member for Lee's point of order. I ask the minister to get on with the answer.

**The Hon. S.K. KNOLL:** Yes, sir. Can I say that there may be those—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.K. KNOLL:** —who believe that investing in country roads is not a good idea. Apart from what I will outline to the house now, the reason that it is a good idea over and above the benefits of those projects delivered is that there has never been a better time to invest in infrastructure in South Australia. At a time when cost escalation on projects is ranging between 4 and 5 per cent yet the cost of borrowing is 1.66 per cent, evidenced by the \$500 million that the state government was able to refinance last week, the longer we delay in building infrastructure projects the more expensive it is going to be to deliver.

There has never been a better time for us to invest in infrastructure, and that is precisely what this government is doing. In fact, some may even call this budget the Oprah Winfrey of road safety for South Australia: every single electorate across regional South Australia gets to take home a prize. That is fantastic news for those regional South Australians who have been looking forward to road safety improvements that are going to keep regional communities alive.

**Mr Hughes:** Port Augusta highway?

**The SPEAKER:** The member for Giles is warned.

**The Hon. S.K. KNOLL:** In fact, the member for Giles would like to know that, leading up to his electorate, as part of this budget of a \$143 million road safety package there are not one, not two but three overtaking lanes for the Augusta Highway that are going to help the people of his electorate get home more safely. Apart from that, there are also some shoulder sealing works happening within the member's electorate along the Lincoln Highway, which is going to do huge amounts—a 40 per cent reduction in the number of casualty accidents along that stretch of road, once that work is completed in that member's electorate.

**Mr Hughes:** The continuation of the good work we started.

**The SPEAKER:** The member for Giles is warned for a second and final time.

**The Hon. S.K. KNOLL:** In fact, we have done more for his electorate than anybody has done in a long period of time. The least he could do is be grateful. But wait, there is more—there is so much more. For the member for Flinders, there is also some upgrade to the shoulder sealing on the Lincoln Highway through his electorate. Apart from the \$32 million for EP roads we have put on the table as part of the \$125 million Port Augusta to Perth corridor, the \$125 million for the Eyre Highway, we have also put in place upgrades to two overtaking lanes within his electorate on the Lincoln Highway to make it easier to get down to the port and shuck a few Coffin Bay oysters.

We head down south. The member for Mount Gambier and the member for MacKillop are going to be excited that there are three overtaking lanes on the Riddoch Highway, especially heading down a lot closer to Mount Gambier in the member for Mount Gambier's electorate, that are again going to help keep people safe, as well as some shoulder sealing on the Princes and Riddoch highways. This is in addition to the \$250 million that is in the budget to upgrade the Princes Highway corridor.

There are projects right across South Australia in our regions that are going to keep people alive. For the member for Mawson, who would like to know what is in this budget for the people of his electorate, he can look forward to shoulder sealing upgrades on the Playford Highway, on Aldinga Road, Tatachilla Road and Hog Bay Road as well as \$92 million towards the duplication of the Victor Harbor Road—

**The Hon. L.W.K. Bignell:** A bicentennial project that's going to be finished in 2036.

**The Hon. S.K. KNOLL:** —down to his electorate, down to McLaren Vale. It seems that it is not enough. For the member for Finniss, who would be grateful for \$92 million to duplicate that part of the road, we have added some steak knives on top of that as well as an overtaking lane on the road down to Victor Harbor on one of those very difficult stretches past McLaren Vale on the way to

Victor. This budget delivers life-saving infrastructure for the people of South Australia. It will never be a better time to build than right now and this government is investing in our regions.

**The SPEAKER:** I remind the member for Mawson that he is on two warnings. Member for Lee.

### REGIONAL ROADS

**The Hon. S.C. MULLIGHAN (Lee) (14:49):** I have a supplementary for the minister. Can you explain why over 80 per cent of the funding for the regional road upgrade initiatives contained in the budget occurs beyond the forward estimates?

**The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:49):** I reject the fact that exists within that question.

**An honourable member:** How?

**The Hon. S.K. KNOLL:** By standing up and rejecting it.

**The SPEAKER:** We have the question. The minister has the call. I don't need any assistance, thank you.

**The Hon. S.K. KNOLL:** I will sit back and bring an answer back to the member for precisely how much money is inside the forward estimates for these projects.

*The Hon. S.C. Mullighan interjecting:*

**The SPEAKER:** Sorry, member for Lee. The minister is still answering the question. I will come back to you.

**The Hon. S.K. KNOLL:** Of the \$1.15 billion worth of money, there is \$550-odd million that exists already now within the forward estimates for these projects. More than that, last year we were able to demonstrate that working with the federal government delivered benefits for South Australia. There was \$506 million that we were able to bring forward from the federal budget, post our budget, into the forward estimates, those projects being the Gawler line electrification, the Regency to Pym Street section of the north-south corridor, as well as the Joy Baluch Bridge—\$506 million that we were able to bring forward.

**The Hon. S.C. MULLIGHAN:** Point of order: my question was specific to the regional road upgrade projects contained in this budget.

**The SPEAKER:** The point of order is for relevance/debate.

**The Hon. S.C. MULLIGHAN:** I also advise the house he would need to bring back details to the house.

**The SPEAKER:** I have the point of order. I do believe that the minister is answering the question in a manner that is germane to the question, but I will listen carefully and then I will come back to the member for Lee.

**The Hon. S.K. KNOLL:** Thank you, Mr Speaker. The difficulty, post this federal budget, is that the federal government went into caretaker. The best news for South Australians is that the Morrison Liberal government was re-elected. In fact, since their re-election, without which, can I say, this \$1.15 billion package would not be on the table in the first place because there is certainly no way that those opposite would have asked for that money and there certainly was no guarantee from the alternate—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.K. KNOLL:** —Labor government of a commitment to this money, and to then somehow stand here and disingenuously tell this house that they are somehow bleeding for regional South Australians is ridiculous. There is only one party that is going to deliver road safety outcomes for regional South Australians and it's the people who sit on this side of the house. More than that,

in the time since the election, between the Premier and I, we have had discussions with four separate ministers in relation to—

**The Hon. S.C. MULLIGHAN:** Point of order: this is clearly debate. It was about specific initiatives in the budget.

**The SPEAKER:** I ask the minister to come back to the substance of the question. I have given you some latitude in your answer thus far.

**The Hon. S.K. KNOLL:** Let me just draw a bit of a line here: the regional projects that are in the budget and the timing profile of those projects, that is what we are talking about right now. They are the same projects that the member for Lee asks questions of. There have now been discussions with the Prime Minister's office, minister Cormann's office, minister Tudge's office, minister McCormack's office, as well as Treasurer Josh Frydenberg's office, and the answer from every single one of those ministers and the Prime Minister has been, 'We will work with you on reprofiling these projects.'

In fact, in the *Australian Financial Review*, only last week Treasurer Frydenberg said to the whole of the country, 'We want to get shovel-ready projects out of the ground as soon as possible.' Regional South Australia stands ready to have these projects underway as soon as possible. We have already had discussions with Treasurer Frydenberg, as well as half his cabinet. We will deliver road safety outcomes as quickly as possible. For all those projects that I just outlined in the previous answer, we are going to get on and deliver those but, again, this is the government that put these projects on the table in the first place. They are moving infinitely quicker than they would have under any sort of red-striped government, both state and federal.

South Australians and regional South Australians, who, by the way, have been waiting 16 years for this budget, will now know that putting their faith in the Liberal Party in South Australia is paying dividends for them, especially for their loved ones, when they get into a vehicle every single day.

#### JOB CREATION

**The Hon. S.C. MULLIGHAN (Lee) (14:54):** My question is to the Premier. Why is jobs growth projected to slow over the budget period?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:54):** As the member opposite would be aware, as you get further away from the present, the Treasury predictions are very prudential, and they show it at 1 per cent. We don't accept that that is our target. We would like to significantly grow the level of jobs here in South Australia.

#### CLIMATE CHANGE

**Mr DULUK (Waite) (14:55):** My question is to the Minister for Environment and Water. Can the minister update the house on how the government is working to help protect our state against the threat of a changing climate?

*Members interjecting:*

**The SPEAKER:** Minister, be seated for one moment.

*Mr Malinauskas interjecting:*

**The SPEAKER:** Leader of the Opposition, you can leave for the remainder of question time, thank you.

*The honourable member for Croydon having withdrawn from the chamber:*

**The SPEAKER:** The Minister for Environment and Water has the call.

**The Hon. D.J. SPEIRS (Black—Minister for Environment and Water) (14:55):** Thank you, Mr Speaker, and it is very good to be able to update not only the member for Waite but also this house about the Marshall Liberal government's approach to climate change, which is embedded very significantly in the state budget and which was announced yesterday.

Our approach in funding a number of key and very significant climate change policies builds on the 2018-19 financial year budget, which of course we believe was the biggest spending budget on climate change in this state's history, with very substantial investments in renewables and a whole range of environmental initiatives. We have continued with that theme, that body of work, in this budget, and our approach to climate change is woven into all of the environmental initiatives which were announced in the budget.

It was a great budget for South Australia's natural environment, with some \$86 million of new investment being provided to our natural environment over the coming years. When it comes to climate change, there is no greater example of our focus and our investment than our very significant spending on our coastline: \$52 million for coastal protection across the state and a very substantial amount invested in the member for Colton's electorate, which we know is that weak spot in the metropolitan coastline—a weak spot in our metropolitan coastline at West Beach that has knock-on effects for all the metropolitan coastline in our capital city.

We know that our coasts form the front line in the fight against climate change in this state. We know that increasing populations, rising sea levels and increasing storm events all contribute to a vulnerability in our coastline, and we have to be willing to invest, and invest substantially, in order to overcome those challenges. I was very keen to see our coast invested in, and I know that many of the members in this chamber are, none more so than the member for Colton with his ongoing advocacy for his electorate. But we are quadrupling the funding available for regional coastal protection as well. We've got many thousands of kilometres of coastline in regional South Australia. We know there are challenges there as well, and a \$4 million regional coastal protection fund is being established.

We are also making significant investment in our national parks. More than \$11 million is being invested in our national parks because that is land that the government has care and control of. Twenty-one per cent of the state is locked up in our reserve system. They are areas of land which we can get into and in which we can improve biodiversity and increase resilience so that native species of flora and fauna can thrive in those environments and hopefully withstand a change in climate.

Then we've also got our investment in waste reduction, waste management. We are undertaking significant reform in the waste management and resources recovery area because we know that waste to landfill has a big impact on the amount of emissions. In fact, methane is thought to be four times more damaging for our environment than CO<sub>2</sub>, so diverting waste from landfill, getting it out of our landfills, is a very important response to climate change.

South Australia has a historic and, I believe, in many ways bipartisan approach to dealing with climate change, and this budget continues to take that to the next level.

#### LAND TAX

**The Hon. S.C. MULLIGHAN (Lee) (14:59):** My question is to the Premier. How many land tax payers will face higher bills under the government's land tax aggregation changes?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (14:59):** I don't have those exact details with me, but we will be implementing the changes that are envisaged in this area on 1 July next year. We will be undertaking some consultation on our proposed changes. I note that most jurisdictions in Australia are looking to address this loophole; New South Wales and Victoria have already moved on this issue.

I do make the strong point to this house that we will be doing this at the time that we will be implementing very, very significant land tax reform, particularly in the form of increasing the threshold and reducing the rate payable for those businesses with a landholding of under \$5 million. As outlined by the Treasurer yesterday, there will be a further reduction in the top marginal rate for those people above \$5 million, which will start as we commence the tightening of the aggregation provisions.

### LAND TAX

**The Hon. S.C. MULLIGHAN (Lee) (15:00):** Supplementary: are any land tax payers affected by this new measure due to receive land tax reductions as a result of the measures in last year's budget?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:01):** I'm not quite sure where the member for Lee is going with that question. My understanding of the 50,000 people who pay land tax in South Australia is that the reforms that we have put in place will knock out about 8,000 of them paying any land tax whatsoever in South Australia. That is a function of increasing that threshold. We had a very low threshold and a very high rate under the previous government.

We are trying to address both those issues, increasing the threshold, reducing the rate quite substantially from 1 July next year for those people who have a land value under \$5 million, and then making a progressive reduction for those who have a landholding above \$5 million after we implement the new aggregation arrangements, which we will consult people on going forward and have in place for 1 July next year.

### LAND TAX

**The Hon. S.C. MULLIGHAN (Lee) (15:02):** My question is again to the Premier. Has Treasury or RevenueSA modelled the impact on any individual land tax payers?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:02):** I can't advise whether they have done it on individual land tax payers. Treasury doesn't report to me, and I have certainly not seen anything, but the honourable member will be able to look at the cumulative modelling Treasury has done because it's contained within the budget.

### COPPER MINING

**Ms LUETHEN (King) (15:02):** My question is to the Minister for Energy and Mining. Can the minister update the house on the opportunity for copper in South Australia and what the Marshall government is doing to support growth in this mineral?

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:02):** I thank the member for King for that question. She is a person who wants economic development throughout the state and particularly in her electorate. I am very pleased to report to the house that on Tuesday, Wednesday and Thursday this week the Copper to the World Conference was held here in Adelaide—the third one in a row hosted by the South Australian government.

As of yesterday morning, they had 326 delegates, which was an incredible performance, the best yet. It's going very, very well, and I would like to thank the very hardworking staff in the Department for Energy and Mining, who have done a truly outstanding job in bringing that conference here to South Australia. Very importantly, as well as sharing information, it's very much about collaborating, sharing skills and growing partnerships both within South Australia and between states and internationally.

We had 20 attendees at the conference from Chile, representing the Chilean supply and services sector in the mining industry. We had some outstanding presentations with regard to future supply-demand balances. We had a very interesting presentation with regard to how best to work towards what we know is a growing demand for clean and green and responsibly sourced copper. There was also an important presentation with regard to Aboriginal employment and Aboriginal engagement in future industrial opportunities.

It was a tremendous conference, and I was very pleased to have the opportunity to address the conference and give the opening speech yesterday. As part of that opportunity, I shared the Marshall Liberal government's advanced discovery initiative, which is a \$10 million program over three years and very clearly aimed at unlocking greater resources. This is a broad approach that has been followed for many years by government, but what we have done that is quite distinctive and important this year is significantly broaden out the types of projects that can access this funding.

Traditional, collaborative drilling programs are still certainly going to be eligible, but we have made sure that there are far more opportunities because, as innovation improves and continues, and as technology improves, we want to make sure that geoscience and digital data mining are part of it.

We want to make sure that Aboriginal engagement has the potential to be part of it. We want to make sure that effort, investment and work on unlocking information about underground water become part of it. We have a wide range of things that will be included in the advanced discovery initiative from now on.

We encourage companies to collaborate with their applications. We expect that we will be out in the fourth quarter of this calendar year actively seeking applications against a set of assessment criteria and that, as soon as possible next calendar year, we will be able to progress with those successful applications. We are doing this in an effort to unlock economic opportunity, particularly through our mineral resources. Copper has a huge opportunity to do this. We know that there is in excess of 20:1 multiplier.

*The Hon. A. Koutsantonis interjecting:*

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

**The Hon. D.C. VAN HOLST PELLEKAAN:** This \$10 million fund is expected to unlock in excess of \$200 million of exploration activity and investment.

#### LAND TAX

**The Hon. S.C. MULLIGHAN (Lee) (15:06):** My question is to the Premier. Will self-funded retirees be impacted by the changes to land tax aggregation?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:07):** I don't have details on every single self-funded retiree's personal landholdings. I don't think that would surprise anybody in this house.

*The Hon. A. Koutsantonis interjecting:*

**The SPEAKER:** The member for West Torrens will cease interjecting.

**The Hon. S.S. MARSHALL:** I don't think this would surprise anybody in this house, but we have made it very clear that as part of our reform we are closing the loopholes that exist—

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. S.S. MARSHALL:** —within the existing legislation. We don't believe that it's within the spirit of the—

**The Hon. A. Koutsantonis:** Are they tax frauds, are they?

**The SPEAKER:** Member for West Torrens!

**The Hon. S.S. MARSHALL:** We don't believe that it—

**The Hon. A. Koutsantonis:** Was it a loophole or are they tax frauds?

**The SPEAKER:** The member for West Torrens has been removed today. He is still interjecting and I ask him to leave for the remainder of question time.

*The honourable member for West Torrens having withdrawn from the chamber:*

**The Hon. S.S. MARSHALL:** We don't believe that it is within the spirit of the existing land tax arrangements for individuals to open up multiple entities to essentially claim the tax-free threshold on a range of properties. They need to be aggregated. This is the direction the entire country is going in. As I have outlined to the house, it has already occurred in New South Wales and it has already occurred in Victoria. Unlike other jurisdictions, whilst we are implementing this important reform we are also lowering land tax. We are reducing the rates and we are increasing the threshold.

#### LAND TAX

**The Hon. S.C. MULLIGHAN (Lee) (15:08):** My question is again to the Premier. Will any self-managed superannuation funds be impacted by the changes to land tax aggregation?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:08):** I can only refer the member to my previous answer.

#### LAND TAX

**The Hon. S.C. MULLIGHAN (Lee) (15:08):** My question is to the Premier. Did the Premier inquire whether any self-funded retirees or self-managed superannuation funds would be impacted by these changes?

**The Hon. S.S. MARSHALL (Dunstan—Premier) (15:08):** Again, I just have to refer the member to my previous answer. I do not have information on individuals' landholdings and so it wasn't an appropriate question.

#### REGIONAL SOUTH AUSTRALIA

**Mr McBRIDE (MacKillop) (15:09):** My question is to the Minister for Primary Industries and Regional Development. Can the minister update the house about how the government is investing in regional South Australia?

**The SPEAKER:** Minister.

**The Hon. S.C. Mullighan:** Let's go, genii.

**The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (15:09):** Thank you, sir, and yes, I can.

**The SPEAKER:** The member for Lee can leave for the remainder of question time. The minister has the call.

*The honourable member for Lee having withdrawn from the chamber:*

**The Hon. T.J. WHETSTONE:** What I can say proudly, as part of the Marshall Liberal government, is that we are governing for all South Australia. Regional South Australia has never seen the support that they have seen out of this budget. We remain committed to regional South Australia. The Premier, the cabinet and the entire Liberal Party on this side of the house have shone a light on regional South Australia. One of the burdens of living in regional South Australia, sadly, is the tyranny of distance; the other is having lived for 16 years with the previous Labor administration. What I can say is that we are investing like no other government has invested in regional South Australia. It is history-making.

Not only are we putting a severe amount of money into health, into schools and into our infrastructure, but we are looking at how to grow the economy in regional South Australia. We have not only put a significant amount of investment into regional centres around the processing of the red meat sector but we have also put \$7½ million into giving the red meat sector an opportunity to grow, expand and be a larger part of the state's economy. We know that here in South Australia the regional economy—\$25 billion—underpins the state's economy. It is one of the largest contributors to our economy.

The \$878 million of new funding for regional roads is history-making. It is something that South Australia's regions have never seen before. The amount of feedback that we as a government have had from the regions is significant. I would like to quote from Livestock SA:

...its a very different feeling to previous years, I don't recall a year where we've felt the government has recognised the importance of an industry—

such as that in the regions of South Australia. We look around at other budget measures that are supporting the livestock industry and the primary producers of South Australia. There is a \$25 million investment to rebuild a 100-year-old dog fence. It's an outstanding contribution. There are very few votes there, but we understand what that investment means, not only to the livestock industry but to the lives of those pastoralists in outback South Australia.

We continue to build, not only on Black Spot funding—round 5 of the commonwealth Black Spot funding is open—but the state government has put a further \$3 million on the table so that we can connect regional South Australia to the rest of the world. We look around at our \$15 million Regional Growth Fund. The Regional Growth Fund has been met with absolute applause. We look



around at the projects that revolve around community, collaboration and clustering. We are not picking winners as a government, we are giving the industry a leg-up. We are not giving individual businesses the leg-up that they have been accustomed to.

The government also remains committed to Country Health, with \$140 million into significant projects within our health system that have long been ignored. I know that in my electorate, up in Chaffey, there were operating theatres that were closed because the government refused to support Country Health. They refused—

**Mr Picton:** We rebuilt the whole hospital. We rebuilt the whole Berri hospital.

**The SPEAKER:** Order!

**The Hon. T.J. WHETSTONE:** The member for Kaurna is just delusional.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. T.J. WHETSTONE:** What I will say—

*Members interjecting:*

**The SPEAKER:** Member for Giles, be quiet.

**The Hon. T.J. WHETSTONE:** —is that this government is investing in regional South Australia like no other government in the history of South Australia has. We are proudly investing to drive an economy, to grow our economy and to give those regional communities the sense of belonging to South Australia they have not had in the last 16 years. Labor, you ignored regional South Australia for your 16 years in term. This government will not ignore the regions of South Australia because #RegionsMatter.

#### *Grievance Debate*

#### **STATE BUDGET**

**Ms HILDYARD (Reynell) (15:13):** I rise to speak in support of South Australian individuals and families who have had their household budgets cruelly raided by the budgeting of those opposite, a government who are both cruel and unfair and who do not understand or care about what it is like to struggle with the cost of living. They are a government who are clearly out of touch with the impact on the budgets of South Australians of their massive, unprecedented increases to fees, charges, hospital parking, public transport and rubbish collection.

They are a government who have utterly failed to deliver in this budget their phony election promise of lower costs and better services, a government who seem more focused on living it up with a mooch—buying packets of chips and alcohol with South Australian people's money and making sure that hardworking South Australian emergency services volunteers definitely do not get a free doughnut—than deeply caring about just how hard their budget will make people's lives.

This is a government so happy to burden South Australians with unprecedented debt of a staggering \$21 billion, yet so reluctant to provide anything that gives people a bit of a break to keep massive debt from their own family budgets. State budgets always reflect the priorities of the government that delivers them. This budget clearly reflects that this government will not and has not prioritised the people of South Australia.

Every South Australian household has to deal with its own priorities in its budget. Those priorities often focus on putting food on the table, paying the rent or mortgage, getting to a hospital when you need to, paying your bills on time to keep your car running or your licence up to date, getting a Metrocard for the kids to get to school and elsewhere and getting your council rates paid, if you are a home owner. Most South Australians budget to try to do all that and to try to have a bit to do something nice: to go to the footy or a Fringe show or whatever else your family likes to do.

The ability for a family to balance their budget, to make ends meet and to deal with the cost of living, just got a whole lot harder. It got a whole lot harder because the Premier and the Treasurer do not understand just how hard it is, just how far a South Australian family's budget is already

stretched. Families now face extraordinary increases to keep their car running, with the Treasurer grabbing more from people's pockets through rego fees and licence renewals.

If people decide that it is easier to catch the bus, they face a very difficult time: firstly, to find one at the right time, given the cruel slashing of routes and, secondly, because the government have smashed the two-section tickets and are slugging South Australians \$5 just to buy a new Metrocard. Too bad if you have a loved one who is in hospital for a long time or if, like so many South Australians, you need to take your kids, your spouse, your parent or yourself for hospital treatment on a regular basis, because the Treasurer will be there at the entrance to the car park grabbing your \$45 extra per week just to park there.

Everywhere you turn—to go to your car, to catch the bus, to visit a loved one in hospital, even when you wander outside in your dressing gown to put the rubbish out—the Treasurer is there with you, reaching into the pocket of your robe and taking what he can. If you decide that you want to try to pull some money together in the family budget once in a while to go to the footy, to Cleland Wildlife Park to a Fringe show—probably not to Carclew or to anything put on by Windmill, given the government's further cuts to the arts—if you can actually afford to get there, the Treasurer will be there, too, at the turnstile of the stadium, making sure that he takes the extra ticket price because of his appalling new police rent tax.

Hardworking South Australians who are doing what they can to make ends meet and to meet the cost of living have just been unfairly hurt by this government's budget. They have been hurt by a group of people who clearly just do not understand struggle and who just do not care about them—and for what? Record debt?

South Australian people deserve to be a priority in this government's budget. They deserve better than this ruthless disregard for matters in their lives, for measures that make things just a little easier. They deserve better than this family budget-raiding Treasurer, who will roar off into the sunset with a state debt that will not be paid in his lifetime and household debt that will get even harder to pay in the lifetime of most South Australian families.

### STATE BUDGET

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing) (15:18):** I rise today to talk about this wonderful budget that was handed down that is really building South Australia, a commitment we made when we came to this parliament. There are so many things in the budget that outline what we are doing to build our great state. I want to address one that has significance in my local community and also that of the Minister for Environment, the member for Black, and something we have been fighting hard for for a very long period of time: the Hove crossing.

Mr Speaker, you know that I have spoken many times in this place about the Oaklands crossing, and what a wonderful announcement it was when we were able to get the Oaklands crossing happening. Our community was in raptures about that. Those on the other side do not know what it is like when a community has to struggle and fight for an infrastructure project like this. The community has been waiting for 40, 50 or 60 years. They were ignored by those opposite, but we came through with a big campaign and the local community came together. A big thankyou to the federal member for Boothby, Nicolle Flint: we have delivered the Oaklands crossing.

As I said, attention now turns to the Hove crossing. It is with great pleasure that just this week I was with the member for Black, the member for Boothby, the Minister for Transport and Infrastructure and also the Premier to announce this great project going ahead, with \$171 million split between the federal and state government—again, two governments working together to deliver congestion-busting infrastructure for South Australia.

Building our state and building jobs in South Australia is what it is all about, so I am really excited by that and look forward to working with our local community. There will be a journey to go on. We did that for the Fix Oaklands Crossing campaign, and we took people every step of the way along that journey. That will happen again with the Fix Brighton Road-Hove Crossing campaign, and again I look forward to doing that with my colleague the member for Black and making sure that all the people in the local community who will benefit come on that ride.

There are other great things happening in this budget, and I want to mention this one as well because it is a pleasure working with the Minister for Transport and Infrastructure on our commitment to road safety: \$834 million over four years will go into building infrastructure to improve road safety. There is \$692 million for new road infrastructure, including the level crossings I have talked about, intersection upgrades and duplication of targeted roads in key regional areas, which are so vitally important. Those on the other side do not care about the regions. We care about the whole of South Australia.

There is \$75.5 million to undertake shoulder sealing, the installation of additional overtaking lanes and resurfacing on the Stuart Highway, Barrier Highway, Eyre Highway and Princes Highway. People who do not drive on regional roads very often would not know how vital overtaking lanes and the sealing of road shoulders are, and how big a role they play in road safety. It just creates an extra element of road safety.

I noticed on the drive from Port Augusta to Port Lincoln a few years ago, the first time when I was shadow minister for road safety, that there were no road shoulders on the road for pretty much all the road and no overtaking lanes. Those opposite, and the member for Giles, whose stomach must turn, did nothing for these roads when they were in government. He must be over the moon that we are doing it for South Australia now.

In 16 years, they delivered nothing, and we are doing it on this side of the house. That is absolutely sensational. The member for Giles should be thanking the Minister for Transport and Infrastructure for all the work he is doing in his electorate because his side did nothing for that part of South Australia. I am proud to be part of a government that is delivering for the regions as well as the city.

As we have said, there is \$12.9 million to improve the most dangerous roads under the national Black Spot program. Again, a lot of that is happening in the regions. In fact, the bulk of that is happening in the regions. There is a guarantee for the total funding spend for the Motor Accident Commission as we change over, given that the previous government sold off the Motor Accident Commission. That guarantee is to make sure that communications, road safety and strategic partnerships will still continue, and we will make sure that we are driving the message hard and strong there to keep people as safe as possible on our roads.

We also note that \$33.4 million has been allocated over four years for SA Police to undertake road safety and public safety campaigns and communications as well, \$18 million over four years to continue with the strategic road safety community partnerships and \$150,000 in 2019-20 to implement a cross-agency road safety data analytics capability. All this is incredibly important as far as road safety is concerned. There is plenty happening in our state, and I commend the minister and the entire Liberal team for bringing this together and making sure we do all we can to keep South Australians safe.

### STATE BUDGET

**Mr HUGHES (Giles) (15:23):** Well, surprise, surprise, I also rise to speak about the budget. While we have the Minister for Sport and Rec here—

*The Hon. C.L. Wingard interjecting:*

**The SPEAKER:** Order!

**Mr HUGHES:** I was about to start on a very positive note and acknowledge the \$900,000 for Bennett Oval and Memorial Oval in Whyalla for needed work, but I will provide a bit of context. It is somewhat short of the \$6 million commitment that Labor made to upgrade sport facilities in Whyalla for the much-needed sports hub, but I do not look a gift horse in the mouth, so I welcome the \$900,000.

When it comes to the budget, that massive slugging of families in our state, there is \$356 million worth of extra fines, fees and taxes, and a number of those are going to especially hit people in regional South Australia. When we look at that \$356 million, we have to do so in the context of what is happening to state debt, going up from \$13.5 billion to \$23 billion. The Liberal government

are smashing the debt ceiling, the responsible debt ceiling, that Labor had in place, so we are going to be paying that off for many years to come.

When it comes to my electorate, there are a number of very sneaky moves indeed. There was the outback tax, which formed part of the dump before the budget from the Treasurer. He announced a property tax for those people in the unincorporated areas of between \$100 and \$400. This came completely out of the blue. I have called it a very sneaky tax. I notice the budget papers talk about consultation in relation to that, so they have already decided that there will be a property tax and they have already decided what the parameters will be of that property tax before any consultation has taken place.

I will be the first person to admit that there needs to be additional funding for outback areas, for our unincorporated areas. When we were in government and we looked at a levy for some of those communities, only two communities went ahead with it because both those communities were amongst the larger communities in the outback areas, namely, Andamooka and Iron Knob, but we did that on the basis of a genuine and longstanding consultation process with those communities to raise a bit of extra money.

When it comes to the rest of the unincorporated areas, many of those communities are incredibly small. By the look of things, we are also going to hit pastoralists who do not live in communities and who will get little in the way of direct or indirect benefit. We should have consulted there first and determined what was needed in the outback areas and then determined what is the best way to fund it. Is it through a levy or should it be out of general revenue, given the vast differences and the differences between general local government elsewhere in the state and what happens in that vast area of our state?

One of the other really cruel things in this budget is the removal of registration concession for people in the unincorporated areas and for people in Roxby Downs, Coober Pedy and Kangaroo Island. For Coober Pedy, Roxby Downs and Kangaroo Island, that is a \$2.7 million hit. I pulled out some of the figures on vehicle registration in Roxby Downs, looking at how many cars households have: 315 households have one car, 568 have two cars and 339 have three cars. They are all going to be hit, and they are going to be hit very significantly. A business in Roxby Downs was saying that it is going to cost them an extra \$20,000 a year.

The reason Labor never touched that concession was that we recognised the extreme difficulties people in the outback face when it comes to transport, in terms of both fuel cost and the distances they travel. They are already seriously disadvantaged. You cannot hop on a bus and you cannot hop on a train, so this is a real slug to people in the outback.

#### **AUSTRALIAN APPRENTICE WAGE SUBSIDY**

**Mr BELL (Mount Gambier) (15:28):** I rise to talk about the Australian Apprentice Wage Subsidy—

**Mr GEE:** Mr Speaker, I draw your attention to the state of the house.

*A quorum having been formed:*

**Mr BELL:** I rise to talk about the Australian Apprentice Wage Subsidy scheme. I want to highlight a concern that Greg Megaw, the CEO of our local GTO, has contacted my office about. For those who do not know, the Australian Apprentice Wage Subsidy scheme, better known as the bush wage, sees a \$60 million investment by the federal government. To be eligible, you need to be on the National Skills Needs List. The scheme pays 75 per cent of the first year of an apprentice's award wage, 50 per cent of the second year and 25 per cent of the third year. In total, it is worth around \$37,000 to an employer taking on an apprentice.

The federal government has allocated 1,630 places for Australian apprentices under the scheme, but the problem is that GTOs are limited to a certain number. In South Australia, our pro rata number is 130 placements, and GTOs are only allowed to bid for eight of those. In my local area of the Limestone Coast, it is two. I would like to read out what Greg Megaw wrote to me regarding the possible reintroduction of the bush wage, which is currently being considered:

As discussed I congratulate the Liberal Government on the Bush wage initiative for apprenticeships in regional areas which I believe will help generate more jobs in [our] country regions.

The concern I have, is the amount of Bush wage placements, that Group Training Organisations [GTOs] will be able to access.

As you are aware, in many cases GTOs are the lifeblood of country towns and regions, providing employers and employees the support and guidance needed, to correctly navigate the employment of young workers through an apprenticeship.

These include [workplace health and safety guidelines] and support, assistance in rotating apprentices when work is short—

and that is quite significant for our region. If one employer is not able to continue with an apprentice due to availability of work or shortness of work, a GTO will take that apprentice and place them with another employer—

payroll services, employment of apprentices with disabilities or from disadvantaged backgrounds, mentoring to both apprentice and employer, career guidance to students, parents and [Vocational Education and Training] Coordinators at schools, addressing skills and labour shortages in regions through Try a Trade programs and an assurance that training covers all aspects of the trade in question.

Currently I have several long term Host Employers (10 years plus) who are looking at employing more apprentices through our GTO, but have conceded that if we cannot access the Bush wage (due to quota limits) they will have to directly indenture the apprentice themselves. These [Hosts] concede that the apprentices will not receive the same quality experience that a GTO provides by directly employing [the young person] themselves, but the financial assistance of the Bush wage outweighs this.

As you know all of the Bush wage funding is passed back to the Host Employer in question by the GTO so I cannot understand why GTOs are disadvantaged in this way.

GTOs work extremely hard to build relationships with Host Employers over many years, and to have this relationship exposed is heart breaking and I believe this would not have originally been the intention of the Liberal government when developing this policy.

As you know when word gets around that GTOs may only be able to access minor proportions of Bush wage funding—

and in our case, it is two—

they lose their appeal which is sad for the organisation, the apprentices in question and the regional area they provide assistance to.

Could you relay my thoughts—

through parliament and congratulate the Liberal government on this worthwhile initiative.

#### **DAVY, DR R.C.E.**

**The Hon. Z.L. BETTISON (Ramsay) (15:35):** I would like to speak today about an amazing pioneer woman from Salisbury, a woman who was a leader, who had a life of achievement but also a life of pain. Ruby Claudia Emily Davy was a talented child born to musical parents in Salisbury in 1883. She went on to become one of Australia's leading music teachers and the first woman in Australia to receive a Doctorate of Music. Her parents, William and Louisa Davy, both had musical backgrounds and supported her through that time. By the age of nine, Ruby had written a cantata, a medium-length vocal composition with accompanying music.

In 1893, William gained ownership of the shoemaking business after his father retired, and Ruby and her family moved into the business premises, adding two new rooms to the building where her mother set up a music school, the Salisbury School of Music. Ruby soon began to help her mother with teaching and had 27 pupils by the age of 13. Ruby became dux of the Salisbury school in 1896 and then went on to complete her education.

In 1904, she was accepted into the Bachelor of Music at the University of Adelaide and, upon graduating in 1907, she went on to gain an Associate Diploma from the London College of Music in 1912. In the same year, she began teaching music at the Elder Conservatorium. The next year, Ruby began her studies for the Doctorate of Music under the supervision of Professor Matthew Ennis. While continuing to study piano throughout her doctorate, after gaining permission from the university council to do so, Ruby also expanded her repertoire of instruments by studying violin, clarinet, oboe,

trumpet, flute and bassoon. The extensive repertoire of instruments served Ruby well in her final doctoral composition of an oratorio, *Hymn of Praise*.

Upon her graduation in 1918, Ruby achieved the historic milestone of becoming the first woman in Australia to receive a Doctorate of Music, a feat that would not be replicated by another woman for another 58 years. Following the achievement of becoming the first woman to attain a Doctorate in Music, she experienced a happy and successful period of her life. However, this came to a halt in 1929 with the death of her father and, only a few weeks later, the death of her mother. The death of both her parents left her physically and emotionally devastated and she entered into a period of mourning that would last for five years. Ruby ordered a very large monument for her parents, spending about £500, and it was constructed by Tillett Memorials.

By 1934, she began to recover from the loss of her parents and again to be involved in music. She moved to Melbourne and opened another music school, the Davy Conservatorium of Music, in South Yarra. She was honoured by the City of Salisbury in 1936, during the centenary celebrations of South Australia, with a special concert featuring a large choir and some of Adelaide's leading musicians.

Ruby's rising popularity and success led her to pursue fame and recognition overseas in Europe and later in America. She went on her first overseas postings at about the start of World War II, which interrupted what was going to be a very exciting planned tour. She returned to Australia in September 1940 and opened the School of Music, Dramatic Art and Radio Technique.

While she continued to teach at her music school in St Kilda, Ruby established the Society of Women Musicians of Australia and became their first president. They continued with great success to organise many funds for World War II. In 1947 she required a mastectomy. This hampered her ability to play the piano.

She died in 1914 at the age of 65, leaving behind £300 to the University of Adelaide for a scholarship named the Ruby Davy Prize for Composition. She also left more than £800 to the Elder Conservatorium, which was used by the director at the time to buy completed works of Beethoven and Mozart. She is still remembered at her birthplace of Salisbury through the Ruby Davy Memorial Cabinet.

#### **ADELAIDE HILLS HAND SPINNERS AND WEAVERS GUILD**

**Mr CREGAN (Kavel) (15:40):** As members will know, within my electorate is a thriving arts and crafts community. It is a community that preserves and teaches traditional skills and keeps alive small industries that have significant value to the state.

I wish to raise in the house the work of the Adelaide Hills Hand Spinners and Weavers Guild. I had the very real pleasure of attending the guild's annual open day on 25 May. The year before, I took the member for Dunstan, now the Premier, to the open day. His knowledge of natural fibres was considerable. I was again impressed this year by the array of handcrafts on display. Jumpers, scarves, shawls and beanies had been produced by members. Baskets, blankets, rugs tea-cosies and cushions had also been crafted from handspun yarn, natural and dyed fleece and other fibres. The guild's members also produce knitted, woven, crocheted and felted items.

For the benefit of members, and to make out a proper record, I touch briefly on the history of the guild. The guild was formed in 1972. Initially, meetings were held in Mylor before moving to Burnbank, a cottage in Mount Barker Springs. From there, the group moved to the Morning Star Hotel at Wistow and the Mount Barker Oval grandstand. Finally, meetings were held in the Littlehampton Peace Memorial Hall from 1989, and the guild still meets there.

The member for Heysen will know that on 2 April 2019 the guild lost Mr Ron Doley. Mr Doley was 98 years of age. He made spinning wheels in his shed and had designed a remarkable lightweight folding wheel that could be transported more easily. He called it 'the traveller'. Mr Doley was a much-loved and deeply respected member of the guild and of our wider community.

I had the opportunity to meet Mr Doley several times. He was a thoughtful man and, seeing that I could well use an education in the mechanics of spinning wheels and seeing my interest in his work, we spoke about his projects. He was dedicated to his community and to his family, and it is

right that I acknowledge and commemorate Mr Doley in this place. A special spinning day in Ron's honour was held on 23 April, with some members of Ron's family present.

The guild warmly welcomes new members, and I am sure that it will continue to do so as the district grows. I want to acknowledge and thank the present executive of the guild for the many volunteer hours they have given to the guild and to the district. I acknowledge in particular the president, Pauline Fowles; secretary and vice-president, Michiel Lucieer; treasurer, Pam Stringer; librarian, Kathryn Duncan; the workshop co-ordinator, Sandy Soul; the newsletter editor, Adele Pring; the equipment co-ordinator, Gaye Becis; the fibre buyer, Jan Graham; and the trading table co-ordinator, Claire Hutchesson.

I have been honoured to form friendships with members of the Adelaide Hills Hand Spinners and Weavers Guild, and I am constantly inspired by their energy and creativity. I acknowledge and thank them for their work in preserving and celebrating traditional and valuable craft skills in my community for the benefit of the state.

### *Bills*

## **STATUTES AMENDMENT (SACAT) BILL**

### *Committee Stage*

In committee.

(Continued from 18 June 2019.)

Clause 161.

**Ms HILDYARD:** I have one last question on clause 161. Will the appointments of assessors be gazetted?

**The Hon. V.A. CHAPMAN:** No.

The committee divided on the clause:

Ayes ..... 25  
Noes ..... 18  
Majority ..... 7

### AYES

Basham, D.K.B.	Brock, G.G.	Chapman, V.A.
Cowdrey, M.J.	Cregan, D.	Duluk, S.
Ellis, F.J.	Gardner, J.A.W.	Harvey, R.M. (teller)
Knoll, S.K.	Luethen, P.	Marshall, S.S.
McBride, N.	Murray, S.	Patterson, S.J.R.
Pederick, A.S.	Pisoni, D.G.	Power, C.
Sanderson, R.	Speirs, D.J.	Tarzia, V.A.
Teague, J.B.	van Holst Pellekaan, D.C.	Whetstone, T.J.
Wingard, C.L.		

### NOES

Bettison, Z.L.	Bignell, L.W.K.	Boyer, B.I.
Brown, M.E. (teller)	Close, S.E.	Cook, N.F.
Gee, J.P.	Hildyard, K.A.	Hughes, E.J.
Koutsantonis, A.	Malinauskas, P.	Michaels, A.
Mullighan, S.C.	Odenwalder, L.K.	Picton, C.J.
Stinson, J.M.	Szakacs, J.K.	Wortley, D.

Clause thus passed.

Clauses 162 to 203 passed.

**The Hon. V.A. CHAPMAN:** Before we move to the title, I rise to speak and indicate to the committee that I undertook yesterday to answer a question on notice asked by the member for Cheltenham in relation to clause 78 of the bill. I undertook to provide information on the number of equal opportunity matters referred by the Commissioner for Equal Opportunity to the South Australian Employment Tribunal in the last 12 months or last financial year, that is, an indication of the likely number of matters to be transferred to SACAT under this bill.

SAET's 2017-18 annual report reported that SAET received 87 equal opportunity applications in the last financial year, including 73 complaints referred by the commissioner for determination by SAET. The other 14 equal opportunity applications received in that time frame related to applications for exemptions under the Equal Opportunity Act or applications for extension of time. In the period 1 July 2018 to 18 June 2019, SAET reports receiving 47 equal opportunity applications, 45 of which were complaints referred for determination.

I understood the member also to be inquiring as to the number of equal opportunity matters that might be referred to SAET after the equal opportunity jurisdiction is transferred to SACAT on the basis that they relate to other proceedings on foot in SAET. SAET has advised that this information is not recorded in its electronic case management system; however, anecdotally, SAET advises that the number of equal opportunity matters connected to another SAET matter in the last two years is in single figures.

Can I advise the committee that this is consistent with the information that the president, Mr Dolphin, had provided me. He indicated that it was actually not very many, so I think that is consistent with that. It was surprising at the time because I expected that there would be much significant overlap in relation to other industrial concerns. I trust that is adequate information for the committee.

**The CHAIR:** Thank you, Attorney, for that clarification.

Title passed.

Bill reported without amendment.

*Third Reading*

**The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:54):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

## **INDEPENDENT COMMISSIONER AGAINST CORRUPTION (INVESTIGATION POWERS) NO 2 AMENDMENT BILL**

*Second Reading*

Adjourned debate on second reading.

(Continued from 2 April 2019.)

**The Hon. A. KOUTSANTONIS (West Torrens) (15:55):** I indicate to the house that I am the opposition's lead speaker on this—

**The Hon. V.A. Chapman:** You are the expert on ICAC.

**The Hon. A. KOUTSANTONIS:** I note the interjection from the Deputy Premier. Because of that interjection, I can inform the house that a number of her colleagues have stopped me in the corridors, asking me to speak on this bill and make the contribution I am about to make because the Attorney-General will not listen. It is fascinating to see the level of discontent within the government on this legislation.

It is important that we have a bit of history on this legislation. From the outset, I can say that the opposition supports open hearings for maladministration and misconduct. Feel free to interject anytime you like, Deputy Premier. I understand that the government is now attempting to amend the bill that has come from the Legislative Council. The origin of this bill is at the last election campaign,



when the government went to the election promising the people of South Australia open ICAC hearings for maladministration and misconduct.

When that bill was initially moved by the government after their successful election campaign, which resulted in their forming government, that bill was then referred to the Crime and Public Integrity Policy Committee to conduct an inquiry. The Crime and Public Integrity Policy Committee, of which I am a member, performed its duty and interviewed and took evidence from a number of concerned individuals, organisations and stakeholders. We cross-examined them, we asked a lot of detailed and probing questions and we came back with a series of recommendations.

Some of those recommendations were endorsed by the ICAC commissioner. I will be going through a lot of detail on the support the ICAC commissioner has shown for some of the amendments moved in the Legislative Council, especially those that the government are attempting to amend—that is, where the government is in conflict with its own ICAC commissioner. I find this extraordinary, unless the committee was misled, which I doubt very much.

The Crime and Public Integrity Policy Committee handed down eight recommendations for the bill that was before the Legislative Council. Of the amendments that we moved on behalf of the committee in the upper house, a number were dealt with in the government's bill; that is, the government did listen to and accept the recommendations of the Crime and Public Integrity Policy Committee. As I said, I do not think there is anyone in the house who does not support open hearings. The commissioner himself does not support open hearings for corruption. He believes they should be done in private or in secret, and he will make his recommendations as he sees fit.

*Mr Teague interjecting:*

**The Hon. A. KOUTSANTONIS:** Not necessarily.

*Mr Teague interjecting:*

**The Hon. A. KOUTSANTONIS:** Again, the member interjects that the ICAC commissioner will refer corruption findings to the DPP. We do not know if that is what occurs.

We do not know if there are regular referrals, or if the commissioner has conducted a corruption inquiry where he has found what he believes is corruption and has not referred it to the DPP. We do not know. I do know that the ICAC commissioner is a regular reader of *Hansard*. He will be giving evidence on Monday to the Crime and Public Integrity Policy Committee, so if he has made corruption findings and not referred them to the DPP I am sure he will let us know.

The question before us as a parliament is: if we have open hearings at the ICAC, what protections should we afford people who are before that inquiry? This is a very difficult question for the parliament because what we have before us is a system of inquisitorial investigation, that is, where the ICAC commissioner is given coercive powers by this parliament. Those coercive powers are used by the ICAC commissioner, who is someone who has a minimum standard of qualification. No-one questions Mr Lander's qualifications. He was a Supreme Court judge, a Federal Court judge, a long-time lawyer, a long-time Queen's Counsel, someone who did a lot of work for the Liberal Party in his formative years and someone who understands the rule of law and understands public governance and politics quite well.

What we are being asked is: as a public inquiry, should we allow the ICAC commissioner to have the same powers in public as he has in private? That then begs the question: what is the purpose of a maladministration or misconduct inquiry? Is the purpose to ascertain information, as in a police inquiry, where there are interview rooms and witnesses are brought into an interview room, questions are put to them, they are recorded, they are videotaped and police use them as evidence?

What the ICAC commissioner is putting to us is that he wants to construct a courtroom-like facility, like a royal commission, where he would sit in an elevated position, as the Deputy Speaker is now, where someone would be brought before that elevated position, much like a courtroom, where they would take an oath or affirmation about telling the truth, about the evidence they are about to give, and somehow the general public are meant to distinguish between a tribunal and a court.

Of course, the inquiry makes findings of either maladministration or misconduct or exonerates someone. The commissioner does not want to do this for corruption; he wants to do that

in private. But in public he thinks there is some public benefit in giving the public the ability to see that process play out.

If you are cautioned by police, or you are cautioned by an investigative body outside ICAC, there are certain fundamental rights that every citizen has before that inquiry. The first and foremost is the right to silence. In a proposed open ICAC inquiry, with the government's amendments there will be no such right to silence in a public inquiry. That is, citizens who are before that open tribunal, being broadcast live throughout South Australia and on the internet, could be asked questions they would be compelled to answer or face penalty.

The reason the ICAC was designed to be conducted in secret—much like police investigations—is that questions are put to people and if the answers tend to incriminate them they have the right to silence. Because we wanted to remove that right to silence for people being investigated for corruption, maladministration and misconduct, so there was no unfair coverage that could unfairly or unduly harm that person's reputation the parliament felt that should be done behind closed doors. The ICAC commissioner would adjudicate that investigation and make a finding afterwards.

Throughout the entire process, anyone being interviewed by the ICAC or a police officer is entitled to a lawyer. Indeed, in the Summary Offences Act if you are arrested there is a statutory requirement that, if you ask for a lawyer, you must be given access to one. Before that process, I assume that it was a common law right to have legal representation. If you are cautioned or interviewed by police, you are entitled to have a witness with you. Indeed, this is a pretty fundamental right. It is so fundamental that even the ICAC commissioner agrees with me.

On two occasions, he has given evidence to the Crime and Public Integrity Policy Committee. The first time was on 27 August 2018, when he gave a very long piece of evidence to the committee when he was responding to evidence given to the committee by Michael Abbott QC. He went into great depth about the ICAC and its role, and I will now quote from the evidence of the ICAC commissioner, the Hon. Bruce Lander QC. On page 338 of the transcript, dated Monday 27 August 2018, he said:

Public scrutiny is just one aspect of transparency and accountability. Where a person or body enjoys significant powers, as I do—

talking about himself—

it ought to be subject to oversight at a number of levels, so that the public, the parliament and the executive arm of government can all be satisfied that the person or body has exercised those powers appropriately.

One method to make sure of that aspect that the ICAC commissioner is talking about is legal representation, which is why I understand the Law Society and the Bar Association made very strong representations to the government and to the Crime and Public Integrity Policy Committee about the importance of allowing legal representation when you are before the ICAC. The commissioner went on to say, on page 351 of his evidence on the same day:

Mr Abbott also at this stage reiterated his complaint about me not providing a preliminary report prior to me preparing a final report. It was at this stage of his evidence that he said the ICAC hearing was a Star Chamber. He went on to say that witnesses should have the right to a lawyer at all stages.

The ICAC commissioner then said:

I agree entirely with Mr Abbott in that respect and I agree that the bill ought to be amended to make it clear that a person is entitled to legal representation at all times, and I would encourage the parliament to make that amendment.

It might shock you, Mr Deputy Speaker, but before us are amendments removing that right. On the same occasion, and the Attorney-General might not be aware of this, the honourable member for Kavel, Mr Cregan, a member of the committee, asked a question of the Hon. Bruce Lander QC:

If I may take you to paragraph 22, above that paragraph in the Law Society's submission [which I refer the parliament to], there is a note about legal representation. Do I take it from your evidence—forgive me if I have misread it or haven't listened to it carefully but I have a very heavy cold today; we are some metres apart and I hope I don't exchange it with anybody—that a discussion follows as to whether somebody appearing before the commissioner in an open hearing might have the benefit of legal representation without the exercise of any discretion. Do I take it that you wouldn't be concerned if parliament—

Mr Lander then interrupted Mr Cregan and said:

Everyone should be entitled to legal representation. What I suggest is that you look at clause 5 and take out the words in brackets, in parentheses, so that 5(a) reads 'a person giving evidence may be represented by a legal practitioner' so that anyone could be entitled.

The commissioner goes on to say:

I am very strongly of the view that anyone should be entitled to a lawyer.

Yet here we are with amendments from the government to remove the right to a lawyer. The question then is why? Why would the government want to remove that right for public officers before an open hearing of the ICAC? Why would the government not want people who give evidence before that tribunal to have the right to legal representation?

I have been told by members of the parliament that it is because the Attorney-General has told her caucus colleagues that the ICAC commissioner himself has asked for it. Here we are debating this, and we have evidence given to the parliament by the ICAC commissioner saying, 'No, everyone is entitled to legal representation.' An entitlement means that it cannot be taken away. A right to a lawyer means that you have a right to legal representation. It does not mean that you have a right if I say so. A right means that you are entitled to legal representation.

I ask the parliament this: does a process where you are not entitled to legal representation represent the rule of law? What kind of process are we establishing when people are being compelled to give evidence that may incriminate them but they do not have the right to have a lawyer or a witness present? Why would we be establishing that kind of system, and why would the ICAC commissioner ask for that system?

I have FOIs before the Attorney-General's office to see whether the ICAC commissioner has indeed written to the Attorney-General to ask that these clauses be amended to give him the discretion to allow or not allow legal representation for someone being interviewed by the ICAC commissioner or for someone before a public inquiry. I will ask these questions of the Attorney-General when we are in the committee stage, but I can inform the parliament in advance that the opposition will not be supporting that amendment to take away the right of an individual to have a lawyer. Why would we?

I cannot think of any occasion in the state jurisdiction when an individual being questioned should not have the right to legal representation. I will be fascinated to see anyone from the government get up and make an argument about why we should deny our citizens the right to legal representation when they are being interviewed by the ICAC commissioner. No-one is saying that he should not have his coercive powers to compel you to answer, but why should you not be entitled to a lawyer?

I will be fascinated to hear the Attorney-General's explanation to the good people of South Australia as to why, in her learned experience, it is appropriate to take away someone's right to legal representation and if indeed the ICAC commissioner requested this change, because he has given evidence to the parliament previously that it is not his position, that his position is that you ought to have legal representation. It is his strongly held belief that an individual should be entitled to legal representation, but it is not, apparently, the Liberal Party's belief.

I get very suspicious of ministers who attempt to erode people's fundamental rights. The ICAC is there for very good reason: it has coercive powers to try to root out corruption, maladministration and misconduct. If we are serious about good governance in this state, those powers for the ICAC commissioner should be protected. The question then is this: is the exercise of those powers in any way going to jeopardise someone's reputation unfairly? This is why we have the closed hearings.

Given that the parliament, the government and the opposition now agree to open hearings, the question then is: what rights should you have in an open hearing which is broadcast live? Should you have the right to remain silent, the right to silence, in an open public hearing? Should you have the right to appeal the commissioner's decision to hold an open hearing? What time frame should we allow individuals who want to make an appeal? Do we allow only one appeal? Well, the government has given us their view, and their view is expressed in the amendments of the Deputy

Premier and the Attorney-General, which is that only one person is allowed an appeal right on an ICAC investigation and that they have only two days to make that appeal.

If an ICAC hearing is called by the commissioner and he calls person A and person A exercises their right to lodge an appeal within 48 hours and it is rejected, then when the Deputy Speaker is called to give evidence three weeks later all the appeals have been exhausted. You would be compelled to give evidence in public without the right to a lawyer and without the right to silence, nor would the rules of evidence apply. People will say, 'Why would you want the rules of evidence to apply in a tribunal?' Well, does it look like a tribunal? Is it acting like a tribunal, or is it acting like a court, with a former Federal Court judge sitting up there in judgement of those they are interviewing?

It is a difficult job being the ICAC commissioner and, I imagine, a lot tougher being the Attorney-General. There are many experts who fly lots of advice at the Attorney-General and the ICAC commissioner. No doubt the government is inundated by people making requests about expenditure, what they should do next, what they have done and what they disagree with, but surely we can all agree on a few fundamental rights, such as the right to legal representation. I cannot believe that in 2019 I am standing in this place arguing that we should keep the right to legal representation before an investigative body that we have established in this parliament.

There is lots of online literature about the right to a lawyer. I will refer the parliament to some which I found online and which I think they might find interesting. I do not doubt for a moment that the Attorney-General has long legal experience and knows all these references. I am sure that her table staff do as well, as do probably many members of parliament who are already esteemed lawyers. I thought that what I would do is quote a few things from the Australian government Australian Law Reform Commission about the right to legal representation and a fair trial.

The government would argue that an ICAC inquiry is not a trial: I disagree. It says at the commonwealth government site of the Australian Law Reform Commission:

It is important to distinguish between two senses in which a person may be said to have a right to a lawyer. The first...sense essentially means that no one may prevent a person from using a lawyer. The second...sense essentially suggests that governments have an obligation to provide a person with a lawyer, at the government's expense.

No-one is saying that, although I think that it is probably important in some cases. The commission site continues:

Both of these types...are reflected in [article] 14 of the ICCPR, which provides, in part, that a defendant to a criminal charge must be:

tried in his presence, and to defend himself [or herself] in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it.

That is a very broad definition of what the state should be doing. I do not necessarily accept that the state is required to provide every citizen with a lawyer at the state's expense—I do not. I think that in our country there is a very different obligation on the state. I think that what the state should be offering its citizens is freedom to choose legal representation, to have it.

Of course, if you do not want to have legal representation, you have other rights before any sort of proceeding or interrogation. But in an ICAC inquiry, if the Attorney-General's amendments pass, the ICAC commissioner can deny you those rights publicly. The thing about having a lawyer, for those of us who are not schooled in the intricacies and dark arts of the law, is that lawyers understand the motives and line of questioning that interrogators are going down. They are there to defend your rights.

They know the act probably better than most people standing before an ICAC commissioner. They are there to point out if the ICAC commissioner is exceeding their powers in terms of asking certain questions or whether a question is out of the scope of the inquiry, to reserve their right to take action later on the basis of those questions or to raise any other matter that might be pertinent to their client's defence.

I assume there is a presumption of innocence in any tribunal hearing or inquiry by the state into its citizens. I do not think that we should be allowing any sense of assuming guilt and that it is

on the individual being targeted to prove their innocence. The Australian Law Reform Commission goes on to say that:

Australian law does not recognize that an indigent accused on trial for a serious criminal offence has a right to the provision of counsel at public expense. Instead, Australian law acknowledges that an accused has the right to a fair trial and that, depending on all the circumstances of the particular case, lack of representation may mean that an accused is unable to receive, or did not receive, a fair trial.

I am not saying that an ICAC proceeding is a trial. It looks like a trial, it sounds like a trial and, at the end of the process, there is a finding and conclusions and they are published, and individuals suffer the consequences of those findings as if it had been a verdict handed down by a court. What the opposition is saying is, yes, we should have open hearings into misconduct and maladministration, but if the government is attempting to do that we should give citizens before that open hearing some rights.

I believe the rules of evidence should apply. Why? In an ICAC inquiry, the ICAC commissioner exercises extraordinary powers to search and seize documents, search computers, look at SMSs, find all sorts of wideranging documentation and then put evidence to someone being interviewed without that person knowing the source of the evidence, the name of their accuser, or the context in which that information was garnered, said, written down or sent. I do not think it is fair to characterise it as 'ambush', but in a fair proceeding, where I think procedural fairness would apply, it is important to know what the accusation against you is and who your accuser is.

The ICAC commissioner claims very strongly in his evidence that there is no accuser. He is just conducting an investigation like a tribunal or a police officer but, generally, of course we know, through the OPI process, that there is an accuser. Someone puts in a complaint to the OPI and the OPI assesses it and forwards it to the ICAC commissioner. The ICAC commissioner then looks at it and makes a decision about whether or not to investigate it, so there has been an accusation made. The OPI often requests more information and documentation, hence the accuser.

By proxy, if the ICAC commissioner accepts what the OPI has put to him or her about the accusation made, that person is then being accused by the ICAC commissioner. Things are put to them: 'Did you do this on this date? Did you speak to that person on that date?' The ICAC commissioner does not do that because he is playing some role outside of his jurisdiction. That is just the impression a reasonable person looking at this process would get from the evidence.

Interestingly, the ICAC commissioner is spending a great deal of money hiring counsel assisting. Counsel assisting are hired by the ICAC commissioner without any tender or due process. This is just something the ICAC commissioner does himself. He decides which lawyer he wants. He goes out and hires that lawyer. That lawyer could write a piece of advice on what the ICAC commissioner is doing.

There is no independence between the ICAC commissioner and the person giving the advice. There is no procurement body between the ICAC commissioner and that legal representation the ICAC commissioner has procured, and there is no limit for the ICAC commissioner, other than his budget, about how often he can engage the same lawyer or how often he can engage the same firm. There is nothing to stop that. All we have is the overseer, the reviewer, and even I think that is out of the scope of the reviewer.

The ICAC commissioner can hire counsel assisting, so I would imagine that a public inquiry would work this way: the ICAC commissioner would decide, for example, hypothetically, to investigate a minister in a government where an independent external report had found irregularities—say, a royal commission into water. Let's say, for example, that the ICAC commissioner decides to have a public hearing into maladministration or misconduct, remembering that the ICAC Act allows the commissioner at any stage to turn a maladministration or misconduct hearing into a corruption hearing. These are the mechanics of it. I am talking about the mechanics of it, rather than about the structure of the act.

The ICAC commissioner decides that he is going to take evidence in public because of media reports (which he has said in the past have triggered ICAC inquiries), a complaint to the OPI or something he himself has discovered, and so he conducts an open hearing. Witness A is giving

evidence. Witness A gives evidence that the ICAC commissioner thinks could lead to a corruption investigation. It might have nothing to do with witness A, nothing, but it is being held in public. Without the rules of evidence, without the right to legal representation, the commissioner then suspends the airing of that tribunal because he has stumbled across something that he thinks is corruption.

Witness A, with all the state's media glaring at this, all of a sudden has given an answer that has led to a corruption investigation, or are we to think that the ICAC commissioner will just simply stop airing the tribunal for no particular reason? I imagine there will be some sort of public statement. Where does that leave witness A? Where does that leave anyone else called before that tribunal? Where does that leave any other public officer who is about to give evidence? What does that do to their reputation? What does it do to their standing? What does it do to their commission to the government?

In this hypothetical scenario, witness A has given evidence to a public maladministration/misconduct inquiry that triggers something in the ICAC commissioner that says, 'This leads to corruption. Suspend the public airing of the hearings.' There are a number of ministers scheduled to give evidence before this inquiry and that has been published in advance or they have been called, whatever process the ICAC commissioner will use to call a witness to give evidence, or to subpoena people to attend, and then it is done in secret. Well, there would naturally be a clamour for those ministers to stand aside pending the outcome of the inquiry.

The Attorney-General many times when in opposition called for government members to stand aside pending an inquiry. We called for the Attorney-General to stand aside pending the police investigation into her actions. It is a natural consequence. It will become the norm unless, of course, the people before this public inquiry are given certain rights to protect their reputation.

In the end, we do not want people who have done nothing wrong, who are simply assisting the ICAC, to be devoid of any rights when they go there and inadvertently lumped in with someone else. I think this should raise a lot of concern for members of the government, especially those who prior to becoming backbenchers were very prominent lawyers.

There are a lot more definitions that I want to express my concern over to the house. One thing that occurred to me during the evidence that the ICAC commissioner gave to us during the Crime and Public Integrity Policy Committee's investigations into how an ICAC public hearing should conduct itself was that, if you were an outside observer, a reasonable person looking at the proceedings, you would assume that there would be these rights in place for the person being interrogated, who was the subject of the maladministration inquiry, and anyone else giving evidence. That is what happens generally in an adversarial system: the judge sits in judgement, you have two opposing sides and they share all the information they have; witnesses have rights, lawyers are there, they understand the statutes and they represent their clients without fear or favour.

What does it look like to have a public hearing where you do not have these rights? Would that body look as if the rule of law applied? Would it look as if the body conducting the tribunal were operating under the Westminster and common law traditions we would expect of any form of investigation? For example, very popular on late-night television (and very popular with my wife) are law and order shows, where they show past investigations of what has occurred. They show police interviewing and interrogating witnesses.

I think it is pretty common now in the psyche of South Australians that people are entitled to fundamental rights. Whether it is because of television or people availing themselves of their rights, they expect the state to offer them certain protections when being investigated. Let's say you are accused of theft, or you are accused of mismanagement in a civil case, and police are investigating fraud because money has gone missing, there have been irregularities in transfers of money and the ATO has recommended investigations, etc.

What you see in that sort of inquiry is witnesses being cautioned. They have a lawyer there and it is taped. They have the right to silence and, if any accusations are put to them, they do not have to answer then and there. They can say that they choose not to answer, and then, if it does go to court, there is full discovery between both sides—fair process. If one person is found to be guilty, the independent arbitrator, the judge, applies the sentence set out by the parliament through statute. They apply the law independently as they see fit.

If the same person watching that process watched the ICAC process in public, what would be missing? The right to a lawyer, the right to silence, the right to know who your accuser is, the right to know what the evidence is against you and, at the end of it, a finding that could cost you your employment. There is a very real penalty at the end of a maladministration or misconduct inquiry, let alone the stigma attached to people who give evidence before these inquiries about whether or not they are somehow implicated in the investigation.

I looked up what the 'rule of law' means. Again, I am not a lawyer; I am just a member of parliament. I looked up a number of resources, and one definition is:

Rule of law, mechanism, process, institution, practice, or norm that supports the equality of all citizens before the law...and more generally prevents the arbitrary use of power.

Arbitrary use of power, it goes on to say, is typical of various forms of despotism or authoritarianism. I am not accusing the government of that, but if this body takes away from its citizens—and only some of its citizens, those employed by it and therefore defined under an act of public officers—the rights we all enjoy as citizens, I do not think the public want this parliament to do that. I do not think the parliament wants us to go through a process where an individual could have their reputation ruined unnecessarily and unfairly because we have denied them certain rights every other citizen enjoys in any other investigation.

There are some times when we do legislate to limit people's rights. We compel people to submit to a medical examination on the side of the road if they are driving. We say, 'You must take this medical examination. You must give us your breath or blood for analysis.' We give police officers a general search warrant—the only place I think in Australia where they have that type of power. It is a good power and it is used well by South Australia Police, probably exercised by the member for Elizabeth in his past.

The ICAC commissioner enjoys the secondment of police officers who have general search warrant powers and they are able to search and arrest. The question then becomes: do we allow the parliament to move down this path, where we go from closed inquiries, where the commissioner does their investigation and makes a recommendation? Remember, the commissioner is not a judicial officer anymore; he is a member of the executive. He works for the government. This is a very important point.

Should a member of the executive have this type of power? The parliament has said yes, and I agree with that, but in secret. The parliament has also said that there is the option of having it open and I agree with that: it should be open for maladministration and misconduct. Then we get to the tough part. If we are prepared to move inquiries into the open, where investigations and forensic examinations are done in public without there technically being an accuser, without legal representation, without the right to appeal to a higher court, to have it done in secret because this parliament has said so, I suspect the public would not agree to that.

I think the public do want these inquiries held in the open because they want more transparency in government. That does not mean that they want their rights eroded. You might say, 'This doesn't affect the general public; it only affects public officers,' but the definition of public officers can be broad. Is a contractor contracted by the government a public officer for the purposes of the ICAC Act? Yes, the Attorney-General says. So the person mowing the lawns for the council is a public officer. Are volunteers who volunteer at councils or bodies governed by an act of this parliament public officers for the purpose of the ICAC Act? I do not know. I do not have the expertise to give an answer to the parliament. The scope creep or the mission creep here is what really concerns me.

The opposition will not be voting for the Attorney-General's amendments in terms of the right to a lawyer or the right to have an appeal or, indeed, more rights that we think need to be defended. I have some notes here which I want to read to the parliament which I think are important. I get back to my initial point: I think the Attorney-General is on the right track with open hearings. I think it is fair to say that the debate has been won on open hearings, but I get back to the conflict between what the ICAC commissioner has told us and what the government is telling us, and it makes it very hard for the parliament to make an informed decision on that basis.

When the Crime and Public Integrity Committee handed down its report in 2018, as I said earlier, the committee made eight recommendations. I have to say on that point that the committee was very collegial and very bipartisan. We were ably chaired by Hon. Dennis Hood, who gave great scope to the committee to interrogate and ask questions of witnesses and interrogate ideas and principles. We were ably assisted by the member for Kavel, who has a longstanding history in the law and is highly respected on the committee, and the Hon. Frank Pangallo. The Hon. Frank Pangallo understands the role of media in uncovering sensational news, corruption and wrongdoing, and he too was a very good help to the committee.

The Hon. Justin Hanson and I were very interested in the evidence from a number of people. I think the evidence that helped us the most in formulating our views was that of the ICAC commissioner himself. His evidence was very illuminating. The Ombudsman also gave some very interesting evidence, and I will talk about the Ombudsman in a moment. I thought the Law Society's evidence was excellent. I have to say that I was not always a fan of the Law Society, not because of my 20 years' experience as a Justice of the Peace—

**Mr Odenwalder:** Unrivalled.

**The Hon. A. KOUTSANTONIS:** Unrivalled.

**The Hon. V.A. Chapman:** I have to fix that.

**The Hon. A. KOUTSANTONIS:** Again, the arbitrary use of power. It is totalitarianism in action.

**The Hon. V.A. Chapman:** I could promote you.

**Mr Odenwalder:** North Korea.

**The Hon. A. KOUTSANTONIS:** North Korea, yes. If only I were just to be obeyed, the sky would be the limit. The Law Society's evidence was very measured. I have always thought of the Law Society as a group of civil libertarians who want to give as many rights as possible to the accused over the victims. As the Law Society was giving their evidence, their common sense overcame me. I thought, 'These people are making sense.'

**An honourable member:** An epiphany.

**The Hon. A. KOUTSANTONIS:** It was an epiphany, and I was not even on the road to Damascus. It is interesting that the ones who are laughing are the ones who want to take away legal representation from the accused. Their evidence focused very strongly on the right to a lawyer and, if you have a lawyer, what a lawyer should be able to do. Should a lawyer be a silent witness to what is occurring, or should a lawyer have the right to ask questions, interject, make points to the inquirer, instruct their client and tell their client what they can and cannot do? I thought these points made a lot of sense.

Of course, the question then is: what is the harm in allowing someone who is being interviewed to have these rights? None of the evidence in an ICAC inquiry is necessarily used later on if the DPP or anyone else wants to take any action. If the ICAC commissioner uses his coercive powers, I understand that that makes it very difficult for it to be submitted to a court as evidence. The question then is: if you cannot use that anyway and it is just a tribunal—although it has consequences in terms of your employment and therefore your ability to make money and be employed subsequently, because the government does publish a register of people who have been found guilty of maladministration and misconduct—why should you not be afforded these rights?

The ICAC commissioner says to us that it would make the ICAC public hearings unworkable. I disagree. I think it would make the ICAC work better. I think what the ICAC commissioner is attempting to do—and I will go back to the other evidence I was given—is run public hearings as an educational tool for other public officers and show the public that the work he is doing has merit. I think this is a valuable thing to do, but what is the cost of doing that? The government gave considerable resources to the ICAC commissioner but not to the Ombudsman, and the Ombudsman does the majority of the maladministration and misconduct inquiries; indeed, they are referred to him by the ICAC commissioner.



There is a very large imbalance between the budget and the counsel that the ICAC commissioner has at his disposal, compared with the Ombudsman. The Ombudsman questioned the benefit of the large injection of money to the ICAC commissioner. The ICAC commissioner responded to that. To be fair, I refer you all to *Hansard* to read that exchange between Wayne Lines—a person of great respect—and Commissioner Lander. I think the parliament holds Mr Lines in high regard, as they do Commissioner Lander. I think both men gave very good evidence.

I think the committee was also helped by the evidence of Michael Abbott QC, someone with a long experience in royal commissions and ICAC and someone who I think understands the workings of ICAC and the potential for ICAC to overstep its authority and the potential for ICAC to inadvertently ruin someone's reputation.

Being politicians, there is not a lot of sympathy for us as it is. But forget politicians. The public servant—who is just aching to do good; all they want to do is serve their state, serve the public, do their job, feed their family, pay off their mortgage, get ahead in life and provide the very best advice they can to the government—can be dragged through very expensive, very emotionally stressful inquiries, and often they come to nothing. Sometimes they come to something, but often they do not.

I know of a public servant of the highest integrity (I will not name them), and I thought an excellent asset to the state, who was put through the literal hell of a maladministration inquiry, not through the fault of the ICAC commissioner or the Ombudsman but just through the process. The process does that to you; it is very onerous and very intimidating. Whenever some says to you, 'If you have done nothing wrong, you have nothing to worry about,' you should be worried—you should be very, very worried. I have grave concerns about the path that the Attorney-General is taking us down. I wonder whether her heart is actually in it. We will find out in her response.

The bill has been delayed a fair bit; it has been delayed for a long time. I hope it was because the government were considering the amendments from the upper house and that there was some real debate behind the scenes about whether or not the Liberal Party actually supported the changes that the Attorney-General is putting forward. It seems to me that they do. I wait with interest for her response.

As I said earlier, the Crime and Public Integrity Policy Committee unanimously made recommendations. On that committee were two Liberal MPs, brave Liberal MPs, who I thought exercised the true spirit of the Liberal Party by exercising their independent will and added to the report, which I think is a very good report. If you are interested in the ICAC and how it operates, spend a winter's night reading the Crime and Public Integrity Policy Committee inquiry into the ICAC and the recommendations we made. Read the evidence of the Hon. Bruce Lander QC, Michael Abbott QC and Wayne Lines—I am not sure whether Wayne Lines is a QC—the Law Society and, of course, the Bar Association. I thought the Bar Association's submission was the most telling.

**The Hon. V.A. Chapman:** Have you read their one on QCs?

**The Hon. A. KOUTSANTONIS:** No doubt they liked what you did there—a whole conga line of people lining up. Anyway, the Bar Association raised some serious concerns. The individuals who gave evidence on behalf of the Bar Association are held in the highest esteem by our community and I think have had a celebrated career. Can I say quietly that I do not think he is a big fan of the Labor Party. This individual gave some very good evidence and I refer members to that evidence. I have always thought that he was the conscience of Liberal lawyers.

**The Hon. V.A. Chapman:** Who are we talking about now?

**The Hon. A. KOUTSANTONIS:** I won't embarrass him. I think that the idea of the reform the Attorney-General has been asked to make on behalf of cabinet to the parliament really offends that sense of what the Liberal Party stand for.

Whatever you say about the Liberal Party, whatever their faults, they have always stood up for the individual, always: the little guy and the forgotten suburbanites. That is who they have always claimed to stand up for. They are Menzies' 'forgotten people'. These people run small businesses. They are public servants. They are contractors to government. They are people who can be easily defined as a 'public officer' for the purposes of the ICAC Act.

The idea that a rule of law in a public inquiry could be suspended by this parliament to allow people to be subjected to a very stressful and potentially embarrassing and humiliating process, not through any fault of the inquiry but just by the nature of the process, I think goes against the values of the Liberal Party. No doubt we will hear tomorrow from many speakers on their view and value of a right to a lawyer.

As I said, we support the concept of open hearings, but I think we have a responsibility to protect those people who have been adversely affected, or may be adversely affected, or have their reputations adversely impacted by a trial of the nature of a public hearing. I asked the ICAC commissioner when he appeared before us about the structure of public hearings. At page 367 of the transcript of the Legislative Council Crime and Public Integrity Policy Committee hearing held on 27 August, I said:

In considering all of this—and I said this to Mr Duggan—a lot of this is about nothing really because, while we have you as our ICAC commissioner and Mr Duggan as the overseer, I think you are largely right that there is procedural fairness in place and that—

Mr Lander then said, 'Good to hear from you, Mr Koutsantonis.' He was very impressed that I said that. I said, 'Well, I have never stated otherwise.' Mr Lander said, 'No, I am not suggesting you did... I am happy to hear it.' I said, 'And I have been subjected to,' and then Mr Lander interrupted. I was saying that I had been in an ICAC inquiry and he said, 'I know. That's why I am happy to hear you say it.' I then said, 'But what does concern me is when you go. When you go,' and Mr Lander then said, 'You mean leave the office, do you?' I said:

Leave the office, I meant, yes. I hope you get to enjoy your retirement when you do go. Everything you have said to us in your submissions sounds completely reasonable and fair. My concern is when you are gone, when we don't have a former Supreme Court judge and Federal Court judge and QC with the experience that you have and an overseer of the quality of Mr Duggan, who has also been a jurist, overseeing operations, and we get, for example, someone who is not as sympathetic to the rule of law as you are, not as sympathetic to natural justice as you are.

I struggle to see within the act—

that is, the old act that the government first tabled and referred to the Public Integrity Policy Committee—

where the parliament can point to that enforces all the principles that you support over a lifetime of being involved in the law. The parliament has great confidence in you and Mr Duggan. I think the committee has a great deal of respect for Mr Abbott and Mr Lines, and we've got this conflict. So, the question I would put to you is, now that you will be given more powers, you have given us I think advice on the right to legal representation, which I think is significant. I don't know why that wasn't included in the drafting. You have told the committee you were consulted on the drafting...

That is an important point I want to make here. The ICAC commissioner, on the Attorney-General being sworn in, consulted the new government on the drafting of the first bill, which did not codify the right to a lawyer during ICAC proceedings in public. I then asked the commissioner:

Did you make representations to the government that that should be changed then?

Mr Riches then interrupts and replies, 'We have raised that already.' Then I say, 'While it was being drafted, I ask.' Mr Lander says, yes, he did make representations. He then says, 'We've made some representations,' and then I say:

Obviously, the procedural fairness and natural justice should be enshrined in this legislation?

Then Mr Lander gives me a lesson in the law, as he should. He says, 'The procedural fairness should be, yes.' Then I ask the next silly question, 'Not natural justice?' Then he says they are the 'same thing. They are for courts. Don't put natural justice in; you will confuse me with a court'. Then I say that it is an interesting point that Mr Lander makes. He is not a court: he is a tribunal, he is an inquirer, he has powers to investigate and we have made that clear. I then say:

The part I want to get to the most—because I know we are running out of time—is the right to silence. I have to say, Mr Lander, that I imagine the very impressive capital works you have been conducting on the public hearing facility will have you on an elevated podium—

Mr Lander then says, 'Slightly,' so he will be elevated, much like you are, sir. Then I say, 'Slightly, with perhaps a crest in front of you, perhaps witness boxes.' Mr Lander then says, 'Probably.' I then say, 'Yes; it will look a lot like a court.' Mr Lander then says that, yes, it will look like a court, yes. I then say:

It won't look like an interview room in a police station, where an investigation is conducted. It will look like a court, and the person overseeing that is [the Hon.] Bruce Lander QC, former Supreme Court judge, former Federal Court judge, eminently respected. How is a member of the public meant to distinguish that, between an investigation and a trial?

Remember, we are talking about a reasonable person at home watching this on television or watching this online. I think the Attorney-General would say, probably rightly, 'Well, people aren't stupid. They can tell the difference between an investigation and a trial.' I do not think people are stupid, but I will point you to Mr Lander's answer:

I'm not sure how to answer that...Do you appoint someone who is not suitable for the job, who wasn't previously a judge...

And that is the point. The people we appoint to these positions are eminently respected by both sides of politics and the parliament, the community and the legal profession. They are wise, they understand the rule of law, they understand the rights of witnesses, they understand how investigations work, they have sat in courtrooms their entire lives and they are experts on the law.

We are building a system around these eminent people where they sit in elevated positions with crests in front of them, with witness boxes and counsel assisting, in the public, where people before them have no right to silence, no right to legal representation and can incriminate themselves. Who are the public going to believe? What happens to reputations? It is not enough to say that if you have done nothing wrong you have nothing to worry about. Reputations matter.

I will make an aside. There is this theory now of the permanency of the internet. Before, there were newspaper clippings; now, there is the internet. When you google the Attorney-General, the entire legislative framework of her entire political career comes up. It is the same with me—the good and the bad.

**Mr McBride:** Mostly bad.

**The Hon. A. KOUTSANTONIS:** Thank you, member for MacKillop, for that very generous interjection. When you google the member for Morphett, you get about two lines on his football career and the rest on his appalling career as a councillor. He was a Collingwood footballer.

Anyway, the point I am making is that reputations are enshrined online now forever. What is the first thing an employer does when they want to hire you? They receive your CV, call your referees and, I bet you, search for your name on the internet. Some of them might even ask for police clearances, which is probably the appropriate thing to do.

What I am saying is that, whether or not you have done anything wrong, whether or not there has been a finding against you, participation here—without legal representation, without any rights, in a public hearing—could lead to dramatic reputational damage. This parliament, in the rogues' gallery in the members' lounge, is littered with members of parliament who lost by 20 or 30 votes. They have had their reputations destroyed unfairly through media scrutiny or otherwise. Forget the MPs—we deserve it, but does the public? Mr Lander goes on to say:

The act requires a person to have certain qualifications to be appointed as commissioner. Of course—  
and this is important—

some people will mistake an administrative decision-maker for a court—

Even the commissioner concedes that a public hearing may be misinterpreted by reasonable people as a court. He goes on to say:

...that happens all the time. There are many tribunals in South Australia where people think they are courts, but they are not courts: they are administrative decision-makers. Look at SACAT...they look like courts, they sound like courts, but they are not courts.

Far be it from me to disagree with the Hon. Bruce Lander QC—and I will not—but SACAT does not have coercive powers to compel you to give evidence, and you can have a lawyer present when you are at SACAT, I think. I said:

...if it's done in public—

that is, an ICAC inquiry—

without the protections [afforded to you] in a trial—like the right to silence, like the right to discovery, to know who your accuser is—and I understand the difficulties, what Mr Duggan outlined, that investigations evolve, so you gain information. I think there is a question we need to understand of how you would do discovery in an investigation—

Mr Lander then corrects me and says:

Mr Koutsantonis, we are going back to where we started. There is no accuser. An investigation doesn't have an accuser: an investigation follows the evidence and it follows the evidence wherever it goes. The administrative decision-maker is not an accuser. He or she is a decision-maker, so there is no accuser and you just follow the evidence.

I said, 'But surely the public would perceive you as the accuser,' and Mr Lander then says:

Well, they shouldn't...We're getting confused again. It is not a question of discovery—

I laboured this point about discovery, that is, knowing who has made an accusation against you, the context of that accusation, when it was made, who else heard it made and whether you can cross-examine the person who made the accusation against you to defend your good name in a maladministration inquiry. These are all things that are subjective and entirely up to the commissioner. There is no statute that compels or gives anyone the right to call these people and cross-examine them.

For example, Mr Deputy Speaker, if the government does the right thing and promotes you into the ministry and you become a minister and someone makes an accusation against you, should your lawyer not have the right in a maladministration inquiry or a misconduct inquiry to cross-examine that evidence being given to the tribunal? There is no such right in this ICAC inquiry that we are establishing now, and I think that is a grave concern.

What we have here is a political imperative getting in the way of people's rights. It is not the Attorney-General's fault because the weight of public opinion pulls us towards public hearings, which we all support. The question for us is: how do they operate? Mr Lander says:

The person who may be subject to the adverse decision gets all the relevant documents—

says who?—

all the relevant evidence before the decision is made, and that person, in the procedural fairness process, has an opportunity there to say, 'Look, I want to give further evidence myself, I want to cross examine this particular person, I want these documents, I want further documents.' All of these have been exercised in the two matters upon which I have reported. That is when they get discovery, as you call it.

What the commissioner is saying there is that he conducts his inquiry, makes a finding in a draft form and then provides it to the individual. Imagine this all in public. It is completely at the discretion of the commissioner whether or not you can cross-examine the people who have given evidence that the commissioner has relied upon to make that finding. It is not a right, but a discretion, like having a lawyer. I think that, if it is being done in public and being broadcast, people have a right to defend themselves.

The member for Narungga was also on the committee. He is a quiet achiever and someone who surprised me with some of the questions he asked, as I did not think he was that interested in the ICAC. I do not mean it in a disparaging way; I mean it in a good way. I think he was very keen to assist the government, which disappointed me no end.

The problem with a public hearing without any rights for witnesses or the accused is what happens in reality. What happens next? Let's play this out. We are all professional politicians in here and I think all our public servants are relatively well schooled in the realities of public life.

The realities of public life mean that, if you appear before an ICAC inquiry without a lawyer, without the rights that I have articulated, and there are adverse findings against you, and then some day later—two, three, four years from now—you exonerate yourself in a court, it is all for nothing because the caravan has moved on. The reputational damage is done. The earning capacity has been ruined. The public servant's career is over.

Some of us may think that a maladministration finding is not that consequential to a career, and it might not be to some. Indeed, the government has appointed as a chief executive someone who has a maladministration finding against them. That is their right. That is their absolute right to

do so, but the question then becomes: at what cost do you attempt to exonerate yourself? If these things are done in private, is it that the rights are not as pertinent because there is no reputational damage? If there is a finding of maladministration or misconduct there are avenues, but in public, while it is playing out day by day, blow by blow, there is no return from reputational damage. There is none. It is over.

People might say, 'Well, who cares?' I have to say that there are people I meet in my constituency who say, 'Why do criminals, or anyone, get rights when they are being investigated by police? They should have no rights. If you have done nothing wrong, you have nothing to worry about. You should not have a right to a lawyer. You should not have the right to silence. Gaol terms are not long enough.'

Well, the reason we have gone down this path is that we have built this democratic society on the basis of some principles, and one of those is the rule of law. I fear that we are chipping away slowly at those pillars that have built South Australia, Australia and most western democracies in the pursuit of political populism or, even worse, convenience, because principles are hard to defend especially when it is inconvenient. The fundamental rights that an individual living in South Australia should have are the right to legal representation and the right not to be humiliated publicly unfairly even if it is inadvertent.

If the state keeps chipping away at it, what is next? Where else do we go? What else do we take away? Do we start removing privilege? It has been suggested at the Crime and Public Integrity Policy Committee that privilege be removed. The commissioner himself argued that privilege should be weakened for members of parliament, that they can have their comments investigated. Well, I do not support that. I do not think that any member of this house supports that because the pillars of this place support our democracy.

I was heartened to hear the commissioner say that he wrote a paper in the 1960s on the supremacy of the parliament, and he wrote it because he believed that the parliament was supreme and that he believed very passionately in parliamentary privilege, and I think that those safeguards we have in place are there for a reason. It is our job, as custodians of South Australia for the brief time that we are here, to make sure that we protect the rights that we ourselves take for granted and to make sure that all South Australians have those rights shared among them, but I do not want this to be confused that I am arguing against public inquiries. I am not.

I support public inquiries. I support the Supreme Court having cameras there. I support the Magistrates Court having cameras. I support justice being done in public. What I do not support is the erosion of rights inadvertently. I do not understand how we can get to this point, where there is a clamour from a properly elected government to do this, and why there is not more outrage, and why there is not more dissent, and why it is just coming from the opposition and the crossbenches.

I have known professionally the member for Bragg since she was elected in 2002. I think she is a fierce, independent thinker who is passionate about the Liberal Party and the things that she wants to do. I suspect that, if the Attorney-General were on this side and if we had attempted to do this—public hearings without legal representation, without the rules of evidence applying, without the rules of the Magistrates Court applying—there would be a thundering speech. It would be an eloquent speech—better than mine because I do not understand the law as well as she does—about the rights we are watering down. I do not understand why there are not more Liberal MPs making the same speech, better than me, about the same issue, because there is no justification for it—none.

Even the ICAC commissioner thinks I am right. He said so to the parliament. I am not quite sure how the Attorney-General can rely on the ICAC commissioner's correspondence or advice, because he has been very clear to us on two occasions on the same day that everyone should be entitled to legal representation.

This could all be for nothing. The government could be preparing not to proceed with those amendments—I do not know. There might be further discussion about this. I am not sure how well debated this has been in the Liberal Party caucus room or within the forums of the Liberal Party, but I do know that there is a great deal of concern outside and inside this place about what the Attorney is proposing. It is not hostility towards her; I think it is a fundamental confusion about why this is being done and what is the benefit. How does the parliament or the ICAC process benefit from denying

people legal representation, the right to silence, the right to appeal? How does that lessen the process? Is it more expensive; is that the reason? I do not know.

The member for Kavel made some very good points, and I wish to quote them to the parliament because I think it is important that the parliament have the benefit of the evidence given by the ICAC commissioner in response to the member for Kavel's questions. The general sense of it is that the ICAC commissioner went to great pains to explain to the committee and rebut the concerns that Mr Abbott raised. I do not want to mislead the parliament or misrepresent either of these two men, who are much more qualified regarding the law than I am, but I think what Mr Abbott was summarising to the committee was that the thing about these inquiries, Mr Abbott claimed, was that they start backwards. I do not know whether or not that is true.

Mr Abbott claimed that the idea of an inquiry that is basically trial by ambush is unfair and undemocratic for a number of reasons. Mr Lander rebutted Mr Abbott's commentary, and it is open to parliamentarians to read and make their own decision about who was right and who was wrong. I was in agreement with a lot of what Mr Abbott was saying, and that is not a criticism in any way of Mr Lander, whom I hold in the highest regard. This is the bit I want to read out. This is the ICAC commissioner giving us his prepared statement on page 351. He says:

Mr Cregan asked Mr Abbott whether it is difficult to achieve procedural fairness and natural justice without the rules of evidence. Mr Abbott replied—

**The DEPUTY SPEAKER:** Member for West Torrens, you probably should refer to Mr Cregan, even though you are quoting, as the member for Kavel.

**The Hon. A. KOUTSANTONIS:** My deepest apologies. The member for Kavel:

...asked Mr Abbott whether it is difficult to achieve procedural fairness and natural justice without the rules of evidence. Mr Abbott replied:

'Some of them, yes. It depends what degree of natural justice. You see, the ICAC commissioner, I think, regards his obligation to accord natural justice as pretty light on. I don't think he regards the obligation of natural justice as encompassing full disclosure of every statement that might be adverse to a person in his investigation.'

Mr Lander goes on to rebut that and takes quite a bit of offence at what Mr Abbott said. Let's get back to the important principle. Do you have procedural fairness if you do not have an opportunity to rebut the accusations against you? My view is, no, you have not had procedural fairness. Does that matter? The ICAC commissioner, in the nature of the act—I am not saying he would do this; let's be very clear that I am not accusing him of doing this—could quite easily find you guilty of maladministration or misconduct, not afford you procedural fairness and claim that he did. Four years later, a court agrees with you, but in four years' time things have moved on. This gets down to the fundamental point. Mr Lander answers that, quote:

With respect to Mr Abbott, there are a number of misstatements of law in that answer. There is also a misstatement of fact. Firstly, procedural fairness and natural justice are the same thing. When you talk of natural justice, you are talking about the process in the court. When you talk of procedural fairness, you are talking of the process before an administrative decision-maker. But they are essentially the same thing.

The High Court has said, when dealing with a consideration of an administrative decision-maker's obligations, one should talk of procedural fairness. In speaking of a court's obligations, one should speak of natural justice. That is the reason for the use of the two terms but, from my point of view, the question is procedural fairness.

Are there degrees of procedural fairness? I am not sure I am qualified to answer that. I think the answer is no: either you are accorded it or you are not. If you are not accorded it, then you have not received it. If at any time during any process through any matter procedural fairness is not accorded to someone, then you have not been given the fairness that I think is required for such an inquiry. The ICAC commissioner himself agrees with me on this. He says:

Putting aside the fact that we are talking about procedural fairness...Procedural fairness and natural justice do not go by degree. When an obligation is imposed on an administrative decision-maker to accord an interested party procedural fairness, the decision-maker either complies with that obligation or not; that is to say, the decision-maker either provides the interested party with procedural fairness, or the administrative decision-maker fails to comply with the obligation to provide procedural fairness.

There are no degrees of procedural fairness. The content of procedural fairness will depend upon the nature of the inquiry and the manner in which the investigation has proceeded.

That is important. There are no degrees of procedural fairness. The content of procedural fairness will depend upon the nature of the inquiry. I read 'the nature of the inquiry' also to mean whether it is public or in private. They are very different. In a private inquiry, there is no risk of reputational damage or being unfairly tainted with a particular outcome.

If the ICAC commissioner himself believes that you should have a right to a lawyer and that procedural fairness is either given or it is not—there are no degrees of it—and it depends on the nature of the inquiry, why will the parliament not allow people to have that right? I think it is important to remember that, when you have the ICAC commissioner making these arguments, it is incumbent upon all of us to understand exactly what the consequence of the government's amendments will be.

It will mean that in a public inquiry, when someone has already exercised their right of appeal, someone new being called to that inquiry has no right of appeal to a higher court to attempt to have it done in private and will have no right to legal representation. Therefore, that person will not be accorded procedural fairness, will not know who their accuser is and will not be able to cross-examine witnesses or evidence that is given against them. The outcome is final and the damage is done. Mr Lander says:

Mr Abbott was asked by [the member for Kavel] whether the Supreme Court Rules or other rules of court ought to apply to aspects of this process. Mr Abbott agreed that some of the Supreme Court Rules could well apply. The Supreme Court Rules have no application to an inquisitorial investigation. [They] are designed to provide for the exchange of information and the holding of a trial in a dispute between two or more parties who have, as I have mentioned earlier, identified the issues upon which they were seeking the court's adjudication.

Mr Lander claims:

The Supreme Court Rules have no application to anything I do. They only apply to adversarial proceedings. There are some rules that the Supreme Court have made in relation to application for warrants, but they are special in relation to the application for warrants and they are appropriate.

What Mr Lander was telling us is that inquiries cannot operate under the rules of evidence or the Supreme Court Rules because of the adversarial nature of an inquiry, where the prosecutor and the defendant have access to the same information. However, I would take people back to my starting premise; that is, how does a reasonable person distinguish between ICAC being a trial, or a court, and being an inquiry? I do not think you can. I do not think a reasonable person can distinguish between the two. The question then for us is: why not give them these rights?

I do not think these amendments that the Attorney-General has submitted to the parliament today will pass the Legislative Council. I think they will fail. I think the Legislative Council will hold firm. I think there are some reservations from members in this house, but I think they will vote for the bill, so I think that the Labor Party will be unsuccessful in stopping the amendments that the government is moving—and I see some members nodding. That is a shame.

It is shame for a couple of reasons. The opposition does not do this to hamstringing the government, stifle the government or stop the government from fulfilling its election commitment of an open hearing. We do not want to do that. We agree that there should be open hearings. We agree that the ICAC should conduct maladministration and misconduct inquiries in the open, if the commissioner thinks it is appropriate. I go back to my point, without wanting to labour it over and over again: you cannot do that without rights because the impact on ordinary people could be devastating.

In broad terms, the amendments that succeeded in the Legislative Council were as follows. A commissioner must head any public inquiry; that makes complete sense. It inserted a review of its operation by the Crime and Public Integrity Policy Committee; again, I think that is a very sensible recommendation because it is important that the parliament maintains its very strong oversight of the ICAC. While Commissioner Lander is there, I do not think we have anything to be concerned about, but the moment Commissioner Lander leaves and there is a new appointee there is always a time of bedding them in. Of course, as we have seen in examples in New South Wales, some ICACs can go off the rails because of the extraordinary powers they have.

The next amendment that was successful in the Legislative Council was that the person heading an investigation, and this codifies it, must act in accordance with the principles of procedural fairness:

...in the case of a public inquiry an examination of a witness must be conducted in accordance with the rules of evidence, practices and procedures applicable to witnesses giving evidence in summary proceedings in the Magistrates Court...

What is wrong with that? If the commissioner finds that too cumbersome, he can hold the inquiry in secret—no problem. All we want it to protect people from any public humiliation or reputational damage.

We want to codify, and the Legislative Council has agreed to this, that a witness in a public inquiry can call their own evidence and is allowed to be represented at the examination of other witnesses. Why would you want your lawyer present while another witness is giving evidence? To cross-examine them; it is obvious. You want them there to make sure that everyone is afforded procedural fairness.

If you make an accusation against someone in an ICAC inquiry, it deserves to be tested if it is in public; if it is in private, that is a different matter altogether. The question for us is: do we allow the Attorney-General to deny public officers the right to do that? I do not think we should, and the Legislative Council agrees with me.

The government has filed amendments to the bill that appear to undo almost all the work of the Legislative Council, and this is where it gets very tricky for me. I have not had the benefit of hearing publicly from the ICAC commissioner that he supports the amendments moved by the Attorney-General. If the Attorney-General has any correspondence from the ICAC commissioner, or anything that can assist the house or the opposition in understanding what the ICAC commissioner is attempting to achieve through his representations to the Attorney-General, we would be pleased to see it.

All we have is the ICAC commissioner's public statements previously to the Crime and Public Integrity Policy Committee, where by and large he did not agree with some aspects of the rules of evidence. We accept that, but he did agree to the right to legal representation to be unfettered. I would like to know exactly how we got to this situation, where there seems to be some sort of either misunderstanding or conflict between the Attorney and the ICAC commissioner. There might not be; they might both be in total agreement, but if there is some misunderstanding we have been told something that is not true. That needs to be corrected—and quickly.

Let's work this back a little. The parliament tasked the Crime and Public Integrity Policy Committee to do an investigation into the ICAC Act. We went away and, like diligent little members of parliament, we held inquiries, we took evidence and we made recommendations. That evidence—by the ICAC commissioner—told us that it was safe and appropriate to recommend that legal representation be unfettered, and now we are being told something different.

If the committee was told one thing and something has changed, we would like to know what has changed. Has some advice been offered to the ICAC commissioner or to the government that says that this process somehow is unworkable? We would like to know what it is because—and we are not trying to be difficult here—we are actually trying to get an outcome.

I am advised that amendments Nos 1 and 2 can be considered together, as they are to remove the ability for the Supreme Court to extend a time limit for appeals, so we are limiting the powers of the court. It will have the effect of allowing a single appeal only one ground of jurisdiction on whether to hold that a public inquiry was properly made. Why? Why should anyone being told to give evidence to an ICAC inquiry have this right denied them? Let me put it another way: why does one person get this right and others do not? Why is it afforded to only one person and not everyone? How is that procedurally fair?

If an inquiry into maladministration is conducted, the ICAC commissioner sets out his list of witnesses, sends out his subpoenas and says, 'Under this clause of the act, I require you to give evidence, so please present to 55 Currie Street,' or wherever he is going to build his new courtroom to hold the inquiries. In the first two days, one person appeals, the court hears it, game over; they lose and it goes to an inquiry. Through the operation of the procedure, the ICAC commissioner calls someone else.

That other person cannot avail themselves of the same rights as those of the initial people who were called to go to the Supreme Court to lodge an appeal that the decision was properly made



to hold this inquiry in public. How is that fair? Why does the government want to stop that? What impact does that have on the government for open hearings? It has none. It just means that all citizens are equal before the law. They have the same right as everyone else appearing before that inquiry by the commissioner. Why would we not support that? Why would the government want to take that away? In my experience, the Legislative Council are not the most agreeable to making changes. They are the ones who inserted this, so why would you want to take it away?

Amendments Nos 3 and 4 relate to appeals regarding decisions of suppression and reduce the time a person has to make an appeal to two business days. Two business days is a very short period of time. You have to find a lawyer and you have to brief them. Remember, at this stage you do not have a lawyer, so you have to find a lawyer and brief them, but you have only two days. To fully digest the implications behind a decision, engage legal representation and have your legal representative respond to that decision is not going to happen in two business days. You would have to have counsel already engaged. Of course, under the government's amendments, that can be denied you by the ICAC commissioner. They are not seeing what is going on, but you have only two days to lodge an appeal. It is hardly fair.

I understand that the Hon. Kyam Maher asked the representatives the government made available to brief the opposition whether a person could file an intent to appeal and provide a full submission at a later date. We are advised that the officers did not know the answer and that we would be advised here in the parliament, so I look forward to that.

Additionally, the Hon. Kyam Maher asked during the briefing whether the government could point to a single other example where appeals to the Supreme Court are limited in this way, an example of a precedent that the government is following to point to practise somewhere else where this operates so we know exactly what the thinking is, but the government could not. Do you know why? Because there is no other example where it is limited to this level.

I go back to my first principles. Why? Why would the government want to do this? Why does the government want to limit the right to an appeal to two days? What benefit does that give public hearings? I think it does one thing: it has the outcome of stacking it against the people who are appearing, which is not exactly fair.

Amendments Nos 7, 9 and 10, to be moved by the Attorney-General, are at complete odds with the spirit of the amendments and the bill given to us from the Legislative Council. They are the antithesis of what the Legislative Council thinks should happen in an open hearing.

**The Hon. V.A. Chapman:** Which ones did you say?

**The Hon. A. KOUTSANTONIS:** Amendments Nos 7, 8, 9 and 10. The effect of amendment No. 7 that the Attorney-General wants us to accept—sorry, that she will impose on us because we cannot stop it—is to delete the requirements for the rules of evidence, procedural fairness and Magistrates Court proceedings. Further, the amendment specifically specifies that the rules of evidence and procedural fairness explicitly do not apply. The ICAC commissioner thinks procedural fairness should apply. He does not think that the rules of evidence should apply but he does think that procedural fairness should apply. Let's unpack this.

Why does the government want to remove the procedural fairness that is ensured in statute? What is the benefit to the act? How does it benefit anyone? Who does it benefit? The ICAC commissioner says that it should apply. He said so in evidence. So who drafted this? Why would you not want procedural fairness to apply? I would have thought any government that wanted to get re-elected would tell its citizens, 'Of course procedural fairness should apply.' The ICAC commissioner says that he wants it to apply. He wants you to have a lawyer unfettered.

I am sure that we will hear an explanation from the Attorney-General. The ICAC commissioner is giving evidence on Monday at the Crime and Public Integrity Policy Committee, so I will ask him these questions then. I will ask him whether or not he has made representations or changed his view, as I think it is important that we correct the record of the Legislative Council because we have been told something very different.

As I have gone to great pains to explain, an ICAC hearing looks like, smells like, walks like and tastes like a court hearing. Absolutely, it is not an interview room in a police station. It is not an

interview room in a boardroom. You do not walk in and sit next to the ICAC commissioner and answer his questions. You walk in, you take your oath, you sit beneath him in a witness box and you answer questions like it is a court, not an inquiry.

Amendments Nos 8, 9 and 10 are interesting for members on the backbench who gave up long and prosperous legal careers to run for parliament. These amendments curtail the ability of legal practitioners to represent and defend their clients. The effect of the amendments filed by the government is to limit the actions of legal practitioners to those approved by the ICAC examiner. If the examiner can deny your lawyer the right to take action, you do not have legal representation. When Bevan Spencer von Einem was arrested, he was afforded more rights than we are affording people in a public hearing at the ICAC. He was entitled to a lawyer and entitled to the right to silence. At his trial, the rules of evidence applied.

I want to restate where we are coming from. We believe that the Legislative Council has sent us a bill that we can support. I believe that it is the will of the parliament to support the bill as is. I also know the political reality that the cabinet have exerted their influence over the party room of the Liberal Party and that they will be supporting the government's amendments in the House of Assembly. I do not think that the government's amendments will pass the Legislative Council; they will not be agreed to. The question is: what happens then?

I think that we should defend the idea of public hearings. I think that they are meritorious. I think that the government is right to want to have public hearings. In that pursuit, we have to be able to come together as legislators, rather than as political parties, and come up with a model that can last into the future because partisanship over ICAC rarely works. If we go back to first principles again, what was it that Jay Weatherill and John Rau were attempting to achieve?

**The Hon. V.A. Chapman:** In stopping us having an ICAC?

**The Hon. A. KOUTSANTONIS:** No, after they agreed. The Attorney-General rightly says that the former government, in its various incarnations, did not always support the establishment of an ICAC. Then Jay Weatherill became premier and the government then supported an ICAC. The ICAC was developed in a way to stop it from being partisan. What do I mean by that? Well, in New South Wales, the accusation du jour is: 'I have referred you to ICAC.' It is now awash with scandal. It is awash with a loss of faith in the institution.

We have had serious concerns and inquiries into the operation of ICAC. A number of people have appeared before the ICAC and had corruption allegations made against them and proved. Some have gone to gaol and some have not. It is all done in the open, in public, and I think it is a mess. What the ICAC commissioner is attempting to do along with the government is quite elegantly come up with a system that allows us to maintain our treasured position of having a very good system for corruption investigations, which, at this stage, no-one thinks should change: not the Attorney-General, not the shadow attorney-general, not the government, not the opposition, not the ICAC commissioner—no-one.

I think there are a few crossbenchers or people who are attempting some publicity who do support a change to the way corruption investigations are conducted but, by and large, the sensible centre has maintained the right thing. Now we are at the case of open hearings. I think that here is where we depart from the new consensus that has been in place since Jay Weatherill and then leader of the opposition Isobel Redmond, and subsequently the current Premier, agreed upon this model. To be fair to the Attorney-General, she has always advocated for open inquiries into maladministration and misconduct. She is to be commended for that, and she is about to get them. But I say again: do not throw out the baby with the bathwater.

I think that the Legislative Council gave us something that will work. The ICAC commissioner, who is a member of the executive, is making a lot of public statements about the operation of the ICAC bill. He is in a unique position. There are not very many other members of the executive who are entitled or allowed to do that, but that is his right. He is an independent statutory officer. He makes his views known. He is able basically to draft a bill as he sees fit and make recommendations. He is an expert; we should rely on him. We absolutely should rely on the ICAC commissioner.

However, it gets to the point of whether we have to agree with everything. Are there some principles at stake? The question really is: can the ICAC commissioner do his or her job if there is an

open inquiry and with what the Legislative Council has given us? I say that the answer to that is unashamedly yes. The Crime and Public Integrity Policy Committee, which sat through hours and hours of witnesses, certainly thinks that.

I would point out that we had a number of witnesses. The only witnesses who supported the government position in some, but not all, aspects were the ICAC commissioner and Mr Duggan. Apart from that, my characterisation of all the evidence we received supported the Legislative Council's model because the ICAC commissioner supported unfettered legal representation and procedural fairness. The government is specifically prohibiting procedural fairness and allowing the ICAC examiner to remove or deny a lawyer.

We have gone down a path where the Legislative Council has taken almost everything the ICAC commissioner wanted, bar the rules of evidence, and agreed to them. We agreed to what the Bar Association wanted. We agreed to what the Law Society wanted. We agreed to what the Ombudsman wanted. Inexplicably, the government has gone down a different path.

I would be fascinated to hear what the Attorney's view is about why we have gone down this path and her explanations for the amendments when she closes the debate and we go into the committee stage. I mean that sincerely because she was the author of this policy from opposition. I know this because I remember her quizzing the then attorney-general John Rau about it constantly.

The question that I would like answered during the committee stage is: why the delay? I will give the government plenty of notice so they can go away, do some research and come back to us with some detailed answers. They can get the *Hansard* afterwards. We do not have a very large legislative program. I do not mean that in an offensive way. It is just not very busy. We finish most nights at 6pm. There is plenty of opportunity for us to have debated this earlier.

Why did it take two months to come back here? In that intervening two months, what caused the change of heart? Were these amendments consulted on? Was the Law Society consulted on these amendments? Was the Bar Association consulted on these amendments? Was the ICAC commissioner consulted on these amendments? Who was consulted on these amendments? Were SAPOL, the Commissioner of Police, the Electoral Commissioner or the Ombudsman consulted on these amendments? Who was consulted?

Regarding amendment No. 2, for example, we want to know whether the Attorney will confirm that the effect of the amendment is to allow only one appeal on either jurisdiction or whether it was properly made. If that is the case, does that mean that a witness called later in the investigation cannot make an appeal on those grounds? I seek leave to continue my remarks.

Leave granted; debate adjourned.

## **HEALTH CARE (GOVERNANCE) (NO 2) AMENDMENT BILL**

### *Introduction and First Reading*

Received from the Legislative Council and read a first time.

At 17:55 the house adjourned until Thursday 20 June 2019 at 11:00.

*Answers to Questions***INFLUENZA VACCINATIONS**

**829 Mr PICTON (Kaurna)** (4 June 2019). On what dates this year were free flu vaccinations first made available for staff at each of the following:

- (a) Royal Adelaide Hospital?
- (b) Lyell McEwin Hospital?
- (c) Flinders Medical Centre?
- (d) Modbury Hospital?
- (e) The Queen Elizabeth Hospital?
- (f) Noarlunga Hospital?
- (g) Women's and Children's Hospital?
- (h) Mount Barker Hospital?
- (i) Whyalla Hospital?
- (j) Riverland Regional Hospital?
- (k) Mount Gambier Hospital?
- (l) Port Lincoln Hospital?
- (m) Gawler Hospital?
- (n) Hampstead Rehabilitation Centre?
- (o) South Australian Ambulance Service?

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining):** The Minister for Health and Wellbeing has been advised:

The first distribution of flu vaccination doses to a local health network this year began on 9 April 2019, with all vaccination programmes for LHN staff commenced by 1 May 2019.

**INFLUENZA VACCINATIONS**

**830 Mr PICTON (Kaurna)** (4 June 2019). As at Friday 26 April 2019, how many staff had been vaccinated at each of the following:

- (a) Royal Adelaide Hospital?
- (b) Lyell McEwin Hospital?
- (c) Flinders Medical Centre?
- (d) Modbury Hospital?
- (e) The Queen Elizabeth Hospital?
- (f) Noarlunga Hospital?
- (g) Women's and Children's Hospital?
- (h) Mount Barker Hospital?
- (i) Whyalla Hospital?
- (j) Riverland Regional Hospital?
- (k) Mount Gambier Hospital?
- (l) Port Lincoln Hospital?
- (m) Gawler Hospital?
- (n) Hampstead Rehabilitation Centre?
- (o) South Australian Ambulance Service?

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining):** The Minister for Health and Wellbeing has been advised:

For the first four weeks of the program in 2018 and 2019, SA Health distributed 25,203 influenza vaccine doses for SA Health care workers (HCW) in 2018, compared with 30,670 in 2019. This was also in the context of three public holidays (Good Friday, Easter Monday and ANZAC Day) during this period in 2019.

SA Health HCW Doses Distributed		
	No. of doses distributed in first 4 weeks of program in 2018	No. of doses distributed in first 4 weeks of program in 2019
Total HCW	21,710	25,010
Total National Immunisation Program (NIP)	3,493	5,660
TOTAL	25,203	30,670

Note: The 'Total NIP' figure relates to NIP stock distributed for health care workers over 65 years of age and so eligible for the commonwealth funded vaccine specifically for  $\geq 65$  year olds.

#### INFLUENZA VACCINATIONS

**835 Mr PICTON (Kaurna)** (4 June 2019). Who made the decision to provide GPs with less flu vaccine than they requested?

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining):** The Minister for Health and Wellbeing has been advised:

As with previous years, the Communicable Disease Control Branch within the Department for Health and Wellbeing decided to partially fill orders in the first distributions to ensure the equitable distribution of the vaccine across South Australia.

Information on the distribution process and the management of orders in the first weeks of delivery was communicated to all immunisation providers, including GPs, on 28 March 2019, 4 April 2019, 10 April 2019 and 11 April 2019.

Similarly, the decision to fully meet orders was made on 29 April 2019 after all providers had received their first orders of vaccine and enough stock was available to meet projected demand.'

#### HOSPITAL BEDS

**843 Ms BEDFORD (Florey)** (4 June 2019). From 1973 until now, what is the comparative percentage at five-year intervals of private beds in our state's public hospitals, compared with public beds?

**The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining):** The Minister for Health and Wellbeing has been advised:

There are no private beds in South Australian metropolitan public hospitals.

In terms of the proportion of private patients in public hospitals, the percentage of private health insurance funding for all public hospitals in South Australia is shown in the table below:

Percent of Private Health Insurance Funding for all Public Hospitals				
	2003	2008	2013	2018
%Private health insurance	7.73%	8.03%	7.58%	10.82%

#### POLICE STAFFING

**845 Mr ODENWALDER (Elizabeth)** (6 June 2019). What was the total number (FTE) of sworn police officers in South Australia as at:

- 30 November 2018?
- 28 February 2019?
- 31 March 2019?
- 30 April 2019?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):**

- 4,618.8 FTE
- 4,638.8 FTE
- 4,662.3 FTE

(d) 4,655.3 FTE.

#### POLICE CADETS

**846 Mr ODENWALDER (Elizabeth)** (6 June 2019). What was the total number (FTE) of police cadets in South Australia as at:

- (a) 28 February 2019?
- (b) 31 March 2019?
- (c) 30 April 2019?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):**

- (a) 106 FTE
- (b) 104 FTE
- (c) 104 FTE.

#### POLICE STAFFING

**847 Mr ODENWALDER (Elizabeth)** (6 June 2019). How many sworn police officers, and of what ranks, were attached to the Public Transport Safety Branch as at:

- (a) 30 June 2018?
- (b) 30 September 2018?
- (c) 31 December 2018?
- (d) 31 March 2019?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):**

(a)	
Chief Inspector	1
Senior Sergeant 1 <sup>st</sup> Class	1
Sergeant	8
Brevet Sergeant	6.84
Senior Constable 1 <sup>st</sup> Class	11.84
Senior Constable	26.36
Constable	21.26
TOTAL	76.3 (FTE)
(b)	
Chief Inspector	1
Senior Sergeant 1 <sup>st</sup> Class	1
Sergeant	7
Brevet Sergeant	8.84
Senior Constable 1 <sup>st</sup> Class	11.84
Senior Constable	25.78
Constable	19.84
TOTAL	75.3 (FTE)
(c)	
Chief Inspector	1
Senior Sergeant 1 <sup>st</sup> Class	1
Sergeant	7
Brevet Sergeant	10.84
Senior Constable 1 <sup>st</sup> Class	10.84
Senior Constable	23.99
Constable	23
TOTAL	77.67 (FTE)

(d)	
Chief Inspector	1
Senior Sergeant 1 <sup>st</sup> Class	1
Sergeant	8
Brevet Sergeant	10.84
Senior Constable 1 <sup>st</sup> Class	11.84
Senior Constable	25.78
Constable	23
Probationary Constable	1
TOTAL	82.46 (FTE)

#### POLICE, FREE TRAVEL ENTITLEMENT

**848 Mr ODENWALDER (Elizabeth)** (6 June 2019). How many individual public transport trips were made by sworn police officers (using their free travel entitlement) on trains between:

- (a) 1 April 2018-30 June 2018?
- (b) 1 July 2018-30 September 2018?
- (c) 1 October 2018-31 December 2018?
- (d) 1 January 2019-31 March 2019?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):**

(a)			
Validation Month	Initial Boardings	Transfers	Total Patronage
April 2018	3290	298	3588
May 2018	4462	515	4977
June 2018	4053	426	4479
Total	11805	1239	13044
(b)			
Validation Month	Initial Boardings	Transfers	Total Patronage
July 2018	4050	417	4467
August 2018	4420	443	4863
September 2018	4373	552	4925
Total	12843	1412	14255
(c)			
Validation Month	Initial Boardings	Transfers	Total Patronage
October 2018	4366	428	4794
November 2018	3902	397	4299
December 2018	3434	290	3724
Total	11702	1115	12817
(d)			
Validation Month	Initial Boardings	Transfers	Total Patronage
January 2019	3600	304	3904
February 2019	4005	316	4321
March 2019	4404	347	4751
Total	12009	967	12976

Note: data excludes usage by on-duty Public Transport Safety Branch officers.

#### POLICE, FREE TRAVEL ENTITLEMENT

**849 Mr ODENWALDER (Elizabeth)** (6 June 2019). How many individual public transport trips were made by sworn police officers (using their free travel entitlement) on buses between:

- (a) 1 April 2018-30 June 2018?
- (b) 1 July 2018-30 September 2018?
- (c) 1 October 2018-31 December 2018?
- (d) 1 January 2019-31 March 2019?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):**

(a)			
Validation Month	Initial Boardings	Transfers	Total Patronage
April 2018	5946	377	6323
May 2018	8365	441	8806
June 2018	7067	399	7466
Total	21378	1217	22595
(b)			
Validation Month	Initial Boardings	Transfers	Total Patronage
July 2018	8058	417	8475
August 2018	9035	484	9519
September 2018	7634	399	8033
Total	24727	1300	26027
(c)			
Validation Month	Initial Boardings	Transfers	Total Patronage
October 2018	8250	449	8699
November 2018	8681	446	9127
December 2018	6840	377	7217
Total	23771	1272	25043
(d)			
Validation Month	Initial Boardings	Transfers	Total Patronage
January 2019	6561	366	6927
February 2019	8403	475	8878
March 2019	8655	452	9107
Total	23619	1293	24912

Note: data excludes usage by on-duty Public Transport Safety Branch officers.

#### **POLICE, FREE TRAVEL ENTITLEMENT**

**850 Mr ODENWALDER (Elizabeth)** (6 June 2019). How many individual public transport trips were taken by sworn police officers (using their free travel entitlement) on trams between:

- (a) 1 April 2018-30 June 2018?
- (b) 1 July 2018-30 September 2018?
- (c) 1 October 2018-31 December 2018?
- (d) 1 January 2019-31 March 2019?

**The Hon. C.L. WINGARD (Gibson—Minister for Police, Emergency Services and Correctional Services, Minister for Recreation, Sport and Racing):**

(a)			
Validation Month	Initial Boardings	Transfers	Total Patronage
April 2018	1498	54	1552
May 2018	2168	68	2236
June 2018	1951	65	2016
Total	5617	187	5804



(b)			
Validation Month	Initial Boardings	Transfers	Total Patronage
July 2018	1937	72	2009
August 2018	2119	77	2196
September 2018	1641	60	1701
Total	5697	209	5906
(c)			
Validation Month	Initial Boardings	Transfers	Total Patronage
October 2018	1756	60	1816
November 2018	2271	71	2342
December 2018	1794	65	1859
Total	5821	196	6017
(d)			
Validation Month	Initial Boardings	Transfers	Total Patronage
January 2019	1672	62	1734
February 2019	2022	62	2084
March 2019	2061	69	2130
Total	5755	193	5948

Note: data excludes usage by on-duty Public Transport Safety Branch officers.