LEGISLATIVE COUNCIL

Thursday, 24 September 2015

The PRESIDENT (Hon. R.P. Wortley) took the chair at 14:15 and read prayers.

Petitions

MCLAREN VALE AND DISTRICTS WAR MEMORIAL HOSPITAL

The Hon. R.L. BROKENSHIRE: Presented a petition signed by 57 residents of South Australia requesting the council to urge the state government to provide triennial funding arrangements for the hospital so that it can have certainty about its financial future and plan for the long term.

WATER LEVIES

The Hon. R.L. BROKENSHIRE: Presented a petition signed by 1,052 residents of South Australia requesting the council to urge the state government to—

1. Remove part (b) of the interpretation of infrastructure in the Natural Resources Management Act 2004 so it cannot be defined to mean dams or reservoirs.

2. Remove chapter 7, part 2, division 2 of the Natural Resources Management Act which restricts the amount of water a landowner can use from dams and reservoirs.

3. Ensure that a water levy cannot be imposed on water captured in dams, reservoirs or rainwater tanks that started out as rainfall.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Minister for Employment, Higher Education and Skills (Hon. G.E. Gago)—

Reports, 2014-15—
Protective Security Act 2007
Witness Protection Act 1996

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

The Council for the Care of Children—Report, 2014-2015—
Report prepared by SA Health of actions taken by SA Health following the Deputy State Coroner's findings into the death of Theodoras Joannas Simos

Ministerial Statement

BISHOP, MRS L.

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:18): I table a copy of a ministerial statement, relating to the passing of Mrs Lenora Bishop, former mayor of Mount Gambier, made earlier today in another place by my colleague the Hon. Geoff Brock.

SAMPSON FLAT AND TANTANOOLA BUSHFIRES

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:18): I table a copy of a ministerial statement, relating to the AFAC independent operational audit, made earlier today in another place by my colleague the Hon. Tony Piccolo.

Question Time

DOLPHIN AND BIRD SANCTUARIES

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:19): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about the Adelaide Dolphin Sanctuary and the International Bird Sanctuary.

Leave granted.

The Hon. D.W. RIDGWAY: Members will be well aware, after a commitment from the federal government for the Northern Connector recently, that construction is set to begin sometime later next year on that Northern Connector. Much of the construction goes through the salt pans and it is very adjacent to the Barker Inlet, the home of the dolphin sanctuary and the international bird sanctuary that is currently under development.

My question to the minister is: has he received any advice from DPTI, the Minister for Transport and Infrastructure or his department on the environmental impacts on either of the two sanctuaries?

The PRESIDENT: Minister.

The Hon. D.W. Ridgway: Can you answer it without reading your phone?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:20): Excuse me, I will read my phone whenever I like.

An honourable member interjecting:

The Hon. I.K. HUNTER: Yes, as the honourable member says, he's not the boss of me.

The Hon. D.W. Ridgway: Just answer the question.

The Hon. I.K. HUNTER: He's trying, Mr President. Early last year, I announced that a re-elected Labor government would invest $1.7 million over four years to create an international bird sanctuary along the Gulf St Vincent coastline north of Adelaide. I am pleased that the first stage of the Adelaide International Bird Sanctuary, to establish approximately 60 kilometres of coastal crown land between Barker Inlet and Parham into a conservation area, was a success. The 2,300 hectares of land, purchased by the government in June 2014 for $2 million, connects the Light River estuary in Parham and has high conservation value.

The northern Adelaide coast is a key part of the East Asian-Australasian Flyway, with 23 of the species that visit subject to Australia's bilateral migratory bird agreements with China, Japan and the Republic of Korea. At the peak of the summer migration season, more than 25,000 birds, I am advised, gathered at the site, with many species arriving from as far away as Alaska and northern Asia. More than 200 species of birds have been recorded at the Dry Creek salt field, including around 50 resident and migratory shorebirds. Bird enthusiasts have the chance to see birds such as the sharp-tailed sandpiper, the bar-tailed godwit and the red-necked stint around the area.

Not only will the Adelaide International Bird Sanctuary help to safeguard the future of migratory shorebirds that visit the area but it will hopefully also be a drawcard for visitors to South Australia. The sanctuary is an exciting opportunity to deliver environmental and economic outcomes for our state. We want the community to have input into the design of the bird sanctuary, and we have started that conversation.

On 5 December last year, it was my pleasure to open the first forum to formally launch the government's engagement with the community in the establishment of the bird sanctuary. Over 60 people, from a diverse range of backgrounds with varied connections to the area, attended the forum. It was a day to share thoughts, concerns and ideas about the possible future of the Adelaide International Bird Sanctuary and how we can take it into the future.

We are committed to the collaborative development of this sanctuary with the local communities. The Adelaide International Bird Sanctuary will ensure the protection of critical habitat

for shorebirds and create opportunities for people to enjoy nature. We are connecting through social media, the internet and face-to-face engagement, with people passionate about their landscape.

On 13 and 14 August 2015, a bird sanctuary ecology summit was held at the St Kilda foreshore. This summit was aimed at understanding the ecology of the bird sanctuary through two streams: the use of storytelling to evaluate changes in ecology and local community sentiment and gathering and exploring up-to-date data to understand how we can best protect shorebirds and other important environmental components throughout the years.

Qualitative data is being collected for the bird sanctuary using the Most Significant Change technique. The Most Significant Change technique, I am advised, is used to collect stories from across the various bird sanctuary communities and then evaluate their significance in changes across ecology, community and economy. The gathered information will be used in the first year to create a baseline dataset that will enable us to better understand community sentiment, and then in future years the data will be used to track project impact and success.

The inaugural Adelaide Flyway Festival will be held on Saturday 17 October 2015 at the St Kilda foreshore. The festival will coincide with the start of National Bird Week. The festival will also coincide with the return of migratory birds to the bird sanctuary shores, which will have travelled along the East Asian-Australasian Flyway to feed and rest over the summer months. The festival has been named after this significant event.

The festival will introduce the bird sanctuary to the community and encourage people to visit, appreciate and promote the sanctuary as a great place to visit. As the bird sanctuary is located at the heart of one of South Australia's food bowls, the festival celebrates the area's significance as a key source of food for Adelaide and beyond, as well as raising awareness of the conservation significance and tourism potential.

A leadership group, the Collective, has been recently formed to provide advice and support in shaping the future of the Adelaide International Bird Sanctuary. The group is comprised of approximately 30 people from a diverse range of stakeholders, which include Kaurna heritage, Largs Bay School, local council groups, the Vietnamese Farmers Association, Regional Development Australia (Barossa section), the South Australian Tourism Commission and the Nature Conservancy.

The Collective was launched on 31 July 2015 at the Adelaide Zoo where they were able to meet over 180 community members in a speed networking style of event. The Collective will have its first meeting in a series of bimonthly meetings this month and will be chaired by an expert in co-design and collective impact. The first meeting will mark the start of using a collective impact approach for the bird sanctuary leadership.

The proposed Northern Connector does not split the bird sanctuary, I am advised. In fact, almost all of the planned Northern Connector alignment is to the east of the proposed sanctuary boundary. The proposed southern interchange at the intersection of South Road and the Port River Expressway crosses the southernmost extent of the area being considered for inclusion in the sanctuary. This is only one kilometre of the 15-kilometre road alignment and it lies adjacent to the commercial and industrial suburbs of Wingfield and Dry Creek.

The Department of Environment, Water and Natural Resources and the Department of Planning, Transport and Infrastructure will continue to work collaboratively together to ensure that both important projects can be delivered and that the outcomes for each initiative can be sustainably achieved.

GENDER POLICY

The Hon. J.M.A. LENSINK (14:25): I seek leave to make a brief explanation before asking the Minister for the Status of Women a question about the status of women on boards and committees.

Leave granted.

The Hon. J.M.A. LENSINK: The list of boards and committees and the gender breakdown thereof was tabled earlier this week. I have had a keen look through the list and noted the following: that in particular in the Department of the Premier and Cabinet only 28.6 per cent of board and

committee representatives are female; and I noted that in Defence SA only one of nine of its representatives was a female and that for the Economic Development Board it was three of 11. My questions to the minister are:

1. What measures are in place to address boards and departments, particularly the Premier's department, which has not reached its targets?

2. Does she have any comments in relation to Defence SA and the Economic Development Board and their level of representation, particularly given the importance of their roles to South Australia and to infrastructure and economic issues for this state?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:27): I thank the honourable member for her most important questions and her ongoing interest in this particular area. I am very proud to be part of a government that leads the nation in terms of having some of the highest representation of women on government boards and committees and also in executive government positions.

We have set ourselves a specific target—and we believe in targets. The opposition says that we don't achieve them but not only do they not set targets but their representation of women is appalling. When we took over, the state of our government boards was appalling.

I am convinced that one of the reasons that we have been so successful in elevating the representation of women on government boards is the fact that we were brave enough, had the courage to set ourselves a clear target that we were held publicly accountable for—and internally accountable for as well. We are sitting just below that at about 38 per cent. I am convinced that unless we were prepared to set ourselves that target I am confident that we would have been nowhere near those levels. Setting ourselves a target has assisted considerably.

In terms of the measures put in place, we have very slowly but steadily increased our representation of women on boards. We keep close tabs—myself in particular—on the progress of each board when board members come up for reappointment. Obviously there are some areas that are more challenging to find women appointees than others, particularly in areas like Vet Affairs and defence, where the industry itself is highly under-represented.

Therefore, when we are looking for industry representation, it is difficult. Nevertheless, we take the challenge right up, and under our Acts Administration Act organisations and statutory bodies, when putting forward their appointees for boards, are required for each vacancy to nominate at least one man and one woman, from which the government is then able to choose. Some organisations are better at doing that than are others. We continue to write to them and to pressure them to comply with that. Overall, we are very close to 50 per cent, and I am confident we will achieve that and we will be the first jurisdiction to do so. We remain ever vigilant, and I continue to monitor our progress.

GENDER POLICY

The Hon. D.W. RIDGWAY (Leader of the Opposition) (14:31): By way of supplementary question, in the minister's opening remarks she said she was proud of the government's record. Is she proud of the government's racist attack on the Liberal candidate for Elder, Ms Carolyn Habib, in the last state election?

The Hon. I.K. HUNTER: On a point of order, there is no way there is any relevance in that supplementary question to the original answer.

The PRESIDENT: It is not an appropriate question.

Members interjecting:

The PRESIDENT: The Hon. Mr Wade.

SEAWEED HARVESTING

The Hon. S.G. WADE (14:31): I seek leave to make a brief explanation before asking the Minister for Sustainability, Environment and Conservation a question about seaweed production.

Leave granted.

The Hon. S.G. WADE: In a press release on 10 September 2015, minister Gago described the benefits of a Chinese/Flinders University agreement to boost SA's seaweed industry. Australian Kelp Products, which has operated on the Limestone Coast since the 1990s, has the sole licence for harvesting seaweed in South Australia. Australian Kelp Products' parent company has indicated it plans to invest $21 million in seaweed harvesting and processing using the Flinders University technology.

With significant investment in this industry, it is hoped that South Australia will become a key player in the industry, which is worth $2 billion annually. Technological development and investment are welcome. The industry also needs to be environmentally sustainable. Qingdao China is experiencing the arrival of up to a million tonnes of green biomass onto its beaches each summer. The city experiences waves of sea lettuce to its beaches whenever the water temperature climbs into the 20s.

Biologists suggest that the green tide is connected to a combination of seaweed farming and the water pollution to the south of Qingdao. Such large quantities of algae choke marine life and cost millions in damages and clean-up. My question to the minister is: what regulatory oversight is in place to ensure the development of the seaweed industry in South Australia proceeds without negative environmental impacts?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:33): I thank the honourable member for his fantastic question, and I commend him for his interest in this very important area. Primary Industries and Regions SA has recently been granted an export permit by the commonwealth Department of the Environment under part 13 of the Environment Protection and Biodiversity Conservation Act 1999 for the state beach-cast marine algae fishery.

The Department of Environment, Water and Natural Resources was involved in the assessment of the proposed export licence. The Department of Environment, Water and Natural Resources provided comment to the commonwealth on the export licence proposal, which identified that a number of environmental matters would need to be considered and addressed in the granting of an export licence. These included potential impacts to migratory bird species and impacts to the foreshore through any potential sand removal.

Australian Kelp Products Pty Ltd currently holds a South Australian miscellaneous fishery licence for the South Australian beach-cast marine algae fishery from Cape Jaffa marina to eight kilometres into Rivoli Bay in the state's South-East near Kingston. Australian Kelp Products is also seeking to expand their existing miscellaneous fishery licence to the Victorian border under an exploratory permit application. This is, I am advised, a preliminary stage process. However, the Department of Environment, Water and Natural Resources has been working with the Department of State Development and Primary Industries and Regions SA to discuss management strategies that would allow the licence holder to operate over a larger area, whilst ensuring appropriate environmental protections are in place to minimise any impact.

As the proposed expansion is only proposed at this stage, no public consultation period has yet occurred on this proposal. Public consultation began at the beginning of this month for five to seven weeks. I am advised that a public meeting is planned to be held in Millicent. I am advised that, as part of the approval process for the licence, Primary Industries and Regions SA conducted an ecologically sustainable development workshop in Millicent in January, earlier this year, with a select group comprised of government agencies, local government, NGOs and individuals, who all have an interest in the beach-cast marine algae fishery.

As the honourable member said, there are important environmental conditions that need to be satisfied, not the least being nesting for the important birds that utilise the beaches but also the ecological impact of removing seaweed in relation to, for example, the absorption of energy from waves crashing on beaches and erosion. The department is working very closely with the other agencies to make sure that, in the proposal that comes forward, these ecological interests are protected.

The PRESIDENT: Supplementary, Mr Parnell.

SEAWEED HARVESTING

The Hon. M.C. PARNELL (14:35): Given the scale of the proposed expansion of operations, has the minister discussed with his colleague the planning minister declaring this a major project in order to attract the highest level of environmental impact assessment, namely, the preparation of an environmental impact statement under the Development Act?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:36): No, because we are proceeding through the processes that are listed under the commonwealth EPBC Act.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would like to acknowledge the presence of the Hon. Mr Ian Gilfillan. Welcome.

Honourable members: Hear, hear!

Question Time

CONSUMER PROTECTION

The Hon. T.T. NGO (14:36): I seek leave to make a brief explanation before asking the Minister for Business Services and Consumers a question about how the state government protects the community and our children from unsafe products.

Leave granted.

The Hon. T.T. NGO: We can all be at risk at some time or another of being exposed to a possibly unsafe product which may cause us harm or injury. However, as adults, we are likely to be able to assess these risks and protect ourselves from harm.

As a father of two young children, I know—and many honourable members here who also have children would agree with me—that this is often not the case with young children. My question is: can the minister tell the chamber what role CBS plays in the regulation of product safety and what action is taken by CBS when unsafe products are identified in the marketplace?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:37): I thank the honourable member for his most important question. I know that he, in particular, being the father of two very young children, has a keen interest in the safety of products around children. I know that most other members here, being parents, aunties and uncles, also understand the importance of keeping our children safe.

The Office of Consumer and Business Services plays a significant role in protecting our community from unsafe products that may cause harm or injury or impose a risk. The safety of consumers, particularly our young children, is at the forefront of CBS's commitment to protecting the public. Consumer and Business Services has been investigating the safety of products, in particular, erasers that resemble food products.

These products have come to CBS's attention after similar complaints were raised in Victoria. As a result of these investigations, I have issued a safety warning notice over a gumball machine and other erasers being sold in South Australia's stores and online. This warning relates to a gumball machine that dispenses colourful balls used by children as erasers. While the product and the packaging are marked with warning labels advising that they are non-edible and not recommended for children under the age of three, nevertheless I am concerned that they may still pose a serious risk.

There is no denying that companies are becoming more and more creative in the way they sell and market their products, which is why Consumer and Business Services, along with parents and caregivers, needs extra vigilance. These erasers can come in a variety of shapes and are often made to look and smell like food, making them extremely attractive to young children, who could easily mistake them for being a lolly.

This particular product I am talking about contains lightweight coloured balls with a very fruity smell to them, and they certainly would fail the small parts choking hazard test for children under three. Although the eraser balls may be difficult for a child to actually bite into, there are safety concerns that they are small enough to be swallowed and could easily become an ingestion or choking hazard.

I have written to the ACCC outlining my concern and asked that they review this product, and I understand that the ACCC are finalising their investigation into this and that the result should be known shortly. We believe that a safety warning is a responsible step to highlight, especially to parents, that there may be potential risks with this particular product.

CBS are investigating these products and working closely with other regulators, including Consumer Affairs Victoria, to consider whether a review of relevant standards may be needed. This is timely, given the lead-up to Christmas. With people not far off purchasing gifts, it's important that parents and caregivers keep a keen eye on these types of products that may imitate food and be easily mistaken for a lolly.

Unfortunately, small children are not often able to tell the difference, which could result in a devastating outcome, in terms of either injury or death, before something is actually done. I commend the work that Consumer and Business Services continues to do in being proactive in consumer protection and the regulation of unsafe products, and I again draw parents' attention to this warning; if they want more information, it's online.

VIDEO GAME INDUSTRY

The Hon. T.A. FRANKS (14:42): I seek leave to make a brief explanation before addressing a question, on the topic of the Senate inquiry into the Australian video games development industry, to the Minister for Manufacturing and Innovation.

Leave granted.

The Hon. T.A. FRANKS: The video game industry is not just child's play. Indeed, a 2011 study commissioned by the Interactive Games and Entertainment Association found that 92 per cent of Australian households have a device for playing computer games. The report also showed that the demographic profile of people playing interactive games is moving closer to that of the general population, with 75 per cent aged 18 years and over. In fact, the average age at that time had risen from 30 to 32 years old, with women making up more than 47 per cent of the total gaming population. It would be far greater than that now and far more gender-balanced.

There is real potential for economic growth in this industry. Indeed, the global interactive entertainment industry is forecast to be the fastest growing entertainment and media sector, expanding from $56.8 billion in revenue from 2011 to $80.3 billion in 2016, according to a PricewaterhouseCoopers projection.

I note that the previous Labor federal government recognised this potential and, indeed, set up a key agency to provide support to the screen production sector through Screen Australia, which was charged with administering an Australian interactive games fund in November 2012, and 29 projects were supported in games production; however, a year after it started, the Liberal government closed it down. Consequently, Senator Scott Ludlam of the Greens has instigated a Senate inquiry, and that inquiry has recently been taking submissions. My simple question to the minister is:

1. Will the South Australian government be presenting and participating in that inquiry?

2. Will he recognise the importance of this sector not only to South Australia but to the nation?

3. Will he see it as the innovative opportunity that it is?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (14:44): I thank the honourable member for her important questions and her interest in this very important area. As she pointed out in her last question, it is a very important sector. It has provided and continues to

provide jobs and income in South Australia. I think it was at the end of my first week as the minister for innovation that I presented at a gaming conference in Adelaide, and there is a thriving gaming and gaming development community.

As a government, we know how important it is to the South Australian economy that we work to foster an environment that encourages home-grown innovation and entrepreneurship, and that is true for any sector and industry but especially true for our potential enterprising developers in the gaming and simulation industry.

We are very lucky in Adelaide to have the foundations for a great creative industries ecosystem, and we have a number of exceptionally high-calibre companies in Adelaide at the moment. ODD Games, Mighty Kingdom, Six Foot Kid, Enabled and Monkey Stack are some of the leading companies. Many of these companies are experiencing quite significant success and some of the technology is truly groundbreaking and innovative.

Indeed, the honourable member may well have talked to people from Novus Res at last night's TechJam who were developing virtual reality training simulators and gaming applications in the virtual reality space. ODD Games has had more than 15 million downloads of their game Monster Truck Destruction, and I did get my staff to load that onto my phone some time ago but I don't think I will become a world champion in that game anytime soon. I think they were a recipient of an innovation grant from the state government. I know they are currently recruiting two trainee programmers to develop the next round of racing games that have been a worldwide success.

Mighty Kingdom is another example. They have made it into the kids' Top 10 chart in Apple's App Store in 10 countries with their Shopkins: Welcome to Shopville app. I cannot remember the name, but it was a dancing bear thing that everyone loved that I think was an Adelaide development as well. I would also add that no doubt there are opportunities for local developers to link in with the defence industry and take advantage of the growing market for serious gamification—games for education, training and commercial purposes. I have no doubt that the gaming development ecosystem in South Australia will continue to grow. Our government has assisted and will continue to assist innovative companies to grow their product offering and to access both domestic and international markets.

I have not seen the terms of reference for the Senate inquiry, but I thank the honourable member for bringing them to my attention. Certainly we will have a very good look at the terms of reference and, if it is of benefit, we will look to participate in some way, putting in a submission or participating if it comes to South Australia.

TAFE SA SHEARING AND WOOL PROGRAM

The Hon. T.J. STEPHENS (14:48): I seek leave to make a brief explanation before asking the Minister for Employment, Higher Education and Skills questions about the TAFE SA Shearing and Wool Program.

Leave granted.

The Hon. T.J. STEPHENS: The TAFE SA Shearing and Wool Program provides students with the necessary skills and hands-on experience to learn this trade. It has been bought to my attention by the very good member for Hammond—a legend himself in the shearing industry, as he tells me—that students are required to sit a literacy and numeracy test before commencing the program. Both lecturers have professed their unwillingness to impose this test on students. My questions to the minister are:

1. If students have chosen to undertake the program, which is presumably practical in nature, why must they sit a literacy and numeracy test prior to the commencement of the course?

2. What are the pass/fail rates and what are the consequences of failure?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:49): I thank the honourable member for his most important questions. I am sort of shocked to hear such questions coming from the honourable member in terms of a proposition or an underlying assertion that does not support encouraging

people with their literacy and numeracy skills. I am shocked because the current statistics are appalling right throughout Australia and that there are so many adults who have extremely poor literacy and numeracy skills. Honourable members have raised issues of completion rates in this place before on a number of occasions and I have indicated my concern at the current completion rates. Although South Australia is one of the leading jurisdictions in terms of high completion rates, nevertheless, as I have said in this place before, it's not good enough.

One of the things we have done to try to improve those completion rates is to ensure that assessments are done at the beginning of courses to ensure that those students applying for a particular qualification have all of the right skills they need, or prerequisites needed for them to be able to successfully complete that qualification. That was not being done particularly well by some training providers in the past and they were enrolling students that didn't have the basic skills they needed to be able to successfully complete that qualification.

So, I am really proud to hear that TAFE, and I hope all other training providers, are providing assessments up front of students, identifying where there are deficits that could impede them being able to successfully complete whatever qualification they are enrolled in and I continue to support that.

TAFE SA SHEARING AND WOOL PROGRAM

The Hon. T.J. STEPHENS (14:51): Supplementary: is the minister suggesting that you would rather see young people who may be adept with their hands and could make great shearers but not particularly good scholars, on the dole than actually pursuing a career that former president, the Hon. Bob Sneath, was very passionate about?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (14:51): That's an outrageous assertion and completely offensive. What I said—

Members interjecting:

The PRESIDENT: Order! The minister has the floor.

The Hon. G.E. GAGO: That's an outrageous assertion. It just shows how ignorant the Hon. Terry Stephens is. What I did say, and you can go back and check *Hansard*, is that I support training providers ensuring that they provide adequate assessments to students applying for a particular qualification to ensure that they have the adequate prerequisites they need to be able to successfully complete their qualification and not end up another statistic unsuccessful completion and back on the scrap heap. That's what I said.

COMMUNITY ENGAGEMENT

The Hon. J.M. GAZZOLA (14:52): My question is to the Minister for Sustainability, Environment and Conservation. Will the minister inform the chamber about ways the state government is involving more members of the community in the decision-making process and how this will improve outcomes.

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:53): I thank the honourable member for his excellent question. The Premier recently announced a strategy to encourage more South Australians to play a greater role in shaping public policy titled, Reforming Democracy. This is an incredibly important initiative that will boost greater participation in our democratic process in South Australia and inspires involvement in and ownership of government decision-making, broadening out the consultation with communities and encouraging people to be involved.

I am pleased to report on a series of initiatives within the environment portfolio involving more South Australians than ever before, with some fantastic outcomes for the environment and the community. For example, South Australians have been directly involved in deciding how the state government's commitment to investing $10.4 million to improve our metropolitan national parks should be spent. This is vital, I think, because we want more people getting out and enjoying our

parks and reserves and we want to ensure that the changes reflect what they need and that the investment is directed towards facilities or infrastructure that will actually encourage further involvement in our parks.

In total, the community engagement process has reached over 11,000 people, I have been told. We have received 449 submissions through the Have Your Say online survey, 90 submissions through a southern community survey conducted by the member for Kaurna and 369 responses to a Department for Communities and Social Inclusion quick poll on parks.

We have also held seven free park open days where thousands of attendees contributed ideas, and a school competition inviting students to design their ideal park using a video game called Minecraft—not one that I have engaged in, but I am sure there are members of the chamber who have done, and in fact several of them are probably playing with it on their machines right now.

Two co-design teams were set up which include people with an interest in conservation, recreation, local government and tourism. The Adelaide International Bird Sanctuary, which I talked about earlier this afternoon, is another fantastic example of community engagement. We have held open days, tours and community meetings, including a highly successful two-day ecology summit held in August of this year. The summit involved both scientific experts and others in the surrounding community to ensure the sanctuary is not just of an ecological value but also takes into account community and business opportunities. It is precisely this sort of diversity of views that is important and has been reflected in the leadership group we have established to help steer the sanctuary.

The Collective is made up of a diverse group of people with a strong connection to the sanctuary, either through their love of birds and nature or as a link to the place itself—a place they grew up in, call home or involve themselves in recreation or indeed have a business in. The group will work under the principle of collective impact. The idea is that you bring together the diverse skills of individuals to make a greater difference than each individual could have made on their own.

It is the first time, I am advised, that collective impact is being applied to an environmental project in South Australia, and it received a great deal of praise and attention. Mr Jeffrey Newchurch, a Kaurna elder, commented after the launch of the collective, 'It means a lot that Kaurna is being engaged from the beginning, I thank you for that. I thank you also for the way that you have approached this, my energy is driven that we are equal in this approach together.'

Similar positive comments have been heard following the recent dog and cat citizens' jury. The jury ran alongside a broader community engagement process on the proposed dog and cat management reforms, which resulted in a total of 2,312 submissions. While the jury came up with a range of recommendations that have received strong support from local government and animal welfare agencies, it is in some respects the process itself that has generated so much enthusiasm. The citizens' jury saw 35 randomly selected jurors listen to experts and opinions in order to determine the best course of action.

According to Democracy Co, who facilitated the jury process, the vast majority of the jurists wanted to be involved because of the process and their interest in community engagement and democracy. Feedback from the jurors showed that they would all be willing to be involved in a similar process again and that they would recommend the process to other people. One of the jurors was asked about his experience of being part of a citizens' jury on 891 on 13 August 2015. He said it was an 'absolutely fantastic experience...I went in with an open mind...I had some strong opinions...and yet I also wanted to go through this process...and it was fantastic.'

These are outstanding initiatives that will encourage more South Australians to be involved in government decisions, and surely that is a good in itself. I would like to thank staff from my department who have driven these programs but, most importantly, the thousands of South Australians who have volunteered their time to help shape government decision-making. I look forward to involving South Australians even further in future decisions that affect the environment portfolio of this state.

COMMUNITY ENGAGEMENT

The Hon. J.M.A. LENSINK (14:58): Supplementary: can the minister outline what decision-making framework is utilised to work out which of the jury recommendations will be adopted and which ones won't be?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (14:58): As I have said in this place previously, the government will take the decisions from the citizens' jury and I will table it in this chamber and I will also table the government's response. I will take that through a cabinet process, as is normal, and bring back a cross-agency response which will outline whether the government accepts the recommendations and, if the government doesn't, give reasons for that.

HIVE 12-TWENTY FIVE

The Hon. K.L. VINCENT (14:58): I seek leave to make an explanation before asking the minister representing the Minister for Youth questions regarding the HIVE 12-Twenty Five youth service in the City of Tea Tree Gully.

Leave granted.

The Hon. K.L. VINCENT: It has been brought to my attention by a constituent about an excellent HIVE youth service currently offered in the Tea Tree Gully area in partnership with several other organisations and that this service supports approximately 300 previously disengaged and disadvantaged young people in the north-eastern suburbs of Adelaide. I have been contacted by the mother of one of these young people, who is extremely disappointed that on Tuesday night this week the Tea Tree Gully council voted, with the support of the mayor, to defund HIVE as of December.

I understand that HIVE has provided an essential social interaction lifeline for her 16-year-old daughter, a young woman who has multiple and complex health and disability related needs in addition to experiencing severe and ongoing bullying in a range of educational settings. This constituent has told me about how her daughter has gone from being unable to function at school, trying at four separate schools, to being able to attend sewing classes and other social programs at the HIVE without her mother needing to support her. This is an enormous step forward.

I understand that the HIVE is a leading edge in the provision of services to youth in our community. Its collective of services from different organisations makes it unique and highly effective. Young people have a hub where they can access a variety of services they need to help find their way to all sorts of complex issues. My questions are:

1. Will the minister intervene in some way in this decision by the council to defund HIVE and explain to the council the importance of providing young South Australians with relevant services where they feel safe and supported, particularly young people who are extremely disengaged?

2. Is the minister concerned that the relatively new Tea Tree Gully mayor does not seem to understand the needs of these young people?

3. If the service does close down, where does the minister suggest this young South Australian and others in similar situations go to find social supports and services?

4. If the minister cannot persuade the Tea Tree Gully council and its mayor to reverse this decision, will she commit to funding the service through the state government's Office for Youth?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:01): I thank the honourable member for her most important question. I undertake to take that question to the Minister for Youth in the other place and ask her those questions about whether she is prepared to intervene in the decision made by the Tea Tree Gully council to defund a service, and to seek a response on her behalf.

AUTOMOTIVE SUPPLIER DIVERSIFICATION PROGRAM

The Hon. A.L. McLACHLAN (15:01): My question is to the Minister for Automotive Transformation. Having regard to the guidelines dated 2014 for the Automotive Supplier

Diversification Program, what measures has the government implemented to ensure recipients of grants under the program only spend grant moneys on eligible expenditure items? For example, will there be an audit program?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:02): I thank the honourable member for his question and his very significant interest in my portfolio areas. I do appreciate the interest he shows, and I am happy to have dinner with him sometime and talk about these things more.

Members interjecting:

The Hon. K.J. MAHER: He's a very good friend of mine. In relation to the question about the state Automotive Supplier Diversification Program; that was the question, the particular program. With all agreements and grants that are given out in the manufacturing and automotive transformation portfolio areas there will be funding agreements that companies sign with the department in relation to how moneys are to be expended.

There are processes and milestones that generally go along with those agreements. It is generally the case that such agreements will have milestones and will have some process where those milestones are checked upon and further documentation required by the company. If there is a particular grant under that program that the member wishes to privately talk to me about, I can check if there is—

The Hon. I.K. Hunter: Perhaps you can raise it over entrée.

The Hon. K.J. MAHER: —one in particular over oysters Kilpatrick, perhaps, over entrée. As a general principle, there are milestones required in grant programs and requirements for reporting from recipients of grant programs.

AUTOMOTIVE SUPPLIER DIVERSIFICATION PROGRAM

The Hon. A.L. McLACHLAN (15:03): I have a supplementary question. Whilst I appreciate the minister's invitation to dinner, the minister has outlined the reporting requirements, which I understand, from grant recipients. My question is more around the system of testing the accuracy of those reports received by the department from the companies themselves. Could the minister shed some light on whether his department is testing the accuracy of the reports received from the recipients?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:04): The answer to that will depend on the agreement. There will be variations on most agreements, and the way money is expended relates to the agreement that is signed for that particular grant to that particular company. I understand the question is: how far does the department go behind what the company gives and is written—and that will depend on the nature of the grant.

AUTOMOTIVE SUPPLIER DIVERSIFICATION PROGRAM

The Hon. A.L. McLACHLAN (15:05): I have a further supplementary. Does that mean there's no systematic audit or some audit program across all the grants, regardless of the various grant agreements?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:05): No.

AUTOMOTIVE SUPPLIER DIVERSIFICATION PROGRAM

The Hon. A.L. McLACHLAN (15:05): I have a further supplementary. Does the department have a general audit program in relation to its grants program concerning the automotive supplier diversification program?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:05): I am happy to go and check exactly—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. MAHER: —in relation to that program what is undertaken. I'm not aware of suggestions that the companies are lying about how money is being spent. If there is some suggestion that there are companies that are lying about what they're doing, I would be very keen to hear about that.

AUTOMOTIVE SUPPLIER DIVERSIFICATION PROGRAM

The Hon. A.L. McLACHLAN (15:06): I have a further supplementary. I should say that I am not making inquiries regarding any specific company or making any assertion regarding those companies. My interest was purely with regard to company accountability. A further supplementary: with those reports, how does the government determine between eligible expenditure of costs of training directly related to new capital items and the ineligible expenditure item of routine training costs?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:06): As I said, it will depend upon the exact grant that is given. There are various grants, as many grants as we have there are probably as many variations to grants. The department will have their own processes of looking at those.

LIVE MUSIC INDUSTRY

The Hon. G.A. KANDELAARS (15:07): My question is to the Minister for Manufacturing and Innovation. What initiatives are improving—

Members interjecting:

The PRESIDENT: Order!

The Hon. G.A. KANDELAARS: —the live music experience in Adelaide to ensure that South Australia is positioned to take advantage of the growth opportunities both nationally and internationally?

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:07): I thank the honourable member for his important question about the live music experience in Adelaide. Music isn't just an art form; it is an industry and it contributes not only to the cultural vibrancy of our community but also to the economy of the state.

The music industry brings significant artistic, cultural and economic value to South Australia. In terms of quantifiable monetary value, in 2014 it is estimated that the music industry contributed over $263 million to the state's economy and was responsible for creating over 4,000 jobs. We know that South Australia's music scene is poised to grow further, both nationally and internationally.

We have a number of artists that are making very big names for themselves: Tkay Maidza is already getting plenty of airplay. The Hon. John Gazzola first introduced me to this dynamic young artist some time ago, and she is getting airplay right across the globe at only 19 years of age. Also rock bands like Bad Dream are gaining significant national attention. I understand that this year's South Australian delegation to Bigsound was also the largest we have ever sent and that the South Australian showcase had its highest-ever attendance.

The state's music industry as a sector forms an important part of a diverse and resilient economy. I had the opportunity last night to attend Musitec's TechJam event to launch the 2015 Connected Music City Challenge at St Paul's Creative Centre. It was great to see so many people in attendance who were excited about the Challenge, including the Hon. Tammy Franks, who was there last night, and other members like the Hon. John Gazzola, who is regularly involved in the live music scene and promoting live music in South Australia.

The Hon. J.M.A. Lensink: An icon.

The Hon. K.J. MAHER: An icon to the South Australian live music scene. The Connected Music City Challenge is an initiative under the Connected Music City umbrella and is being led by the Music Development Office while working in partnership with industry to activate and differentiate Adelaide as a place to experience music and to ensure that Adelaide continues to take advantage of the significant growth opportunities in this sector.

The initiative will challenge Adelaide's innovators to create compelling city experiences around a theme of music and will be supported by platforms developed by IBM, with the challenge being delivered by Musitec. Musitec began in 2014 as a not-for-profit industry cluster, the very first of its kind in this industry in Australia, that unites music businesses, technologists and the broader industry to develop new products and services. I am pleased to advise that the state government was instrumental in helping establish this particular cluster through our cluster program.

The Connected Music City program aims to distinguish Adelaide as a leading destination to experience live music augmented by technology. Through dedicating the right resources and applying the right type of innovative thinking and talent, we can not only rejuvenate Adelaide's live music culture but also develop and apply technologies to enhance the user experience. Through the challenge, South Australia's innovators and entrepreneurs will develop ideas using technology to further activate Adelaide as a live music city.

They will be tasked with creating and pitching concepts for the delivery of compelling city experiences themed around live music. The launch last night was a great opportunity for a lot of people interested in the challenge to hear firsthand from a panel of industry specialists, to identify the needs and challenges and to sow the seeds so that these sorts of concepts can be formed into reality. The panel discussion last night certainly will have spurred the innovators in the room to develop no doubt some very exciting compelling experiences.

It really was compelling to see so many innovators who have so much interest in the music scene and the music industry in Adelaide, and the Connected Music City Challenge will no doubt deliver initiatives that will activate our city, and I am looking forward to updating the chamber on the outcomes in the future. I congratulate Musitec and the Music Development Office for developing the challenge and for the work they do to ensure the future of South Australia's live music sector. The hash tag, to save a supplementary question from the Hon. Tammy Franks, is #techjamcmcc.

WATER PRICING

The Hon. R.L. BROKENSHIRE (15:12): I seek leave to make a brief explanation before asking the Minister for Water and the River Murray a question about water pricing in South Australia.

Leave granted.

The Hon. R.L. BROKENSHIRE: The Australian Water Quality Centre is a business unit of SA Water tasked with making sure South Australians have safe drinking water. As a commercial operation, AWQC provides professional advice on water quality issues, offers analytical and consultation services and is involved in research on everything from public health to the best ways to minimise environmental impacts. My questions to the minister are:

1. At what unit price does the AWQC internally charge SA Water?

2. Would the minister inform the house whether SA Water is being overcharged by AWQC, as an informant has indicated to me they believe is the situation?

3. If so, is this amount then being passed on to consumers?

The Hon. I.K. HUNTER (Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray, Minister for Climate Change) (15:13): I thank the honourable member for his most intriguing question. AWQC, the quality control side of SA Water, is a highly profitable enterprise for SA Water and is also part of its unregulated business; therefore, it is not, as I understand it, controlled by ESCOSA's regulated pricing mechanisms; if anything at all, it is probably keeping prices down for SA Water customers because of its profitability.

The efficient way it does its job means that other water utilities from around the country are asking SA Water's quality control centre to do its quality control work for them. Of course, it charges

those utilities at a commercial rate, and I would say that that is actually doing more to keep water prices down than the honourable member might believe from his so-called informant.

PUBLIC SERVICE EMPLOYEES

The Hon. R.I. LUCAS (15:14): My question is to the Leader of the Government. Can the minister assure the house that the government will not support any proposed policy change that would see the overwhelming majority of Public Service executive positions being appointed by chief executive officers of departments without going to advertisement and without using merit-based selection processes?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:15): I thank the honourable member for his most important question and his ongoing interest in these particular matters. I think current policies have served us very well. They have provided the government with the flexibility we need as well as the rigour and transparency and accountability that we should show the public.

SCIENCE RESEARCH AND INNOVATION

The Hon. T.T. NGO (15:15): I seek leave to make a brief explanation before asking the Minister for Science and Information Economy a question about how this government is facilitating innovation in South Australia.

Leave granted.

The Hon. T.T. NGO: Science research and innovation go to the heart of South Australia's capacity to develop a strong economy that brings lasting benefits to the community. Can the minister tell the chamber about her recent visit to Flinders at Tonsley?

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:16): I thank the honourable member for his most important question. Last week, I was very pleased to be able to visit Flinders at Tonsley. Although this obviously was not my first time visiting there, I have to say that I am constantly impressed at the amazing, innovative work that is being undertaken at this precinct. I have seen it grow and develop and it is fabulous to see Flinders University's development finally opened. It was great to be able to visit there and go through some of the particular departments.

Flinders at Tonsley was opened in March of this year and is housed in a $120 million six-storey building which centrally locates Flinders' School of Computer Science, Engineering and Mathematics with the Medical Device Research Institute and the Centre for NanoScale Science and Technology. The building houses more than 150 staff and 2,000 students.

Flinders at Tonsley also hosts the New Venture Institute (NVI) which runs entrepreneurship, innovation and mentorship programs that help the state's entrepreneurs to turn their ideas into viable businesses. NVI also runs the Venture Dorm accelerator program which helps deliver MEGA on behalf of the government and in conjunction with Majoran.

The NVI aims to foster Adelaide's entrepreneur community by creating connections between Flinders and businesses, organisations and entrepreneurs from outside the university environment. NVI also operates eNVIsion, an incubation space embedded within Flinders for start-ups and microbusinesses which provides participants with supporting connections to Flinders resources to help develop their businesses and, as I said, turn their ideas into viable businesses. Currently it has 27 operation start-ups and SMEs.

In the last 18 months, NVI has trained 966 individuals in entrepreneurship, innovation and business model distribution. This is incredibly dynamic and exciting stuff which is vital for the continued growth of Adelaide's innovation ecosystem, and Flinders at Tonsley should be congratulated for their activity in this space.

During my visit, I was also able to meet with Dr Gregory Ruthenbeck, who is currently funded through a $30,000 Catalyst Research Grant provided by the government. Dr Ruthenbeck is

renowned for his longstanding career as an innovative researcher and is working with Tonsley-based Simulation Australia on haptic guidance technology, simulation-based training and the development of next-generation interactive systems. I was able to even sit in the driver's seat and drive some of this equipment; it was truly remarkable. I am just pleased it was a 3D picture that I was operating on and not a real person's sinuses that I was exploring into.

This is certainly an impressive piece of work and, during my visit, I was also able to try out some of the technology, particularly around the cochlea there was some fascinating stuff, as well as the nose—as I said, I did some exploratory work on some sinus passages—and also throat surgery. He has a fabulous incubator simulation which is truly amazing, and I would imagine will significantly benefit students in being able to develop certain techniques prior to actually practising on a human being. I imagine that would be in everyone's interest.

These simulations are truly remarkable. They are incredibly lifelike and, of course, packaged with highly technical and accurate anatomical information. So, obviously, the application of this kind of technology, as I said, has really widespread applications, particularly around using instruments and particularly around surgical training. Australia has an ageing research workforce, creating the potential for a shortfall in the number of researchers needed to undertake cutting-edge research with the skills required by industry.

Through the Premier's Research and Industry Fund (PRIF) Catalyst Research Grants program, the government is supporting early career researchers conducting scientific or technological research in collaboration with an industry partner or customer group. This provides the next generation of research leaders with industry relevant experience.

This government is highly supportive of developing South Australia's innovative potential and ensuring that government has a strategic and coordinated focus on science, technology and information economy policy development and program delivery, and supports better linkages between research institutions and industry in order to facilitate state productivity.

Bills

APPROPRIATION BILL 2015

Second Reading

Adjourned debate on second reading.

(Continued from 22 September 2015.)

The Hon. J.S. LEE (15:23): I rise to make a few remarks about the Appropriation Bill. After 13 years of mismanagement, households and businesses in South Australia continue to be disappointed by the budget that the Labor government handed down on 18 June 2015 this year. The Weatherill Labor government has delivered a dangerous job crisis with the highest unemployment rate and worst business conditions in the nation.

As a proud South Australian, of course I am happy to hear that Adelaide was named the world's fifth most liveable city. However, it is not good enough to live in a great city if there are no jobs. Individuals and families are having sleepless nights worrying about job security and escalating costs of living.

The state Liberals are calling on the Weatherill Labor government to start having an honest conversation about the South Australian economy. It is difficult to use the phrase 'honest conversation' with the Labor Party because, in the last few years, they have been misleading the public about so many broken promises they have made. It is time for the Weatherill government to take a closer look at themselves. Instead of ignoring the facts and key economic performance data facing our state, the first step towards fixing our economy is for the Weatherill Labor government to admit that we have a problem.

As we know, South Australia is experiencing the highest unemployment rate in the nation and the value of merchandise exports has plummeted by $1 billion over the last 12 months. It is concerning that we already have the highest unemployment rate in the nation before the closures of the Port Augusta power stations, the Leigh Creek coalmine and Holden. South Australia continues to suffer at the bottom of the pack in terms of business confidence and conditions. To turn around

the state's fortune, the Weatherill Labor government needs to get South Australia's fundamental policy setting right.

To create jobs in South Australia we need to lower taxes and reduce red tape to encourage business investment and economic growth. Small businesses are the engine room of our economy. Collectively, they can generate many new job opportunities. While I and the export sector welcome some of the trade delegations coming to South Australia in recent times, particularly from Shandong China, I am terribly concerned about the federal Labor Party, under Bill Shorten, working with the union to frighten people off about the China-Australia Free Trade Agreement.

The Construction, Forestry, Mining and Energy Union has run a campaign against the FTA, warning that there will be negative consequences of the deal for Australian jobs. Business leaders and industry that I am speaking with want the deal completed in the interests of economic growth. I call on the Weatherill government to also call on their federal leader to reveal their campaign.

Improving business conditions is the only sustainable means of growing South Australia's stagnant jobs market. The latest labour force data has revealed that there are now 20,000 unemployed people in Adelaide's northern suburbs. This is an increase of 42 per cent compared with the figures in August 2014. The northern suburbs unemployment rate is now at 9.4 per cent, getting closer and closer to the dreaded double digits. This is not something to be proud of

In a recent estimates hearing, the Minister for Automotive Transformation revealed that $14.9 million of the $22 million budgeted for the Our Jobs Plan had been spent in the first two years of the program. That means one-third of the available funding was unspent, including grant funding for the automotive supply diversification and retooling programs.

There are many vulnerable families living in Adelaide's northern suburbs. It breaks my heart to see what is happening out there. They are doing it tough. I am sure that jobseekers would not be happy to learn that the Weatherill government is saving the money it said it would spend on its jobs plan. Adelaide's north is in grave danger of becoming a jobs-free zone if the Weatherill government waits until it is too late to deal with the closure of Holden and its flow-on effects in the broader automotive sector. The state government must reduce taxes and red tape, assist exporters and develop productive infrastructure.

It is time for the Weatherill Labor government to swallow its pride and start adopting the job-creating measures proposed by the state Liberals, unlike some Labor government members who have argued that it is simply not good enough to be aware of the challenges facing the state and do not have a plan to address those issues. Let me outline and put on the record here again the Liberals' plans, which have already been announced by state Liberal leader, Steven Marshall. The state Liberals have proposed:

- bringing forward planned stamp duty relief to take effect this year, not in the future;
- increasing the payroll tax threshold permanently to lower the cost for businesses to employ people and create jobs;
- slashing emergency services levy bills by reversing the $90 million emergency services hike announced in the 2014-15 state budget;
- commencing to build the Northern Connector road to link the Northern Expressway with the South Road Superway;
- finalising the feasibility study for upgrading the Strzelecki Track to unlock tourism and mining opportunities in the state's north; and
- establishing a state-based productivity commission to remove unnecessary regulations and red tape.

We do not have to look very far to know that there are many issues and problems facing our state, just look at all the select committees that have been called on by the Legislative Council for review. We have problems in looking at child protection issues, we have problems in looking at the health

system of the state. There are so many things that the state government now needs to review. With those few remarks, I commend the bill to the chamber.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:30): I do not believe there are any further contributions to the Appropriation Bill, so I rise, obviously in support of the bill, to conclude the debate with a couple of very brief comments.

The government is keenly aware of the economic challenges facing South Australia, that is why we are taking action and why we have a plan that clearly outlines the 10 economic priorities for the state. We have recognised that our heavy reliance on the traditional manufacturing sector, particularly the automotive industry, combined with declining commodity prices in the mining sector, are presenting clear and very real challenges for our state.

Having said that, we are a state that can recognise where opportunity lies. Our state's circumstances mean that we can and must be nimble and agile in our responses to issues as they arise. But, to paraphrase the French scientist Louis Pasteur, 'Fortune favours the prepared mind.' We are positioning South Australia to identify and act swiftly and certainly upon opportunities where they present themselves and in doing so ensure that our resources achieve the maximum benefit for all South Australians.

The question of risk is obviously important here. I note that those opposite have not taken the risk of presenting any policy of any substance that might address the challenges that face South Australia. Where there could be coherent big policy ideas from those opposite, there is simply a void, an empty space. To those opposite, risk is confined to lunching at a restaurant they have perhaps not been to before, or perhaps wearing a brightly coloured tie. I think that is the extent of their risk taking. For them, the idea of presenting policies is simply too risky when, by staying mute and keeping a low policy profile, they still hope that government might, one distant day, happen to fall into their lap.

It does not work like that. We have taken a risk. We have nailed our colours to the mast. We have carefully assessed the situation and set 10 clear economic priorities for the state. As a state, working hand in hand with industry, employers and community leaders, we are certain that we can summon the determination and spirit to shape our own future. We are committed to moving forward with a renewed federal government to take every opportunity to advance our state. We welcome the possibilities that a less negative and more forward-looking federal government could bring to the table.

In the meantime, the consequences of the previous federal Liberal leadership are still hanging over the state like a grim economic shadow. The withdrawal of $500 million of federal support for the car industry and the closure of Holden has not been reversed. The federal government's cuts of $5.5 billion to health and education have not been reversed. The broken promise of the $20 billion submarine contract has not been reversed.

All South Australians know that when a leader gives his word, when people act, and vote, on that word, and he then reneges on that promise, it is a mark of shame and a fundamental breach of trust, and members opposite recognise that shame. In fact, their federal colleagues were, to their credit, sufficiently moved to act to remove the former leader. Now, with a new leader, the opportunity exists to build new bridges. We welcome that opportunity.

In addition to our long-term goals and vision, this year's budget saw a number of bold initiatives that responded to the needs of industry, in addition to our significant infrastructure agenda. To unshackle them from unnecessary burdens of doing business in our state, we abolished five taxes that inhibited economic activity. We have reformed WorkCover by reducing premiums from 2.74 per cent to 1.95 per cent, a $180 million saving for 48,000 businesses.

Additionally, we must not and should not shy away from our achievements so far. We have invested heavily in renewable energy, which is yielding terrific results. Renewables now account for 39 per cent of our electricity generation, way ahead of our initial target of 20 per cent. We have worked hard to build a reputation as an international education destination of choice, now, at over a billion dollars annually, our largest service export. We have established the largest biomedical

precinct in the Southern Hemisphere, which includes SAHMRI and the new Royal Adelaide Hospital. Our state's scientific and biomedical R&D base holds extraordinary potential.

Our premium clean and green food and wine industries are taking advantage of the immense possibilities of the expanding Asian markets to the north. We are going out and making a name for South Australia as a reliable, high-quality, premium business partner within the world's most dynamic zone, Asia. Our traditional bases in the mining, defence and manufacturing areas are also responding to change by seeking out global opportunities within niche and expanding markets. We are working hard to push forward this bold vision in the certain knowledge that more brilliant possibilities open up to those who seize these opportunities.

We have shown that we can stand shoulder to the wheel with industry and our federal representatives, looking for each opportunity to drive our economy and our people forward with the resolute determination that South Australians are well known for. If only those opposite would join their colleagues and us, imagine the possibilities for this state. Again, I thank honourable members for their contributions and their support and I look forward to dealing with this expeditiously through the committee stage.

Bill read a second time.

Parliamentary Procedure

VISITORS

The PRESIDENT: I would just like to welcome our friends and members of the Bhutanese Association. Well done. Good to see you here.

Bills

APPROPRIATION BILL 2015

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (15:37): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LOBBYISTS BILL

Second Reading

Adjourned debate on second reading.

(Continued from 22 September 2015.)

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:38): I would like to thank the honourable member for the contribution that was made on this bill and look forward to this progressing through committee stages.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. R.I. LUCAS: I will ask this question at clause 1; there is probably a more appropriate clause later on, but I am struggling to find where it is. There is one provision in this bill which will in essence, once the bill is assented to, will mean that lobbyists will not be able also to be

members of government boards and committees. Can I ask the minister what advice he can share with the chamber on what the government's intended process is.

There are clearly members of boards at the moment who are, and I would imagine will continue to be, registered lobbyists. What is the government's process going to be in terms of advising those persons that they now have to choose either to continue their lobbying activity or resign from a board, that is, make that choice. What is the government's proposed time frame in terms of them making those arrangements to their personal circumstances?

The Hon. K.J. MAHER: I can advise that the government will write to those people who appear on the list of government boards and also on the register of lobbyists and ask them to make a choice. I know that the Attorney-General, who is responsible for this, is keen to make sure that happens very quickly. I do not have an exact time frame, but it will be very quickly that people will be asked to make that choice.

The Hon. R.I. LUCAS: I am happy for the minister to take the question on notice and there may not be a response available immediately. I accept that the government is going to take action as soon as possible after assent to ask people to choose, but in essence what will the legal requirement on them be in terms of having to make that choice?

It may well be that the government has to consider delaying the operation of one particular provision of the legislation until a certain time period, whether it is a month or two months or something, because I imagine that if the law says that once the law is passed you must be either/or, at that time if they are in both positions they are breaking the law. It may well be that the government's proposed process will be not to enact a particular provision for a period of time to allow them to organise their circumstances. If that is the case, I would be interested to know what the government's proposal or thinking might be—is it a month, two months, three months?

The Hon. K.J. MAHER: I am happy to take those on notice and undertake that I will have the Attorney-General provide a response to the honourable member about the mechanics of which parts will come into operation at what time, and the times that will be set down for those.

Clause passed.

Clauses 2 to 19 passed.

Schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (15:43): I move:

That this bill be now read a third time.

Bill read a third time and passed.

RESIDENTIAL TENANCIES (DOMESTIC VIOLENCE PROTECTIONS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 23 September 2015.)

The Hon. R.I. LUCAS (15:43): I rise on behalf of Liberal members to support the second reading of this bill. It is opportune at this particular time, this particular week, that the parliament is further considering legislative reform in this particular area.

It is clear from public statements made today by new Prime Minister Malcolm Turnbull that domestic violence issues are important issues not only for state and territory governments but also for the national government. The Adelaidenow website of *The Advertiser* carries a story today headed 'Prime Minister Malcolm Turnbull unveils multimillion dollar domestic violence package', and leads that story with:

Australia must become a country that respects women to end the 'national disgrace' of domestic violence, Prime Minister Malcolm Turnbull says.

Mr Turnbull today unveiled a $41 million package to tackle the issue, including measures to better train frontline officers and funding for 20,000 mobile phones for at-risk women.

I acknowledge the announcements and actions of Prime Minister Turnbull and minister Michaelia Cash in the announcements today. In doing so, I want to place on the record our acknowledgement, as a parliament I would hope, the role the former prime minister Tony Abbott took in relation to the domestic violence issue.

This issue was taken up at the national level at the COAG meeting back in April of this year, when there was an agreement between state leaders and the federal government of the importance of coordinated action between the national government and state and territory governments to tackle the domestic violence issue on a number of fronts.

As I said, there was that agreement in April and I think leaders at that stage asked Rosie Batty and former police commissioner Ken Lay, I think it was, to provide detailed advice to leaders at COAG in terms of what was appropriate for coordinated government action across the nation to tackle domestic violence. On 10 June this year, it was stated:

The Australian prime minister, Tony Abbott, has said 'real men don't hit' in a strongly worded plea to end domestic violence at a conference in Sydney.

He said 'as a husband, as the brother of three sisters and father of three daughters' violence against women and children was 'absolutely abhorrent' to him, 'as it should be to everyone'.

He then went on to outline the work that had been done by national leaders—by 'national leaders' I mean state and territory and federal leaders—at the COAG conference in April. He outlined that in April there had been an announcement of a national domestic violence order scheme which would ensure that domestic violence orders in one jurisdiction would be recognised in every state and territory. Again, and more recently, on 13 September, so just a little while ago, there was a story about family violence this week. 'Gutless' was the headline, and it continued:

Any man who attacks a woman is 'weak and gutless'. That's the message Tony Abbott wants heard in every Australian home.

The prime minister is preparing to announce later this week further efforts to stem a wave of domestic violence across country.

'Violence against women and children is never, ever acceptable,' he told reporters in Perth on Sunday.

That article then outlined that state and territory leaders and Mr Abbott had discussed domestic violence during a COAG meeting in April. They had asked Rosie Batty and Ken Lay to advise leaders and pledged to agree by year's end on a national domestic violence order scheme. The article continued:

This would mean sharing information on active DVOs across jurisdictions.

But Mr Abbott said on Sunday he didn't want to wait until the end of the year to act.

'Frankly, I don't want to wait even until another summit,' he said.

He has promised a more concrete announcement by the end of this week.

That was the week commencing 13 September. As is the way of the world, a number of events occurred at the national level, which meant that former prime minister Tony Abbott was not in a position to announce the funding package he was indicating on 13 September would be approved by the federal government.

What we have seen is a funding package announced today. I am not sure whether it is exactly the same as the one that was being contemplated beforehand or whether or not it has been tweaked in any way but, nevertheless, what I did want to indicate is that at the national level under the leadership of former prime minister Abbott, and now under the leadership of Prime Minister Turnbull, there has been national leadership on this issue and a willingness of the federal Liberal government to work with state and territory governments across the board in terms of shared responsibility to tackle the issue.

The bill before us is intended to provide further protections to victims of domestic violence in the tenancy sector, to terminate a residential tenancy or rooming house agreement where SACAT is satisfied that domestic abuse has occurred or there is an intervention order in force against a person residing at the premises. So, it is tackling a specific element. The national announcements are obviously tackling other issues that relate to the important issue of domestic violence. This measure is restricted to this important issue, but restricted nevertheless to this issue of the tenancy sector and domestic violence in the tenancy sector.

Present arrangements, as outlined to the Liberal Party, are that a tenant or landlord may apply to SACAT under the current law to terminate a residential tenancy based on hardship. However, SACAT's powers are currently limited in cases where the tenant is a co-tenant with a person being violent towards them, because co-tenants are jointly and severally liable for the tenancy arrangement. Thus, under the current law, SACAT cannot terminate a residential tenancy unless the other tenant joins the application, indicates no opposition to it or SACAT is satisfied that the other tenant has abandoned the residential tenancy.

Clearly, those circumstances are very restrictive and very limited in the sorts of cases we are talking about and therefore in many cases are of little practical use for victims of domestic violence. SACAT is also unable to make an order that one tenant in a co-tenancy is liable for compensation to the landlord to the exclusion of other co-tenants. Clearly, again, that is the restrictive nature of the current legislation which does not assist in terms of resolving the ramifications of domestic violence and the impact on tenancy arrangements.

In situations of domestic violence, this generally results in the victim being required to pay for damage caused to the property by the perpetrator, either out of the bond or as compensation, or in some cases both. Under the bill the parliament is about to support, it is proposed that a tenant will be able to apply to SACAT to terminate a residential tenancy, based on domestic abuse in specified circumstances. Those circumstances are specified in the legislation. For example, those specified circumstances will be where there has been a SAPOL report or a report from a domestic violence service provider.

One of the questions I put to the minister for response at the second reading or during committee is whether she can clarify the definition of a 'domestic violence service provider'; that is, is there an acknowledged or accepted list by the department or government agencies of a 'domestic violence service provider'? Does it mean that any person employed full-time or part-time by a particular service fits that definition, or does the legislation provide any guidelines on how that is to be interpreted by SACAT? Ultimately, as we have seen with SACAT, it will be what the letter of the law indicates in terms of some of the critical decisions it will take in the future.

SACAT, under the bill, will have power to make an order terminating the residential tenancy, and substitute a new tenancy agreement. SACAT will also have power to make an order that one of the co-tenants must pay compensation to the landlord. The government says that SACAT's powers in relation to the bond are designed to 'provide a balance between the victim's interest in the bond, if any, and the landlord's right to compensation out of the bond'.

As is customary for the Liberal Party, when the legislation was introduced we sent it out to any number of stakeholders seeking feedback as to whether or not there was support for the legislation or whether, indeed, any questions needed to be asked during the debate of the bill. Broadly, the Liberal Party has received general support from stakeholders for the legislation, but a number have raised some issues, both with us and publicly, which we will place on the record at the second reading stage and pursue at the committee stage. Shelter SA wrote to the Liberal Party indicating as follows:

> Domestic violence is the leading cause of homelessness in Australia and approximately 40 per cent of people receiving specialist homelessness services are children under the age of 18 years. Shelter SA welcomes all initiatives that aim to reduce the harm caused to women and children through domestic violence, including implementing changes to residential tenancy laws and we commend minister Gago for her work on the reforms to date.

Shelter SA then goes on to raise some broader issues of concern in relation to government policy and domestic violence. I do not propose to read all of those onto the public record, but I should say that this letter is signed by Dr Alice Clark as the Executive Director of Shelter SA, and I will put on the record the final paragraph from Dr Clark:

If the state government is serious about addressing domestic violence, there is much more to be done. Shelter SA would like to see a range of evidence-based initiatives funded and implemented that include education for our children around communication, problem-solving and conflict resolution, community education that addresses gender inequality and violence, and financial assistance for victims of domestic violence. Most importantly, governments and communities need to work together to increase the supply of social and affordable housing to make it easier for people to maintain their tenancies and, if needed, find alternative accommodation in a crisis. Our domestic violence sector also requires long-term ongoing funding so that they can attend to preventative services.

It is fair to say that Shelter SA are supportive of the legislation but are taking the opportunity to indicate that, whilst this measure is supported, they believe there is much more that could and should be done by the state government on this issue.

The Real Estate Institute of South Australia did a number of interviews publicly, one of which I will refer to which aired on 30 July this year on ABC radio with Ian Henschke, who was the host, and Mr Greg Troughton, who was representing the Real Estate Institute. Mr Henschke's question to Mr Troughton was:

Okay, so what would be the proof that there is domestic violence there? Because I imagine if you're a landlord listening to this you're saying…I might end up having to carry the cost of this, I'd at least like to know that it's really happening…that it couldn't be just an excuse to get out of a lease.

Sorry, that question was put to Fiona Mort from the Office for Women. Ms Mort said:

…we don't want that to happen, we're aware of that concern…the proof will be either having an intervention order. Currently police can issue them or the court can issue them or having evidence from a domestic violence service.

Henschke then puts the question:

Okay, well let's put this to Greg Troughton now from the Real Estate Institute…do you think landlords would be happy with this? I suppose it's something they just will have to carry.

Troughton responds:

…let me talk about [the Real Estate Institute's] position on this. Obviously we'd be very concerned about anyone being compelled to stay in an untenable situation, so let me say that first off, but what we are very concerned about and wouldn't support is any reform that sort of shifts this social burden and responsibility to the landlord…our concern is that, yes this is a very real issue, it's a very serious issue and it needs some serious consideration, but shifting it on to the landlord and let me just say…80 per cent of our landlords have less than one property and earn less than $80,000 a year, so this will have a real financial impact if we're not careful and it's not structured appropriately …it's really important that the landlord is looked after through this process because this is a social issue that is a government issue and shouldn't rest on the mum and dad investors out there at the moment.

Then there are further quotes from Ms Mort and Mr Troughton, but essentially they are making similar points. The questions to which I will be seeking a response from the minister are: what was the degree of engagement between the government and the Real Estate Institute, and did the government ultimately receive a submission from the Real Estate Institute indicating that they were happy with the assurances that have been given by the government in the bill and the protections on behalf of the landlords that Mr Troughton was publicly raising in that interview with Mr Ian Henschke?

Finally, I turn to quite a detailed submission from the Landlords' Association of South Australia, which is a 10-page submission submitted to the government and to the opposition. In addressing this, I want to indicate that this is one of the reasons that debate on the bill had been delayed for a small number of days in the Legislative Council. If I can just outline the process, I met with the Landlords' Association two or three weeks ago in relation to these 10 pages of concerns they had with the legislation. I hasten to say that their submission, as with the Real Estate Institute, did start off with this sentence:

The Landlords' Association (S.A.) Inc…fully supports measures that alleviate the impact of domestic violence so is broadly supportive of the measures contained in this bill.

I want to place on the record that the Landlords' Association commenced their 10-page submission with that, and the Real Estate Institute indicated as well that they were broadly supportive. Nevertheless, the Landlords' Association then went on to raise 10 pages of questions and issues with the detail of the legislation.

I took up these concerns up with the government representatives two or three weeks ago, and then my office had contact with the Landlords' Association. They indicated that they were going

to meet, I think, early last week with the government and that they would contact us soon after that meeting with a further submission as to what their remaining concerns, if any, might be.

After that meeting on Monday, my office had contact with the Landlords' Association who indicated that, in the next couple of days, they would provide a written submission of their continuing concerns from the original 10 pages of concerns. We contacted the Landlords' Association again, and they indicated they would have their further submission to us by Thursday or Friday last week, but we did not receive it.

We contacted them again on Monday, and they indicated that we would get a submission on Monday or Tuesday of this week. As I said, it was only yesterday when I got a text message from my office at 11:10 which indicated there had been a telephone conversation with the Landlords' Association which indicated that we would not be getting a further written submission, with words to the effect that the government amendments resolved most if not all the issues that the Landlords' Association had raised.

Having looked at the government amendments, I am not sure how some of the questions raised by the Landlords' Association in their 10-page submission are addressed by the amendments; they are clearly not. But it may well be that, having had the discussion, they are no longer concerned about other aspects of their original 10-page submission. I give that detailed background about discussions with the Landlords' Association to indicate the reason I had originally intended speaking on behalf of Liberal members on Tuesday of this week but continued to await the further submission from the Landlords' Association, which, as I said, ultimately did not arrive. We had the telephone advice yesterday at about 11 o'clock, indicating that there would not be a further written submission.

So I have therefore very quickly today gone back through the original 10-page submission of the Landlords' Association and will place on the record some questions (some of which I think are not actually addressed by the government amendments) and seek the government's response in its response to the second reading or during the debate in the second reading. I hasten to say that these are questions that the Landlords' Association raised originally in the second reading. They are not issues that the Liberal party room has even debated in detail, and we do not indicate a position on those, other than we were interested to know what the government's response was to the Landlords' Association when these issues were raised.

On page 4 of the Landlords' Association submission they raise a question in relation to the definition of 'co-tenant'. They ask the government whether this includes subtenants, and that this needs to be clarified and noted in the bill. Certainly on my reading, I suspect the answer to that is probably no, that it does not, but I seek clarification of what the government's advice was. On page 5 of their submission, the Landlords' Association raised the following point:

> If the Tribunal—

That is, SACAT—

> releases part of the bond to the tenant, the landlord's position is compromised. Section 89A(4)(a) should be amended to include 'under such terms and conditions as the Tribunal sees fit' so that a remaining tenant would have to reinstate the original bond if it is agreed by all that the tenancy be reinstated. So, if the landlord does not agree to reinstate the tenancy and the Tribunal orders possession on a given date, the original bond should stand until the date of possession.

Further on page 5, the Landlords' Association argues:

> Given that domestic violence is a community problem, and the government wants to break the contract between a landlord and tenant, and given that the landlord is completely innocent in such a matter, the government should be responsible for any losses and compensation to the landlord.

I assume that the government's response to that was that it does not agree, but I nevertheless seek confirmation of what the government's response was.

Further on page 5, the Landlords' Association raises the issue of whether or not the government has actually considered that one of the possible impacts of the legislation might be that some landlords might favour tenants who are not in relationships. They argue that this might have an adverse effect on what the government is actually trying to achieve and that the government needs to be careful because every action causes a reaction. My question to the government is: what

was the government's response when the Landlords' Association put that particular view to it? Further on page 5, the association asks:

> How will SACAT ensure that landlords are reimbursed in a timely manner, what is the process for reimbursement and who does the follow up? If tenants (abusers) refuse to pay up what are the penalties and how will this be enforced?

On page 6 of the submission there was a similar question under the broad heading of 'Bond and compensation':

> What if the responsible co-tenant/s abandons a premises almost immediately and the remaining bond does not cover the damages. The total bond should not be released until the landlord has been compensated. In the meantime, the co-tenant/s not responsible for the damage may apply for a Housing SA guarantee.

This is a further quote:

> Most landlord insurance policies with tenant damage cover reduce the payment of a claim by the total amount of the bond. Also when a claim is made, the landlord will be required to pay an increase in the policy renewal premium the following year.

Again, I seek the government's response as to how it responded to the Landlords' Association's point there. On page 10 of the submission, under the heading of 'How will the bond be refunded?', the Landlords' Association again argues—and I think this is a similar point to their earlier argument:

> The total bond should not be released until the landlord has been fully compensated. In the meantime, the co-tenant/s not responsible may apply for a Housing SA guarantee.

I seek from the minister, in the response to the second reading, what the government's response to the Landlords' Association was in relation to that specific issue.

We have received this week further amendments from the government to the legislation. These amendments are dated 18 September and certainly they have not been considered by our party room, so I would appreciate it if the minister could broadly outline the purpose of the government amendments and the reasons why the government is moving the two amendments filed on 18 September to both clause 7 and clause 9 of the bill.

The Hon. A.L. McLACHLAN (16:10): I rise to support the second reading of the Residential Tenancies (Domestic Violence Protections) Amendment Bill 2015. This bill amends the Residential Tenancies Act 1995 to provide some practical assistance and to strengthen the level of protection afforded to victims of domestic violence in the tenancy sector.

It is fortuitous, as pointed out by the Hon. Rob Lucas, that in proceeding on this bill in the chamber today the federal Minister for Women, Michaelia Cash, has announced a $100 million women's safety package aimed at combatting domestic violence. This will, I believe, make a real difference to removing the blight of domestic violence in our community. Like the Hon. Mr Lucas, I acknowledge the considerable efforts of the former prime minister, the Hon. Tony Abbott. Indeed, the announcement today has clearly been the result of much of his work.

Sadly, Australian women are most likely to experience physical and sexual violence in their home and at the hand of a male (current or ex) partner. Recent statistics tell us that on average one woman is killed every week as a result of domestic violence and that one woman is hospitalised every three hours. In this year alone, 63 women have died as a result of domestic violence attacks. There is a clear need to continue to improve our community efforts, both to prevent violence from happening in the first place but also to provide the necessary services for women experiencing domestic violence and for those who are trying to escape it.

The decision to stay or leave an abusive relationship, unfortunately for many women, can be affected by financial factors. This was explored in the paper, 'Seeking Security: promoting women's economic wellbeing following domestic violence', by Rochelle Braaf and Isobelle Meyering in May 2011. As a community, we need to ensure that if and when those impacted reach out we are there, ready and willing, to render assistance. Those in an abusive relationship need to know there is no reason to stay and every reason to escape and pursue a happy and fulfilling life away from violence.

I now turn to the bill before the chamber. Currently, a tenant or landlord can apply to the South Australian Civil and Administrative Tribunal (SACAT) to terminate a residential tenancy based on hardship. When considering these applications, SACAT can consider special circumstances that might result in undue hardship to the tenant or the landlord. A flaw in the current system, however, is that SACAT's power is limited in cases where the tenant making an application is a co-tenant with a person who is being violent towards them.

Where a co-tenancy agreement exists, SACAT cannot terminate the tenancy unless the other tenant joins the application; indicates no opposition to it; or SACAT is satisfied that the other tenant has abandoned the residential tenancy. Therefore, SACAT cannot terminate a tenancy for persons who would have otherwise met the hardship threshold test if they are a co-tenant and one of these other pre-conditions is not met.

Clearly, this is not practical in situations where domestic violence is the reason a co-tenant makes an application in the first place. The bill permits the termination of a residential tenancy or rooming house agreement where the SACAT is satisfied that domestic abuse has occurred or there is an intervention order in force against a person residing at the premises.

The bill also makes amendments giving SACAT the power to find that one or more but not all co-tenants are responsible to make payment to the landlord either by way of compensation or out of the bond for property damage. Although SACAT currently has the power to make an order for compensation, it does not have the power to order that only one tenant in a co-tenancy is liable to make the payment. This means that in situations of domestic violence the victim is required to pay for any property damage that is caused by their co-tenant who was the perpetrator of the damage. Worse still, it can also lead to the victim being placed on a residential tenancy database, linking them with the property damage not of their making.

Under the amendments, SACAT can direct the bond be paid in instalments as it thinks fit, considering which co-tenants were liable, which co-tenants paid the bond and in what proportions. SACAT can also prohibit a tenant's personal information being listed on the residential tenancy databases in certain circumstances relating to domestic violence. These amendments attempt to balance the landlord's right to compensation with the victim's interest in the bond moneys.

Under the amendments, a tenant can apply for a restraining order against a co-tenant when there is a risk that they or a person permitted on the premises by the tenant may cause serious property damage or personal injury. These restraining orders prohibit them from engaging in certain types of conduct. Without these amendments, it is not clear if a co-tenant had the standing to make such applications against their co-tenant.

The bill also adopts existing definitions under the Intervention Orders Act recognising that domestic violence can include a wide variety of behaviour between family members. This bill aims to complement the intervention order regime by ensuring that victims do not incur further expenses or hardship associated with relocating or are able to remain in their homes when it is safe to do so.

We must do all that we possibly can to ensure that those victims who find the courage and strength to end an abusive relationship have the tools to equip themselves to find a safe location and with as little financial stress as possible. The recent launch of the Zahra Abrahimzadeh Foundation, which will offer grants to women to help cover the financial costs of escaping their violent partners and rebuilding their lives, is a wonderful example of how the community can become involved and help provide practical assistance to the countless victims within our community.

Recently, I was honoured to become a White Ribbon ambassador, and I am encouraged to see that many of my colleagues and other members in this place are also ambassadors. I have also been encouraged to see the White Ribbon campaign gaining publicity and increasing awareness in the community of this widespread affliction. While as a community I believe we have made considerable progress, there is much more to be done. I look forward to the committee stage and the government's response to the matters raised by the Hon. Mr Lucas.

The Hon. J.M.A. LENSINK (16:18): I rise to make some remarks in relation to this bill. I will be brief because I think the parliament is probably in furious agreement in support of this piece of legislation. One of the things that I am sometimes asked as shadow minister for the status of women in relation to domestic violence is how do we 'fix it', and my response to that is that many responses

are required. Clearly, changes in attitudes are required, and the new Prime Minister certainly made those strong comments today, but there are a number of other measures that can be taken.

I see this as a very practical means of assisting people who are in situations where they are co-tenants. As we know, people who are the perpetrators of domestic violence are often incredibly manipulative. Sometimes they are quite clever at being manipulative and can convince other people outside of the relationship of their good intent. These measures will assist those people who are in a domestic violence situation to break those tenancy agreements.

I note some of the amendments address the issue of the damage to property, where the victim is often, under the current circumstances, required to pay for the damage to the property. Clearly, we do need to assist victims who are fleeing their situations. The current arrangements do not assist in that, which I think most people would agree needs to be changed. With those remarks, I commend the second reading to the house and look forward to the committee stage of the debate.

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:20): I thank honourable members for their second reading contributions and their overwhelming support for this important piece of legislation. The bill aims to update our tenancy legislation to address domestic violence and provide protections for victims in the tenancy sector. As a state, we cannot stand by and allow domestic violence to continue. We must tackle this issue on every front and every level that we possibly can.

The protections this bill is seeking to provide to victims of domestic violence have been balanced to preserve the current protections that exist for landlords. This approach supports what domestic violence service providers have told me, which is that, first and foremost, victims want out of the property, or the perpetrator out. Victims do not want to be tied to the perpetrator through obligations under the tenancy agreement. They want any necessary compensation claims finalised and not have any reason for the perpetrator to have ongoing contact with them.

I would like now to take this opportunity to clarify something that has been raised by stakeholders, that is, that the landlord will retain their existing rights to claim for compensation out of the bond. A claim, for example, may be to cover costs from damage or early termination of tenancy. Any order SACAT makes under these proposed changes is to be consistent with the way compensation for a landlord is currently assessed and dealt with under the act.

The government has filed an amendment that clearly sets out that intention. The amendments do not change the substance of the original bill. It was simply raised with us that it could be ambiguous. Our advice was that the former wording was not ambiguous, but nevertheless, in the spirit of cooperation we made those amendments to clarify the intention of the bill.

Once compensation, if any, is determined, SACAT will make an order for the remaining bond money—the whole amount or just a portion of the bond—to be paid out to one or more of the tenants. Where compensation exceeds the bond amount, the landlord will be entitled to the full bond. SACAT can require any compensation above the bond to be paid by one or more of the tenants, and in making this determination will give consideration to the tenant who might be liable. Victims should not be penalised further for damage they did not cause.

The Hon. Kelly Vincent asked some questions during her second reading—and I will seek to address those—with respect to what redress available homeowners have for loss. As I have already outlined, a landlord will retain their existing rights to claim for compensation out of the bond. A compensation claim can include costs associated with early termination of tenancy. Any order SACAT makes under these proposed changes is to be consistent with the way compensation for a landlord is currently assessed and dealt with under the act. The landlord also remains entitled to claim for compensation exceeding the bond.

Regarding the question about the time taken to make a decision, I am advised that this will be treated in a similar way as applications under the hardship provisions are dealt with, and I am further advised that this generally takes two weeks. However, in critical situations, the matter may be dealt with within three days. These proposed changes aim to provide an avenue for victims to

terminate their liability under the tenancy agreement and end dealings with the perpetrator in relation to the tenancy in future.

I am advised that these dealings are often used by perpetrators to abuse their victims and prevent victims from re-establishing their lives free from violence. Victims of abuse are strongly encouraged to seek advice on applying for an interim intervention order to ensure their safety. Information will also be provided to victims about specialist domestic violence services who are skilled in assessing and managing risk of further violence.

In response to the question asked about what information and support will be available to help people understand the tribunal process, I am advised that once the bill has passed Consumer and Business Services, in conjunction with the Office for Women, will prepare educational material in consultation with stakeholders to ensure that the tenancy sector and victims of abuse are aware of their rights.

I am further advised that SACAT currently has an assistance program, where a person can request that the tribunal make special arrangements to account for physical, mental, cultural or language barriers a person may have. These details can be included in a person's application or they may speak to a SACAT community access officer on a 1800 number. The tribunal may also conduct hearings by telephone or video link. Applications can be lodged in person at the tribunal, online or over the phone. The tribunal also provides advice on lodging applications to service providers who may assist a person with applying.

In relation to some of the questions the Hon. Rob Lucas has put on the record, the definition of a service provider I am advised may include non-government organisations, such as a central domestic violence service or victim support services or practitioners, such as general practitioners, psychologists or social workers from government departments. In relation to questions about REISA's engagement, I have met with REISA. They did not provide a written submission. They did provide feedback about their concerns about the impact on landlords. That has been addressed and it was mainly in relation to those concerns that these government amendments were lodged.

The Landlords' Association has indicated to my office that it is comfortable with the bill and its amendments. I met with the Landlords' Association and was able to clarify a number of matters they had misunderstood in the bill. For instance, they had understood that the current bond arrangements would be altered by this bill. Once we went through that, and assured them that they were not, they were satisfied. That was the main concern they had.

In relation to the submission of the Landlords' Association, unfortunately I received it only very recently; apparently, they had furnished it to the opposition without affording the government that courtesy. In fact, they fronted up to the meeting referring to their submission which we had no knowledge of and was not in receipt of. However, we have addressed that and addressed all their concerns. With those few words, I hope that this is dealt with expeditiously through the committee stage.

Bill read a second time.

Parliamentary Procedure

VISITORS

The PRESIDENT: I acknowledge Senator Ruston, a federal senator and minister—congratulations.

Bills

RESIDENTIAL TENANCIES (DOMESTIC VIOLENCE PROTECTIONS) AMENDMENT BILL

Committee Stage

In committee.

Clause 1.

The Hon. R.I. LUCAS: For the sake of convenience, and to help expedite matters, I might raise a number of issues at clause 1, with the agreement of the minister. I thank the minister for her

response to the second reading which does answer a number of the questions I put during the second reading on behalf of a number of stakeholders.

I want to tease out a bit of further information in relation to the advice the minster has received on the interpretation of 'domestic violence service provider'; I think that is the phrase used in the legislation. I think the minister's reply provided to her from advisers was that it would include individual social workers within government departments and agencies and, I guess, psychologists within government agencies and in private practice.

Can I just confirm that that is the nature of the government's advice. I guess the issue I have there is how the government then determines how a psychologist or social work provider is a domestic violence service provider; that is, is every registered psychologist in private practice and operating in a government department going to be acknowledged as a domestic violence service provider because technically they might be, or is there something which identifies those who have developed some expertise in the area of providing services in the area of domestic violence?

The Hon. G.E. GAGO: I thank the honourable member for his questions. It will be a matter for SACAT to determine. It will obviously look for credible and reliable professional advice and consider that relevant advice when determining whether a person satisfies the criteria. Basically, it includes those professionals who have expertise in that area.

The Hon. R.I. LUCAS: I do not seek to delay the committee stage on this issue, but I am advised, for example, that there is no registration process for social workers, as opposed to some other professions. It would appear that the government's advice is that this ultimately will be a legal determination of SACAT. The legislation says 'domestic violence service provider', and we will need to await precedent by SACAT, in terms of whether or not a particular person who seeks to be defined as or come within that classification of 'domestic violence service provider', will be sufficient grounds to activate this particular clause, which potentially will result in the termination of a residential tenancy based on domestic abuse.

Clearly it is important because the legislation is saying that SACAT can only terminate a residential tenancy based on domestic abuse in certain circumstances; that is, a report is received from SAPOL or a report from whatever is ultimately determined to be a domestic violence service provider. Ultimately, from what the minister is indicating, it will depend on how SACAT interprets that. That can be, I would suspect, as broad as SACAT might wish it to be or as restrictive as SACAT might wish it to be.

There certainly does not appear to be clearly an accepted definition. There is nothing in the legislation that says that these are either the services or the professions that will be accepted as a report from a domestic violence service provider. Ultimately, we will be waiting for case law, I suppose, as to whether someone knows a social worker and a social worker reports the issue and that that is sufficient to activate this particular termination provision within the legislation.

I do not seek to delay the committee stage, but I highlight that this will be an issue that people will need to monitor ultimately as to how broadly SACAT interprets this particular provision and whether or not it is ultimately of assistance in terms of making use of this legislation or whether in the end it might be a restriction, in terms of being able to make use of the legislation.

The Hon. G.E. GAGO: I thank the honourable member. I am advised that the bill does not intend to define what is a service provider. It is a matter for SACAT to determine the level of expertise that it is prepared to accept in making a determination. I accept your comments.

The Hon. R.I. LUCAS: Another question the Landlords' Association raised was whether or not the definition of co-tenants included subtenants. They were suggesting that this needed to be clarified. Certainly, on my reading I would assume that it does not, but I seek the government's response to the Landlords' Association on that particular issue.

The Hon. G.E. GAGO: I am advised that the same protections do not apply to a subtenant unless named on a lease. Effectively, the tenant becomes the landlord for the purposes of a subtenancy, but the landlord needs to approve any subtenant and therefore could make an application to SACAT.

The Hon. R.I. LUCAS: I thank the minister for that response. Can the minister indicate the nature of the government's response to the Landlords' Association's concerns about new section 89A(4)(a) of the bill, and I will read those again:

If the tribunal releases part of the bond to the tenant, the landlord's position is compromised. Section 89A(4)(a) should be amended to include 'under such terms and conditions as the tribunal sees fit' so that a remaining tenant would have to reinstate the original bond if it is agreed by all that the tenancy be reinstated. So, if the landlord does not agree to reinstate the tenancy and the tribunal orders possession on a given date, the original bond should stand until the date of possession.

The Hon. G.E. GAGO: This has already been addressed through my response to clarifying the status of the bond—that is, that this bill does not change the status of the bond arrangements. The landlord, fundamentally, has first dibs on ensuring that anything they are owed comes out of the bond first before a victim might—

The Hon. R.I. LUCAS: And the Landlords' Association are happy with that response from the government?

The Hon. G.E. GAGO: Yes, particularly in light of the amendments that are being made.

The Hon. R.I. LUCAS: What is the government's response to the Landlords' Association's question as follows:

How will SACAT ensure that landlords are reimbursed in a timely manner? What is the process for reimbursement and who does the follow-up? If tenants—that is the abusive tenant—refuse to pay up, what are the penalties and how will this be enforced against the abusers?

The Hon. G.E. GAGO: Again, it remains unchanged from the current arrangements. For instance, if the damages are within the amount of the bond, then the landlord has access to that once an order is made. If it is more than the bond, then the landlord would again seek compensation in the same way as they currently do when the damages exceed the bond, and that is through civil proceedings.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

The Hon. G.E. GAGO: I move:

Amendment No 1 [BusServCons–1]—

Page 4, lines 19 to 28 [clause 7, inserted section 89A(2)]—Delete subsection (2) and substitute:

(2) The Tribunal may, on application by the South Australian Housing Trust, a subsidiary of the South Australian Housing Trust, or a community housing provider registered under the *Community Housing Providers National Law*, terminate a residential tenancy from a date specified in the Tribunal's order if satisfied—

(a) that an intervention order is in force against a tenant for the protection of a person who normally or regularly resides at the residential premises; or

(b) that a tenant has committed domestic abuse against a person who normally or regularly resides at the residential premises.

This will allow a community housing provider registered under the Community Housing Providers National Law to apply for the tribunal to terminate a residential tenancy on the same grounds as set out in the bill for the South Australian Housing Trust.

The Hon. R.I. LUCAS: The Liberal Party supports this amendment.

Amendment carried.

The Hon. G.E. GAGO: I move:

Amendment No 2 [BusServCons–1]—

Page 5, after line 30 [clause 7, inserted section 89A(6)]—After paragraph (b) insert:

and

(c) in a case where—

(i) the landlord is a community housing provider registered under the *Community Housing Providers National Law*; and

(ii) the residential premises constitute community housing within the meaning of that Law,

that any tenant under the new residential tenancy agreement meets the eligibility requirements for such community housing and any membership or other requirements of the landlord associated with occupation of those premises.

This amendment is consistent with the provision in the bill for the South Australian Housing Trust and will ensure that, if the tribunal makes an order requiring a community housing provider to enter into a new residential tenancy agreement, the tribunal must first be satisfied that any tenant under the new agreement meets the housing provider's eligibility requirement for each community housing and any membership or other requirements of the landlord associated with the occupation of the premises.

The Hon. R.I. LUCAS: The Liberal Party supports the amendment.

Amendment carried.

The Hon. G.E. GAGO: I move:

Amendment No 1 [BusServCons–2]—

Page 6, lines 27 to 33 [clause 7, inserted section 89A(12)]—Delete subsection (12) and substitute:

(12) If 1 or more, but not all, of the co-tenants under a residential tenancy agreement are liable under subsection (10) or (11) for making a payment of compensation, the following provisions apply:

(a) the Tribunal may give a direction under section 110(1)(i) that the bond (if any) be paid to the landlord and any co-tenant who is not liable for making the payment in such proportions as the Tribunal thinks fit;

(b) a direction under paragraph (a) may not operate to limit the amount of bond payable to a landlord under section 110(1)(i).

This amendment, as I have already indicated, expressly outlines and makes abundantly clear that landlords will still have their ordinary rights to recover compensation from the bond. The bill does not seek to change a landlord's ordinary entitlement to payment out of the bond. It does, however, allow the tribunal to consider how any remaining portion of the bond should be refunded, and it allows the tribunal to determine who is responsible for any compensation above the bond.

The Hon. R.I. LUCAS: As I indicated earlier, whilst this particular amendment and the next have not been considered by the jointparty room, they are in my view consistent with the policy position the joint-party room took to support the legislation that has been introduced by the government. As the minister has outlined, I can surely hear the words from parliamentary counsel indicating that they believe the legislation was meant to be read this way but, out of an excess of caution, 'Let's write it into the legislation in these terms to ensure satisfaction to stakeholders such as the Landlords' Association, the Real Estate Institute and others.'

Therefore, on that basis, I believe it is consistent with the Liberal Party's position to support the legislation, and, at the same time, if this is something which has been resolved between stakeholders representing the Landlords' Association and others and the government, then I indicate support of the amendment on behalf of the Liberal Party.

Amendment carried; clause as amended passed.

Clause 8 passed.

Clause 9.

The Hon. G.E. GAGO: I move:

Amendment No 2 [BusServCons–2]—

Page 9, lines 1 to 7 [clause 9, inserted section 105UA(10)]—Delete subsection (10) and substitute:

(10) If 1 or more, but not all, of the residents under a rooming house agreement are liable under subsection (8) or (9) for making a payment of compensation, the following provisions apply:

(a) the Tribunal may give a direction under section 110(1)(i) that the bond (if any) be paid to the proprietor and any co-tenant who is not liable for making the payment in such proportions as the Tribunal thinks fit;

(b) a direction under paragraph (a) may not operate to limit the amount of bond payable to a proprietor under section 110(1)(i).

This is consequential.

The CHAIR: I will just draw to your attention that in paragraph (a) where the tribunal may give a direction under section 110, you have got 'co-tenant', instead of 'resident'. It should be 'resident', I understand.

The Hon. G.E. GAGO: You are quite right; very diligent, sir.

The CHAIR: I will take all the credit, even though it is not warranted.

The Hon. G.E. GAGO: And your advisers, very diligent.

Amendment carried; clause as amended passed.

Remaining clause (10) and title passed.

Bill reported with amendment.

Third Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (16:44): I move:

That this bill be now read a third time.

Bill read a third time and passed.

PARLIAMENTARY REMUNERATION (DETERMINATION OF REMUNERATION) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 23 September 2015.)

The Hon. J.A. DARLEY (16:45): I rise to speak very briefly on the Parliamentary Remuneration (Determination of Remuneration) Amendment Bill and probably to join the Hon. Mark Parnell in his looming unpopularity. I think it is fair to say that that unpopularity will extend beyond front bench opposition colleagues to presiding members of committees who receive an additional salary, as well as to those members who would rather see their travel entitlement incorporated into their base salary, thereby boosting their overall entitlements once they have left this place.

At the outset, I wish to make it clear for the record that I do not support any increase in pay that has not been approved by the Remuneration Tribunal. As such, I do not support the proposal for an additional 25 per cent pay rise for shadow ministers, nor do I support any move to match that allowance for other crossbench members without a determination by the Remuneration Tribunal to that effect.

With respect to travel allowance, I have to agree with the Hon. Mark Parnell again that the changes do nothing in terms of accountability and transparency. In fact, they do the complete opposite. There is no question that the changes will result in members travelling less because of the perception that they will now be using their own money to do so. It is a counterproductive measure and, instead of lifting the bar in terms of accountability and strengthening the rules around travel, the government is giving MPs a pay rise that they do not have to account for. It also makes very little sense in light of the fact that most of the negative publicity around travel entitlement rorts involve

ministerial allowances that are governed by a different set of rules from those of other members of parliament.

I think the Hon. Mark Parnell is certainly on the right track in suggesting that the travel allowance ought to be bundled with the electorate allowance, rather than with the base salary, so that any increase is to be effected by regulation, which means that the parliament will have the capacity to disallow any increases in pay, particularly in tough economic times when other members of the community are missing out on pay rises.

For the record, I support the government's proposal to remove the entitlement to free public transport and subsidised or free interstate rail travel. I am sure all of us would agree that the gold pass, in particular, is an outdated allowance that has no significance today. As such, it is high time that it be scrapped. Similarly, I am sure that if other employees, including in many cases our own staff, can afford to pay for public transport to and from work, then we as members can certainly do the same. There is simply no need for this sort of taxpayer expense, irrespective of the cost. Personally, I have never availed myself of either of these two entitlements.

Lastly, I also support the removal of entitlements for services by members on parliamentary committees but note my disappointment that the government has stopped short of extending this to the presiding members of parliamentary committees. I think we all know by now that appointments to these committees are nothing more than a way for the government to appease those members who have failed to win a guernsey elsewhere in government and to bolster their salaries.

On a related note, it is unfortunate that we could not squeeze the entitlement to chauffeur-driven vehicles for chairs of committees into the scope of this bill, because I think we all agree that that is certainly something that needs to be addressed, and I hope it will be dealt with sooner rather than later. In closing, a number of sensible amendments have been proposed which I am certainly inclined to support. With that, I support the second reading of the bill but, like my crossbench colleagues, reserve my position on the third reading.

The Hon. K.L. VINCENT (16:49): I will speak briefly at the second reading of this bill. I appreciate the briefing that was provided to myself and a member of my staff by the government on this bill last week. As we all know, the bill follows the Premier's declaration earlier this year at the opening of parliament via the Governor's speech that he wanted to investigate the remuneration of members of parliament in this state, including payments made in addition to salary. More recently, the Premier has stated on multiple occasions in the public arena that he believes that a greater base salary is needed to attract brighter minds to nominate themselves into the public life of this state as members of parliament.

If nothing else would demonstrate this, I would have thought the recent elevation of the independently wealthy Hon. Malcolm Turnbull to the role of Prime Minister would dampen that concept somewhat. I believe that people will either want to serve in a public capacity as legislators or they will not. Beyond being able to pay my rent, or mortgage as the situation is now (who thought that was a good idea?) and pay for cat food, I can assure you that my motivation to represent the community of South Australia is certainly not attached to or indexed against the salary I receive in return. We learned, I think, some interesting stories about members' past lives when we discussed salary.

The Hon. S.G. Wade: Careful, careful.

The Hon. K.L. VINCENT: The Hon. Mr Wade says, 'Careful, careful.' Well, I am not about to say anything that is not already on the public record, so calm down. I do not have any dirt yet. We learned some interesting stories about members' past lives. We have had the Hon. Mr Hood saying that he halved his salary to come into parliament. We have had the Hon. Mr Parnell, as a previous environmental law worker, saying that he trebled his salary by coming into parliament. I can put on the record that my life certainly changed because I began to receive a salary.

As a former worker in areas of the arts and disability advocacy, as a public speaker and community worker in disability advocacy, as well as beginning to establish a career as a playwright, receiving payment on commissions and through grants I was successful in receiving, the idea of a salary was somewhat novel to me. I certainly feel that an indication of the fact that I am in this place

for the right reasons is that it still comes as something of a novelty and a surprise every payday. So, it is certainly not indexed against that in any way, apart from my, of course, base survival instinct.

My motivation, as I know it is for many in this place, is to represent and improve the lot of all South Australians and create a more fair, equal and respectful society. For me, it is particularly those who might be disengaged, disadvantaged or otherwise disenfranchised by society in a way that makes them vulnerable due to disabilities, mental illness, chronic illness, children and those from other disadvantaged backgrounds, who are my main motivation for being in this place.

I do not quite understand how increasing the salary of MPs using allowances we already receive for travel and committees will improve the quality of candidates for public office and the quality of work that is done when the incentive to undertake travel and arduous committee work has been removed. If we really thought that improving salary would entice brighter, more diverse minds into this place, then why would we not specifically discuss increasing, for example, the salary of female members of parliament?

It is because it is not the salary that is preventing more females from wanting to enter public life, it is the inflexible hours, the attitudes, the sexism and many other factors that I believe strongly discourage and make it very difficult for many people, including women, to enter into this arena. I think, frankly, it is the easy way out and it is insulting to suggest that salary is the only barrier to getting these diverse, bright minds into this place.

I think we also have to wonder what other consideration might have been given instead to attract other under-represented groups to public office. The Premier might be concerned about attracting our best and brightest to the parliament, but there seems to be no lack, dare I say it, of middle-aged white men in legislatures across Australia.

Conversely, there is a lack of people with disabilities; there is a dearth of women; there are few people of diverse cultural, ethnic and linguistic backgrounds; and I am keenly aware that there are few young people. There is a lack of Aboriginal Australians, there are few people who identify openly as being part of the queer community, and on the list goes. So, I do not really know that we can put this whole problem down to pay. I think we need to look at the attitudes and the other barriers we erect in this place before we can really say that pay is the key concern here.

How is the Premier and the government putting these issues on the agenda? Where is the consideration in particular for disability access in parliament, to encourage not only more people with disabilities but people with young children with prams, elderly people and so on, who may have diverse needs? Where are the additional allowances or consideration of the needs of members with disabilities who might have higher access needs for themselves as an MP or for their constituents—for example, the need to hire accessible venues for meetings, which can come at an additional cost, or the need to hire sign language interpreters for meetings, which can come at a cost?

Still today very few buildings, meeting places, websites and other public places provide any real meaningful access for members of parliament, their staff or members of the public who may have disabilities or other considerations. I think that these issues need to be managed more effectively and respectfully before we worry too much about the base salary of 69 South Australians. I think the Premier has missed identifying a number of barriers facing bright, intelligent, passionate South Australians wanting to enter our parliament; many of them are women, young people, culturally and linguistically diverse, Indigenous or, of course, have disabilities.

Thinking that the base salary state MPs receive is too low is a very simplistic way to view this issue. For example, how does a 27-year-old South Sudanese person who arrived in this state from a life in a Ugandan refugee camp 10 years ago contemplate entering our parliament? How does a 50-year-old person with quadriplegia, who requires a hoist in the workplace for personal care and needs to be supported by a personal attendant on work trips, for example, especially for airline travel, access a travel allowance that covers their needs? Until we address these real issues, we will not bear witness to a parliament that truly reflects the diversity of the community it purports to represent.

I state again, as I have before as the Dignity for Disability representative in this place, my concern when the government decides to side-step convention and prevent proper and necessary debate on legislation by rushing it through both chambers. As the Hon. Mr Mark Parnell has pointed out before me, the government has done this yet again. I will say this again: I am happy for us to

rush through legislation in this place when there is a significant level of community concern for us to justify us doing so.

We have done that, for example, with bills relating to loopholes that could allow perpetrators of domestic violence to get information about the current addresses of the people they perpetrated violence against. I am happy to do it in those circumstances, but I certainly question whether it is necessary for us to so hastily rush through this bill that does not serve to protect and respect the broad needs of South Australians at large.

Dignity for Disability will support the second reading of this bill because we want to continue this discussion about the nuances of the bill and how we can have a discussion around the real issues that are actually preventing diversity being represented meaningfully and respectfully in this chamber. We also note the amendments that have been tabled by the Hon. Mark Parnell and the Hon. Mr Brokenshire, and we will give those consideration in due course.

I will support the second reading on behalf of Dignity for Disability so that we can continue this conversation and discuss what the real issues are for getting diverse representation in this place.

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (17:00): I would like to thank honourable members for their contributions and the very wide array of issues that have been raised in their contributions on the second reading.

In particular, the Hon. Mark Parnell has asked a number of questions as part of his second reading contribution regarding the impact of the bill on staff members, the take-up of the Metro and interstate rail passes by members and former members, the cost of this and the impact that the abolition of the annual travel allowance will have on the contract between the government and its travel provider.

Government officers have done their best to gather the information necessary to answer the questions that the Hon. Mr Parnell has raised. The information has been gathered from a number of sources, both within parliament and across broader government. I will answer the Hon. Mark Parnell's questions as best I can with the information that is currently to hand, but I will also undertake that, where it is not absolutely complete, that information will continue to be gathered for the sake of providing complete answers to the Hon. Mark Parnell on all aspects of the questions he has asked.

The Hon. Mark Parnell's first question relates to the Metrocard, and he asked how many MPs take up the offer of free public transport within Adelaide and how much it costs per year. Government officers have been able to provide information to me in response to this question as it relates to members in another place, the members in the House of Assembly. I do not have that information as it relates to members in this place. However, we will continue to seek that information and provide it to the honourable member when it is available. I would suggest, though, that the information we have been able to get to hand as it relates to members in the other place will probably be reflective of members generally, so I will provide information we currently have to hand.

I am advised that, of the 47 sitting members of another place, 37 currently hold that Metrocard or special annual ticket. The total amount this costs is $17,840.73. All members of the other place have the possibility of the interstate rail travel pass. The total cost for those who have taken up that interstate rail pass in the last financial year was $15,264. The Hon. Mark Parnell asked about these issues in relation to former members. I can inform him that for former members of another place this information is to be published in the corporate annual report for the 2014-15 financial year, which has not yet been tabled. However, I am advised that for this period, that financial year, 49 former members of another place were issued with a Metrocard at a cost of $23,626.91.

Related to these questions, the Hon. Mark Parnell asked whether the parliament pays a one-off fee for the Metrocard or fees per trip. I am advised that the fee is a one-off annual fee per member. The Hon. Mark Parnell has also asked about the interstate rail travel costs for former members of parliament. Again, at this stage I only have the figures for former members of another place, but the data for the 2014-15 financial year indicates that 71 former members of another place hold that entitlement, that life gold pass entitlement, but during that financial year only seven former members booked travel, at a total cost of $32,095.44. As I said, we will continue to seek the information as it

relates to members and former members of this place, and when we have it I will make sure that it is provided to the Hon. Mark Parnell.

The Hon. Mark Parnell has asked about the impact of the abolition of the annual travel entitlements on members' staff. Specifically, the question has been asked about whether there has been any consultation with relevant unions about the bill and whether travel entitlements are covered by enterprise bargaining agreements or awards. Following the abolition of the members' travel allowance, all travel that was previously covered by that allowance will need to be met from the member's basic salary, a component of which will represent compensation for loss of the travel entitlements as contemplated by this bill. What effect that will have on the travel arrangements for staff will be a matter for each member and his or her staff.

I can confirm that there have not been discussions with relevant unions over this matter. Preliminary advice from government officers is that the relevant EBA and award do not deal specifically with the standard of travel and accommodation for members' staff. However, again, our government officer will endeavour to provide any further and better information as we can find it for the Hon. Mark Parnell on that specific issue.

Finally, the Hon. Mark Parnell has asked about the contract between the government and its preferred travel agent. Specifically, the Hon. Mark Parnell has asked whether the agent will have any right of claim should a number of members booking travel through it decline. I am advised that there is no contractual impediment with the preferred travel adviser to a reduction in spend from members of parliament as there is no minimum spend under that contract. It may assist the Hon. Mark Parnell to know that the impact of changes in this bill on the level of bookings that will impact the annual spend through parliament is about 1 per cent of the total government spend.

I have addressed the questions the Hon. Mark Parnell posed in his second reading speech as best I can. Again, I state that in some of the its areas I think it is reflective of what the answer will eventually be but as further and better details are provided I will make sure that they are provided to the honourable member. There are a number of amendments that have been filed and I will address those as we get to them as the bill progresses through the committee stage.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. S.G. WADE: I have a request for the minister. He kindly offered to answer questions for the Hon. Mark Parnell; considering they were questions in the house could I request that the minister provide a copy so that it can be provided to *Hansard* for the sake of the record.

The Hon. K.J. MAHER: Yes, I am happy to do that.

The Hon. M.C. PARNELL: First, I would like to thank the minister for the answers that he has been able to provide. It will be no surprise to him that I have made my own inquiries since asking those questions, and the answers he has provided are similar to the ones I came up with.

I will ask a further few questions in relation to some of these issues and they can perhaps be taken on notice if the answers are not available now and then, again, incorporated into *Hansard*, as the Hon. Stephen Wade requested. I had asked the minister whether the cost for the Metrocard was a one-off annual cost or whether it was per trip. Whilst it is not my intention to embarrass any members of parliament, I did have a conversation with one member earlier who said, 'Yes, I took the ticket because we just got an email asking if we wanted our free train ticket, and I used it three times.'

It seems to me that the cost to the parliament for that particular member is around $1,500—that is my understanding. If a member of the public were to buy 24-hour access, seven days a week, 52 weeks a year the cost is about $1,500. It seems that if a member availed him or herself of a ticket and used it three times the cost has been around $500 per trip.

What I am not sure about, in terms of the way this costing works, is that with the special annual ticket (and if we just use the lower house figures that the minister has available) 37 of

47 members availed themselves of that ticket. The total cost was $17,840.73. So, dividing that figure by 37 gives an average cost of $482.18 per member. My question is: how is it that members of parliament get a free ticket for the whole year for $482, yet it costs members of the public $1,500?

The Hon. K.J. MAHER: I am happy to take that on notice. I am not sure what the answer is, whether these are a special class of ticket, recognising that historically usage has not been as high, as in the example the honourable member described. I will, as with your other questions, bring back a reply for insertion in *Hansard*.

The Hon. M.C. PARNELL: I thank the minister for his answer. As he is making these inquiries, I also ask him whether he could inquire into why it was not possible, with the new ticketing system, to actually identify per trip. The member that I referred to before took the annual ticket and used it only three times, making it a massive cost per trip. Even if we did it at $5 per trip, it seems that the Metrocard is capable of knowing whose ticket it is and what trip you took, and it should have been quite a simple matter to simply charge just those trips to parliament. I will move on as the minister has undertaken to come back.

In relation to the interstate trains, the minister has provided some figures: six of 47 lower house members used the interstate trains last year at an average cost of $2,500 per trip, which actually accords with my calculation from the Great Southern website—it is effectively one sleeper. I had asked (and the minister can again take this on notice) whether any members availed themselves of the platinum class trains, which probably would have been akin to the royal carriage, I imagine, in earlier days. I ask the minister to take that on notice.

This may seem a very pedestrian question, but when I was elected 9½ years ago and had my introductory session with the Clerk, I was presented with a gold medallion. It is a railways medallion, it is quite heavy and possibly is made of gold. I was told, and was very proud, that the medallion had been in the custody of the late Hon. Terry Roberts, and I was told that I got his pass. I guess my question is: is there now an expectation that members will return their gold passes and, if so, what might happen to them if we do that? I do not expect the minister to have an answer to that question, but I just make the point that 69 members of parliament are holding valuable pieces of jewellery, hopefully under lock and key.

The question I posed around the exclusive contract with Carlson Wagonlit, I accept what the minister has said, that he has advised that there is no contractual impediment, there was no guaranteed minimum spend and that in fact members of parliament were a relatively small proportion of the clientele under that contract. However, I just make the point that, if I had negotiated a contract as a commercial entity with government on an understanding that there was at least 69 frequent travellers who would be obliged to use our service, then that probably would have affected the price I would have offered, but I will let that go.

In terms of the industrial issues I raised, the minister has basically said that it is a matter for each member to determine for themselves. As the minister has, I too have had my staff looking through the enterprise agreement and through individual contracts, and they can find no specific obligation. Maybe the minister can add nothing further to what he has already said, but are we as members obliged to pay a per diem to our staff if we ask them to travel with us? I facetiously suggested to a staff member that the choice would be between the six-bed dorm or the eight-bed dorm in the local flea-ridden backpackers somewhere downtown.

I am actually not that mean, so that is not what I would do, but from an industrial point of view, as I have said, our staff are not necessarily in a position to say, 'No, I'm not travelling with you unless I get to stay somewhere decent.' Maybe that is just a matter for each member to negotiate for themselves. I have other questions, but I will wait until we get to the relevant parts of the bill. That is all I want to say on clause 1.

The Hon. K.J. MAHER: Again, I undertake to bring back the specific answers to the questions. Those that have been raised now were specifically about the platinum carriage travel on interstate trains, and whether any members have availed themselves of that, and about the gold medallion. I think I have Bob Sneath's medallion, so I would be happy to swap with the honourable member for that of Terry Roberts, if he wants to.

The other issue raised was the per diem for staff travel. I can make one recommendation: I know a number of times when I have travelled with my staff, particularly before becoming a minister, we have had great accommodation in on-site cabins at caravan parks in Berri, Mount Gambier and Port Augusta. They have been a very effective and efficient way to travel in regional South Australia.

Clause passed.

Clauses 2 to 4 passed.

Clause 5.

The Hon. M.C. PARNELL: I move:

Amendment No 1 [Parnell–1]—

Page 3, lines 25 to 28—Delete subsection (5) and substitute:

(5) A determination of the Remuneration Tribunal as to the amount of—

(a) any salary (including additional salary or the common allowance); or

(b) electorate allowances and other remuneration payable to any member of Parliament,

is of no force or effect unless and until a regulation is made confirming the determination.

(5a) A regulation referred to in subsection (5) may not come into operation until the time for disallowance under the *Subordinate Legislation Act 1978* has passed.

(5b) For the avoidance of doubt, if a regulation confirming a determination of the Remuneration Tribunal is disallowed—

(a) the determination will be taken to be of no force or effect; and

(b) if the disallowed regulation revoked a regulation confirming a previous determination of the Remuneration Tribunal, that revoked regulation and the determination of the Remuneration Tribunal that it confirmed are revived.

(5c) For the avoidance of doubt, subsection (5) does not extend to a determination of the Remuneration Tribunal under section 4A.

I have raised this amendment in the past, and I raise it again now. What I do accept in this bill is that there should be a central role for the Remuneration Tribunal.

However, as mentioned by either the Hon. Kelly Vincent or the Hon. John Darley—or maybe it was both of them; I have forgotten already—we do have a situation where it is often seen as unfair in the community that is facing stringent economic times and where people, especially public servants—and I think that is one of the yardsticks we have to measure ourselves against—are constrained in their pay rises.

I have mentioned before that we have been here debating MPs' salary and conditions while there have been protesters on the steps—nurses, teachers and others—so it seems to me that we can have the best of both worlds: we can have the Remuneration Tribunal setting salaries, but we can have the parliament at least being given the ability, if situations require it, to say, 'No,' or to say, 'Less,' in relation to a decision that has been made.

The way I have achieved that in this bill is that determinations of the Remuneration Tribunal do not come into operation until they are put into a disallowable instrument. They are put into a regulation, and then that regulation is tabled in both houses of parliament as they are and it would be up to the parliament to decide whether they were happy just to accept the determination or whether they wanted to say, 'No, it's a bit much; we'll either accept nothing or we'll have a pay freeze, or we'll accept less.'

The Remuneration Tribunal might say, 'Whilst nurses and ambulance drivers might be getting 2 per cent, we're going to give you 10.' It would be up to the parliament to say, 'No, we'll take 2 per cent as well; that's the standard in the Public Service.' The only way to achieve that is to incorporate these decisions into a disallowable instrument. That is the purpose of this amendment.

The Hon. K.J. MAHER: I rise to indicate that the government opposes the amendment. This is a difference of view and opinion. From the government's point of view, the bill takes the

determination of the common allowance, which in turn determines the value of the basic salary, out of the hands of members of parliament. The government opposes this amendment which attempts to change what this bill does.

The Hon. R.I. LUCAS: I will make some brief comments in relation to this particular amendment. The Hon. Mr Parnell raises the issue that the parliament is addressing issues of remuneration whilst nurses and others are protesting about pay increases. I refer the member to my contribution which indicates that, for the last two years, members of parliament such as the Hon. Mr Parnell and other members have set the lead for nurses, doctors and public servants and others by saying, 'We won't accept any pay rises,' in a bold endeavour to encourage wage restraint amongst others.

As I indicated, the facts are in. Over the last two years, there has been an increase across the private and public sector of approximately 6 per cent in the average wages paid to workers in those sectors, so I just put the facts there. There have been previous examples where the parliament has set the lead in terms of trying to encourage wage restraint across the community and, for whatever reason, there is not much following that goes on after the parliament sets that lead.

I indicate on behalf of the Liberal Party that, as we did in the second reading, we would not support a movement away from the independence of the tribunal and therefore will not support this amendment. Let me hasten to say I would not suggest that anyone in this chamber would adopt this particular course of action, but what an amendment along this line does is allow, once the independent tribunal makes the decision, someone to come along and to grandstand and say, 'We are going to disallow the regulation,' knowing full well that the regulation will pass, or not be disallowed by the parliament, and that the individual salary and conditions will be accepted by all members, including the person or persons who recommend that the regulation be disallowed.

If we are going to have an independent tribunal engaged—and there have been a number of prominent minor party and Independents across the years, both in this house and in another place, who have long advocated that these issues be determined by an independent tribunal and taken away from members of parliament in terms of setting their salary and conditions—it should be a decision of the independent Remuneration Tribunal. Ultimately, that is what the government has structured in this bill, and it is for those reasons that the Liberal Party has decided to accept it and, for those reasons, we will be opposing the amendment.

The Hon. J.A. DARLEY: I will be supporting the Hon. Mark Parnell's amendment.

The Hon. M.C. PARNELL: I thank the Hon. John Darley for his indication of support. I am disappointed the Liberals will not be supporting it, and I just need very quickly to point out the internal inconsistency with the Hon. Rob Lucas's position. He states with some pride that 'we have set the lead'. The way for us to set the lead is to take control over pay rises.

The Hon. R.I. Lucas: I didn't say 'with pride'.

The Hon. M.C. PARNELL: I said 'pride'; you said, 'We have set the lead.'

The Hon. R.I. Lucas: Yes, but I didn't say 'with pride'.

The Hon. M.C. PARNELL: I stand corrected. I was commenting on the tone, rather than on the words the honourable member used. Anyway, in a tone that sounded like it had some pride in it, he said that 'we have set the lead', and my point is that this amendment would in fact enable the parliament to set the lead. He makes the point that members might grandstand. I also expect that, if members of parliament were not getting more than their counterparts in the Public Service and elsewhere, they probably would say, 'It's a fair cop. We deserve that rise as well.' I can see that I do not have the numbers today, but I just wanted to put that on the record.

The CHAIR: For the record, executive level members of the Public Service have also had a wage freeze for the last two years, so I think we should just acknowledge that.

Amendment negatived.

The Hon. M.C. PARNELL: I move:

Amendment No 2 [Parnell–1]—

Page 4, lines 16 and 17—Delete 'section 4AA(1)(b) and (2) following the commencement of that section' and substitute:

> sections 4 and 4AA (and those determinations have come into operation) following the commencement of the *Parliamentary Remuneration (Determination of Remuneration) Amendment Act 2015*

There are actually a number of amendments. They are in different clauses, so we can deal with them separately, but I will speak to them all together. Basically, the issue is the travel allowance of $13,500-odd and how that should be treated. Under the bill, it is rolled into salary. It basically arrives in a member's bank account as part of their pay and it is just treated as normal salary.

As has been said already, members will decide how much and when and where to travel and, as other members have noted, there will be no accountability. There will be no travel reports; there will be nothing, basically. Members will choose whether or not to travel, they will choose whether or not to take their staff, and they will choose whether or not to report back to the parliament on what they have done.

The alternative approach that I think makes sense—and this is budget neutral, it does not cost taxpayers any more, and it is indicated by amendment Nos 2, 3 and 4—is for travel allowance to be rolled into the electorate allowance. That has a number of advantages. The electorate allowance, as members know, is generally tax free. The expectation is that it is spent on work expenses and, if it is spent on work expenses, then there is no tax payable. It is basically a fund that members manage for their work expenses. Different members no doubt handle it differently. Certainly the perspective that I take, and it is the Greens' perspective, is that it goes into a separate bank account, it is administered jointly with staff and it is used exclusively for work expenses. That is the electorate allowance.

If you rolled travel allowance into it, then it would basically boost that separate bucket of work money and it would basically be, I think, a real fillip to members to know that this is work money and it is to be spent on work expenses, including travel. I think it makes sense to roll travel into the electorate allowance. I note that it is completely budget neutral, it does not cost any more. Whatever the Remuneration Tribunal comes up with, that is the amount that would be rolled into the electorate allowance.

The Hon. K.J. MAHER: I thank the Hon. Mark Parnell for his amendment. I can see what his arguments are and appreciate the sentiments in them. However, what the bill is trying to do is abolish the travel allowance that is payable to all members of parliament generally and the amount of remuneration is determined by the tribunal and rolled into the basic salary to compensate members for this generally. Then members can use money from their salary to travel as they see fit. For that reason, the government opposes the amendment.

The Hon. D.G.E. HOOD: I suspect that this amendment will be lost, but I want to place on the record that Family First will support it. This is something that I outlined in my second reading contribution yesterday. I think the Hon. Mr Parnell has outlined the reasons very well. I think the concern here—and I am sure that members would quietly acknowledge this even while supporting the bill as it stands and opposing the amendment—is that the result of these changes is that members will travel less.

I think it is a profoundly difficult situation when every member here is responsible for constituents right across the state and really answerable to them, yet there isn't any specific fund for each of us to go and visit those constituents. I think the Hon. Mr Parnell's amendment is not perfect, frankly, and I think it is better the way it is currently, but I think it is an improvement on the bill before us. For that reason, we will be supporting the amendment.

The Hon. J.A. DARLEY: I will be supporting the amendment.

The Hon. K.L. VINCENT: I will put on the record that Dignity for Disability will also support the amendment. Mr Parnell and I have talked about the way the existing arrangements can be a little cumbersome to travel. However, I would also like to ask a question of the mover, if I may. How does he envisage that members' travel will then be monitored, particularly given that there has been, especially at a federal level, some concern about members' travel arrangements?

The Hon. M.C. PARNELL: I thank the member for her question. The answer is that it will not be monitored, the same as how we choose to spend our electorate allowance is not monitored. The only monitoring is that, if you want to avoid having to pay tax on it, you need to spend it on a work-related expense and then you need to lodge a tax return that basically justifies that.

While I am on my feet, the Hon. Dennis Hood's point is similar. He says that he prefers the current arrangement because it does have the accountability of having to do reports. I agree with him. I do think that the current arrangement is better, but I think the model that I have put forward here at least puts a moral obligation—that is all it would be—on members to continue to travel and continue to use a bucket of funds that has been allocated and dedicated to that purpose.

The Hon. R.I. LUCAS: I indicate that the Liberal Party opposes the amendment. I will address some comments to the other parts of the package the Hon. Mr Parnell is moving as a package, his amendment nos 2, 3 and 4 I think he said. I do not think his amendments achieve what he is intending to achieve or is setting out to achieve.

That is not the only reason I oppose it because, as we outlined at the second reading, the Liberal Party has agreed with the fundamental principles the government has outlined in the legislation, but I will point out in relation to some of the later aspects of his amendments, I guess, the points I am making, in particular in relation to this one. I indicate that, as a part of a package, I do not believe they achieve or would achieve what the Hon. Mr Parnell is setting out to achieve.

Amendment negatived.

The CHAIR: You are saying that you talked to a number of these amendments. Do you want to run through it? What about amendment No. 3?

The Hon. M.C. PARNELL: Amendment No. 3 is consequential and No. 4 is consequential.

The Hon. R.I. LUCAS: If they are being treated as consequential, and clearly the Hon. Mr Parnell is accepting they will be defeated, can I outline briefly the further comments I have made in relation to this. In relation to amendment No. 3, all that amendment is doing, when one looks at it, is that the tribunal is being asked, in determining electoral allowances and other remunerations, to have regard to three issues and what this is actually saying is having regard to the cost to members in terms of undertaking travel in connection.

Amendment No. 4 which, the Hon. Mr Parnell will not proceed to move, is the amendment which talks about the annual travel allowance. The honourable member's amendment there, in essence, deletes the only reference in the legislation to the removal of the travel allowance and the gold card. On my reading of this, if the Hon. Mr Parnell's package were accepted we would be voting to keep the gold card for members because the particular provision in 4AA(1) is the only one where it says, under (b):

> Determine an amount of remuneration that reasonably compensates members of Parliament for the abolition of each of those components.

The intention of this is that there would be the abolition of the travel allowance as a separate arrangement and the gold card allowances, and the only reference in the legislation to the abolition of those is in this particular provision. The Hon. Mr Parnell was going to move to delete it, so the end result of that would be that support of the amendments would have left the gold card arrangement in practice. I cannot support that, and I am surprised that is the position the Hon. Mr Parnell is advocating by way of these amendments.

I think there are similar weaknesses in his drafting in relation to what he thinks will be the travel allowance. In my view, the travel allowance is there with a set of rules. The only thing that abolishes it is this particular provision which tells the tribunal, 'If you get rid of it, those existing travel allowance rules, which the tribunal already has, stay there.' So, the response the Hon. Mr Parnell gave to the Hon. Ms Vincent I am not sure was entirely accurate because, again, I am not sure how they would coexist with the new arrangement he is looking at.

Thankfully, the first of the package of amendments has been defeated and the second and third are seen as a package. I did want to highlight to the Hon. Mr Parnell that perhaps on reflection, if he has a look at it, the package he has moved would have had a number of consequences, I am

not sure all of which he would personally support. I put those comments on the record as a further reason why we have voted against this package of amendments.

The Hon. M.C. PARNELL: In light of that contribution, I need to put on the record that it was not my intention to maintain the gold pass entitlements. Whilst we could spend some time in a huddle with parliamentary counsel to work out whether there are in fact unintended consequences, as the Hon. Rob Lucas has claimed, I do not think we need to do that. I want to put on the record that the intention of my amendments was, as I have said, to roll travel allowance into electorate allowance.

It is probably not that productive for us to finetune amendments that are destined to fail anyway. I just want to make sure that *Hansard* readers do not somehow think there was any subterfuge here and that the intent—not that the honourable member suggested it was an intent; he suggested it was perhaps an unintended consequences—of this amendment was precisely as I have said and no more.

Clause passed.

Clause 6.

The Hon. M.C. PARNELL: I move:

Amendment No 5 [Parnell–1]—

Page 5, line 21—Delete 'ordinary'

Amendment No 6 [Parnell–1]—

Page 5, line 24—Delete 'ordinary'

Amendment No 7 [Parnell–1]—

Page 5, line 30—Delete 'ordinary'

Amendments Nos 5, 6 and 7—and there is another related amendment, No. 12 I think it is—basically go to the question of whether the government's intention to end additional pay for committees has been adequately achieved in this bill. I say that it has not because of the glaring omission of the chairs of committees. Just to make it clear, the chairs of committees are going to get more money under this bill than they currently get. Whilst the percentage loadings in the schedule might remain the same, they will be applied to a higher base; therefore, the chairs of committees will get more money.

What I think we need to point out is that, given that the government has accepted that service on standing committees is a regular part of a member's work for which he or she does not deserve a separate line item but that their overall salary should incorporate their service on committees—I accept that principle and have been calling for it for a long time—to make an exception of the chairs of committees, I think we need to actually examine what these people do to deserve this extra money.

Members here have served on different committees. I can give the example of the Environment, Resources and Development Committee, which is the one that I serve on. I have been back through my calendar and I have counted up the number of meetings that we have had and are likely to have in the calendar year. On my calculation, the committee will probably sit for around 40 hours. It may be that there is an excursion or two—there have not been too many, but there may be an excursion or two coming up—or it might be a little bit more than that.

The chair of that committee is going to get, on top of the extra $16,000 or so that is going to be rolled into base salary, an extra $30,000 on their salary, at an hourly rate of $765 per hour, which is quite a remarkable achievement for a person whose only entitlement to it is that they sit in a different chair around the table from the rest of us and maybe they run through the agenda, that someone else has prepared for them and, other than that, do very little extra work.

My question of the minister is: given that it was good enough for the rest of the members of these committees to have their committee payments rolled into salary, why was it not good enough for the chairs of committees to be treated the same?

The Hon. K.J. MAHER: I thank the honourable member for his contribution on his amendment. The government opposes these amendments. Quite simply, this is again a difference

of view, and it is the government's view that the extra responsibility that comes with the presiding member of a committee should be acknowledged and that is how it is under the current scheme. We are not disturbing that under this.

The Hon. R.L. BROKENSHIRE: For a minister whom I respect as being honest, he must have his tongue in the middle of his cheek to stop smiling, really, because what this is actually about is a lot of disgruntled people in the Labor Party on the backbenches. What we have here is a divide and conquer, and we have some with snouts that will get very big in the trough and some that will be financially significantly worse off.

This has actually happened simply for one reason only: it is to try to appease some of the disgruntled members who feel that they will have some off-set by being a chair of a committee. You either stick with what you have or you actually do what the Hon. Mark Parnell is saying—that we all have obligations, whether you are a chair or not a chair, and, if you want that privilege, put your hand up.

I think it would be good to see non-government members having an opportunity to chair. If they were not getting their $30,000, then crossbench members and opposition members for the first time would probably end up chairing most of the committees. Let us be true and honest about this: this is just to try to appease some of the disgruntled people. Many of them are not, by the way, appeased at all and are still very unhappy when you talk to them. This whole thing is a mess, and I support the Hon. Mark Parnell in his amendment. You either have the bucket full or you have the bucket empty, not half full or half empty.

The Hon. J.A. DARLEY: I will be supporting this amendment.

The Hon. K.L. VINCENT: I advise we support the amendment.

The Hon. M.C. PARNELL: I am just going to say that, given that this is a quarter of a million dollar unnecessary hit every year to the state budget, it was going to be my intention to divide on this amendment, but I think all the members of the crossbench have made their views clear, so that, I think, is unnecessary. However, members should not get too relaxed because I am sure that we have a division or two in us before the end of this debate.

The Hon. R.I. LUCAS: I rise on behalf of Liberal members to indicate, as I did at the second reading, that we will oppose this amendment. I accept that the quality of a chair of a committee varies, as the quality of the contributions of individual members of committees might vary, but all I can say is that as the chair of the Budget and Finance Committee, which is an unpaid committee, just to look at the two hours of the Budget and Finance Committee and work out the hourly rate I think is an inaccurate measure of the work that goes into committees from some members.

On average, my preparation for Budget and Finance Committee would be 10 to 12 hours, in addition to the two hours. So it is a cute point to look at the actual sitting hours and say, 'Well, that's the only work that you do as a chair of a committee.' As I said, while I accept the point that the contribution of chairs might vary, as the contribution of members might vary, the issue of the work that you do on a committee is not just the work that is done in the two hours of the particular committee meeting.

The Hon. R.L. Brokenshire: Whether you are a chair or not.

The Hon. R.I. LUCAS: Well, exactly. It can be the work that you do in terms of preparation for the committee, and indeed the work you do subsequently as a result of the activities of that particular committee.

Amendments negatived.

The Hon. R.L. BROKENSHIRE: I move:

Amendment No 1 [Broke–1]—

Page 5, after line 2—Insert:

(3) Subsections (1) and (2) operate subject to the qualification that an electorate allowance of a member of Parliament who is a Minister will be paid at the rate of 25% of the allowance that would have been payable had the member not been a Minister.

Amendment No 2 [Broke–1]—

Page 6, after line 29—Insert:

4AD—Reporting requirements—travel

1) If a member of Parliament (including a Minister) travels interstate or overseas on official business, the member must, within 28 days after returning to the State, furnish a report to the Presiding Member of the member's House of Parliament on—

(a) the activities conducted by the member while on official business; and

(b) the benefits to the State that were achieved (or are expected to be achieved) on account of the trip; and

(c) such other matters as the member thinks fit.

(2) A report under subsection (1) must comply with any requirements specified by the Presiding Member of the member's House of Parliament.

Amendment No 3 [Broke–1]—

Page 6, after line 29—Insert:

6A—Amendment of section 4A—Non-monetary benefits

Section 4A—after subsection (6) insert:

(7) A Minister of the Crown is not entitled to be provided with a motor vehicle under this section while holding that office.

In discussing amendment No. 1, I will also include my remarks for the other two amendments, because they all tie in together. I have not spoken on this bill before, but in appealing to members to actually consider this I put on the public record that I think that this is an awful piece of legislation.

Since I have been in this house, we have seen different premiers and different cabinets play around with entitlements and remuneration of members of parliament based on adverse media, based on disgruntlement within their caucus or party room, based on trying to befriend and win over Independents who come into this place. An example of that was the Natural Resources Committee, where for one term, to appease some of those Independents and try to get them to support the government, we had to expand the Natural Resources Committee at that point in time, which cost the taxpayers money and made it a very cumbersome NRC. That was done just to buy off support from some Independents.

We saw a situation where, when the Liberals were in office, I think for the first time in the South Australian parliament we had parliamentary secretaries. Those parliamentary secretaries received no remuneration. Then a Labor government came in, there was disgruntlement again in the caucus, and people were unhappy because of factional or captain's calls on what happens with cabinet and other positions, so all of a sudden we see all these parliamentary secretaries getting paid. All of a sudden, they had 20 per cent over and above their salary. I could never understand, other than buying them off, why we started paying parliamentary secretaries—who, by the way, are still going to do quite nicely out of this.

Then we had a situation where the leader of the opposition federally, Mark Latham, decided that it would be a vote winner with the community if he was to pull superannuation back to 9 per cent, the same as everybody else. All of a sudden, the same thing happened in South Australia and, when the hue and cry occurred down the track, there were some increases. I will come to the common denominator in all this in a minute.

By doing a lot of very hard work, with people trying to get some balance and fairness into it, we had a form of annex to the federal parliament with a capping just below. We would not be here today debating any of this if that had not been interfered with. I will tell you why it was interfered with: because politically at the time it was opportunistic. It was opportunistic for the premier of the day—not this current Premier but the one before him—to play around and go away from that annex.

I say all this to seek support for these three amendments. If we were serious about two facts—to be totally kosher and removed from all the salary and entitlements of members of parliament—now we would be having a bill saying one thing only, that an independent tribunal will make all the decisions on what happens to salary remuneration. It is as simple as that: one clause

in a bill and let the independent umpire arbitrate on what they believe to be best. But, no, we do not have that.

There were other promises that I will not place on the public record, but I will at least put the fact that other promises were looked at for government members on what they thought would be the other part of this package. The nervous Nellies in cabinet decided at the end of the day that they would not proceed with the other part of the promise of the package, and I can tell you there are some younger Labor backbenchers in particular who are not very happy about that and I can understand why.

We are then told that we will remove corruption and that we will have the best and the brightest if we increase the salary package. I have always said publicly that I believe that we do have to lift one way or another the packages for members of parliament, but I would prefer it to be independently by a tribunal. The reality is that it is way behind what we see in this type of position in both the public executive sector and the private sector.

At the end of the day, what has happened and why we are here debating this now and why we have to rush it through today is beyond me. The negative publicity is already out there, if the government thinks it is going to get hurt by that; people treat us as they see us and believe in us or do not believe in us. But why are we rushing this through before 6.30 today? When it came to cabinet, the nervous Nellies backed off on some of the things they were going to look at. If they could trade off 25 per cent to the shadow ministers in opposition and forget the rest of the backbenchers, some of those backbenchers were chairing a couple of committees and sitting on two or three committees, working their backsides off to support the government and they got done over. Some are going to be worse off.

The crossbenchers are not getting any pay rise. If you sit down and look at this, crossbenchers and backbenchers are getting no pay rise. In fact, I would say that it is a decrease because if you are still going to do the things that should be done and go right across the state of South Australia as a member of the Legislative Council, if you look at the taxation implications you will be worse off. Do you know who the big winners are? The ministers.

If the ministers are serious about screwing the public of this state because the budget is a mess, if the ministers are serious about showing the people, by example, they are trying to negotiate enterprise bargaining agreements with that they are going to try and hold them down at CPI and so on and so forth, it is about time the ministers of this government showed some leadership—and they have not. As it stands now, they are the winners and they are the grinners. So, I ask this chamber to look at it—government ministers will not.

I do not know what agreement may have been done (I have a fair idea) between opposition and government from what I am hearing and picking up. But I ask the opposition and the crossbenches to look at these. I think these are three reasonable amendments to start to remove the snouts in the trough by ministers who have sat there and worked out that they will all be much better off over this. They will be much better off in the longer term as well because of the other benefit implications that occur to them that capitalise further on this package when they leave parliament.

I am simply putting up three amendments, and I will speak to them all now. First and foremost, why should a minister, in this package, get a 100 per cent electorate allowance? I know that some ministers rarely go into their electorates. If you are a diligent and hardworking minister, you will not be putting more than about 25 per cent of your time into your electorate in any case. I have strongly believed this for some time because we all know directly, transparently and non-transparently, what ministers can do with their ministerial and departmental allowances. We all know what they can do. I think this is a fair and reasonable amendment, that they only get 25 per cent, because 25 per cent would be generous to support them on the time they are actually in their electorate.

When it comes to travel—and we have seen what has been happening with travel, and how much some ministers have been paying with travel—it is only fair and reasonable, without giving (and this covers it) any commercial-in-confidence report to the parliament if a business arrangement is occurring with a minister on behalf of the interests of the state, generally to put a base report into the parliament so that there is transparency. What is wrong with that? What is wrong with ministers

having to do the same as we have had to do up until now? They should be doing it now because of the bonuses they are receiving.

Finally, I bring up the third amendment relating to the motor vehicle. If you are a minister, or chair of a committee where you get a car, you have access to that car 24 hours a day, seven days a week. You do not have to wash it, vacuum it or get it serviced, and you do not even have to drive it. It is at your disposal 24/7. On top of that, all the ministers do not have to worry about buying a family car or a car for their wife, husband or children, because they can get a taxpayer subsidised car. They can sell their other car or jack it up and put it on blocks and get another bonus there. Why do they need that when they have the other car?

Mark my words, this is a very bad piece of legislation—very bad. It should simply have been one thing: hand it all over to an independent tribunal. Given that it is so bad, I believe that we should be removing some of the absolutely over the top benefits ministers are receiving, and I therefore have moved this amendment and have spoken to the other two as well.

The Hon. K.J. MAHER: On behalf of the government I rise to oppose the suite of amendments. I can speak from my personal experience, having reasonably recently become a minister. I know that the electorate work I do has increased significantly since becoming a minister. As I have become slightly better known around the state in regional South Australia, the electorate-type work I have been expected to do and am doing has increased significantly. I oppose reducing the electoral allowance to a minister, who I think ought to still represent the state and ought to be given the tools to do that.

I oppose the suite of amendments, particularly the first one. In relation to some of the other amendments, again I can speak from my personal experience. I still regularly use the car I pay for, that is, my parliamentary car. My staff and I have been to Mount Gambier twice and Port Augusta, Berri and other regional areas in my parliamentary car doing other electorate work in addition to my ministerial work. I think ministers still do, and still ought to do, electorate work, so I oppose this suite of amendments.

The Hon. R.L. BROKENSHIRE: Based on the minister's answer, I ask the minister: what was happening to the 24-hour, seven-day-a-week chauffeur-driven car while he was actually driving his electorate car, and what cost was there associated with that car and the staff member who is elected to drive that chauffeur-driven car?

The Hon. K.J. MAHER: It would have formed part of the pool, as they do when ministers take leave.

The Hon. M.C. PARNELL: I rise to support the Hon. Rob Brokenshire's amendments. I think he makes some excellent points, not least of which is the inequity and the lack of an evidence base for most of the provisions that are in this bill. The issue of the cars is an interesting one.

I am happy to share with the council that my original set of amendments referred to the chauffeur-driven cars that were allocated to the two committee chairs. On top of the extra salary they are going to get, they get the car and driver. I decided not to proceed with that, not because I think the system does not need reform but because it did not neatly fit within the long title of this bill and I was not prepared to remove two cars and validate all the rest, so that is a debate for another day.

But I maintain that the most sensible option would be for this parliament to have a system similar to that used at the commonwealth level, which is that, if you need a car for work purposes, there is a pool you can access to get you to the meeting and back. That is the COMCAR system, as it works at the federal level. We could have a scaled-down version of that here.

I am not the only person who has seen a driver bring a member from an inner suburb to parliament in the morning, sit around all day and take them home at night, and that is the extent of their work. There is all this talk of a pool. Well, I have never been invited to participate in the pool. If I need to go out to a meeting in the suburbs—and I have been out to the Vietnam Veterans, the veterans' shed and a number of other meetings in the suburbs—we drive ourselves or we get a taxi if we want to.

The idea that it is a good use of taxpayers' money to have not only all the ministerial cars but two undeserving chairs of committees with access to an exclusive chauffeur-driven car is an absolute

outrage and we need to get rid of that. I think it is to this government's shame that they have, in a piecemeal way, tinkered with remuneration and conditions in a way that preferences their members, but they have not tackled any of the big issues. I thank the honourable member for putting these amendments forward, and the Greens will be supporting them.

The Hon. J.A. DARLEY: I will be supporting the Hon. Rob Brokenshire's amendments.

The Hon. K.L. VINCENT: For the sake of the record, given my previous comments, I am sure it will not surprise anyone that Dignity for Disability will also support this amendment.

The Hon. R.I. LUCAS: I rise on behalf of Liberal members to indicate that we will oppose the amendments. In regard to the Hon. Mr Brokenshire's issue that the only way to resolve these issues is to have everything independent by the Remuneration Tribunal—and that has been a position that Bob Such and a number of members used to put—the only point I make is that, when the federal Remuneration Tribunal did a work value case for federal members, they came up with a salary level of between $180,000 and $250,000 as the appropriate remuneration for a federal member of parliament.

That was when the salary was about $140,000 or whatever it might happen to be. I can just imagine what would happen if the South Australian tribunal did a work value case for members of parliament and came back with a salary of greater than $200,000 as a base salary for a backbench member of parliament or up to $250,000 and that was the completely independent decision of the Remuneration Tribunal.

Those of us who are members might say 'That's fantastic,' but it would be more difficult to sell to the community than this particular modest package that is before us in terms of the implications for basic salary. So, I hear the issue about the independent tribunal and, as a philosophy, I understand the point, but if the decision came back along the lines of the federal tribunal's work value case for members, I am not sure that all members ultimately—even those who used to push the case like Bob Such—would have held firm on a salary increase that was very significant.

The Hon. R.L. BROKENSHIRE: On the comment of the Hon. Rob Lucas, as I sum up, I am not sure that he is actually correct in that assumption. One of the things that I have heard over the years when this picking and choosing occurred, based on what I have already said and put on the public record, is the fact that people loathe that we as members of parliament can interfere whenever it suits us to change our remuneration package, whereas they either have to go and do an enterprise bargaining agreement, go and do an individual agreement, get someone to negotiate for them or work through a union. They do not have the privilege that we have of playing around with their conditions. I think they would feel much more comfortable if it was absolutely kosher and independent, with an independent tribunal of arbiters.

I thank the crossbench members for their support. Like the Hon. Mark Parnell said, it is clear on this occasion that, whilst there is a lot of unrest in the backbenches of the Labor and Liberal parties over this package, clearly a deal has been done. A deal has been done and, on these occasions, we on the crossbenches all know that we are absolutely irrelevant. But I would say to the government in particular: when you go to bed tonight, think about how relevant you want us to be on the crossbenches when it suits you as a government.

I therefore will not be dividing. As the Hon. Mark Parnell has said and I am saying, too, to the public, it is on the record. You can see what the crossbenchers were prepared to support with these three amendments. I will not be dividing.

Amendments negatived.

The Hon. M.C. PARNELL: I move:

Amendment No 8 [Parnell–1]—

Page 5, lines 34 and 35—Delete ‘subsection (1)(b) and’

Amendment No 9 [Parnell–1]—

Page 5, lines 37 to 44—Delete subsections (4) and (5) and substitute:

(4) The amount of remuneration referred to in subsection (2) as varied from time to time will be taken to be the *common allowance* payable to all members of Parliament.

I will not speak to 8 and 9; they are consequential.

Amendments negatived.

The Hon. M.C. PARNELL: I move:

Amendment No 10 [Parnell–1]—

Page 6, lines 24 to 29—Delete subsection (6)

This is the first reference to shadow ministers. The effect of this amendment, and amendment No. 11, is to remove the 25 per cent loading for shadow ministers. Just to be clear about this, what we are talking about here is probably around $40,000 to $45,000 extra pay for probably 10 members of parliament. I am working on the assumption that, if there are 14 ministers, you already have a leader and a deputy leader in both houses, so there are 10 left. Ten people are going to get probably close to $45,000, maybe even $50,000 each, so there is half a million dollars a year.

I do have a question of the minister on this issue in relation to shadow ministers, and that question is: what analysis was undertaken to determine the loading that should apply to shadow ministers? In other words, what analysis of workload or productivity was undertaken? Was a similar analysis done on the workload of crossbench members, particularly of the upper house? Thirdly, why was this question not referred to the Remuneration Tribunal to work out whether shadow ministers were deserving of a pay loading?

The Hon. K.J. MAHER: I think I can be of some assistance to the honourable member. The government is taking its lead from the commonwealth Remuneration Tribunal, which determined in its 2011 review of the remuneration of commonwealth members of parliament that shadow ministers should be entitled to an additional salary. The tribunal said in that determination that, and I quote:

The Tribunal considers that it is clear that shadow ministers perform identifiable functions in relation to the Parliament—notably in holding the Government of the day, and its Ministers, to account, and in preparing to form a viable Government if, and when, necessary.

The commonwealth tribunal determined that:

A shadow minister's job, done properly, is an onerous task and it is inarguable that a shadow minister has responsibilities additional to those of an Opposition backbencher, even though the two are currently paid the same…

So, the commonwealth tribunal determined the appropriate rate of salary for commonwealth shadow ministers at 25 per cent, and we have taken the lead from that.

The Hon. D.G.E. HOOD: It may surprise members to hear that we are actually going to oppose the Hon. Mark Parnell's amendment on this occasion. We support the capacity for shadow ministers to be remunerated appropriately. Whether it should be 15 per cent, 25 per cent or 50 per cent, I do not know, but I understand that 25 per cent is the amount that the shadow ministers at a federal level are compensated above the base wage of an MP; therefore, maybe that is the right amount.

So, we do support the 25 per cent loading for shadow ministers, but I have to say, as I said in my second reading contribution, that what I think is inexplicable is that that increase does not apply in any way to any other members of parliament. There is no recognition for the extra workload that crossbenchers fulfil. Whilst shadow ministers (good ones) will work substantially more hours in terms of understanding the details of their portfolio and arguing a strong case, holding the government to account on that particular portfolio or that group of portfolios, as the case may be, it is true that the crossbenchers have to do that usually on a larger number of portfolios.

I think it would be impossible for us to do it perfectly well across half the portfolios each in the case of the Hon. Mr Brokenshire and I, and in the case of the Greens; they would split the portfolios down the middle as well. In the case of the Hon. Mr Darley and the Hon. Kelly Vincent, they are responsible for all of them.

I think it is worth noting that this increment only extends to the shadow ministers and does not extend to the crossbench, and I see no good reason for that. Frankly, I think it is insulting and

unjustifiable and I would like to lodge my protest, if you like. As I said, for that reason we will not be supporting the Hon. Mr Parnell's amendment in this case.

The Hon. J.A. DARLEY: As I said in my second reading speech, I believe that the Remuneration Tribunal should deal with all these things, so I will be supporting the Hon. Mr Parnell's amendments.

The Hon. K.L. VINCENT: Likewise, Dignity for Disability will support the amendment.

The Hon. R.I. LUCAS: The Liberal Party decided to support this particular amendment. I must say that, come the next election, for my sins I think I will have served potentially for 20 years as a shadow minister in various guises, of which, if this bill passes, two of those years will have been recompensed as a shadow minister. It may well be that whomsoever inherits the opposition benches after 2018 may be the long-term beneficiaries of this particular provision.

Putting that to the side, as a general principle I agree with the view that shadow ministers, whether they be Liberal or Labor, should be recompensed in some way as members of the alternative government in terms of the workload that they undertake. For those reasons, we think the federal model is an appropriate model and our party room is supporting the government's position.

Amendment negatived; clause passed.

Clause 7.

The Hon. M.C. PARNELL: I move:

Amendment No 11 [Parnell–1]—

Page 7—Delete the item relating to a Shadow Minister

Amendment No 12 [Parnell–1]—

Page 7—Delete the items relating to the following offices:

Presiding Member of the Aboriginal Lands Parliamentary Standing Committee

Presiding Member of the Economic and Finance Committee

Presiding Member of the Environment, Resources and Development Committee

Presiding Member of the Legislative Review Committee

Presiding Member of the Public Works Committee

Presiding Member of the Social Development Committee

Presiding Member of the Statutory Authorities Review Committee

Presiding Member of the Natural Resources Committee (unless a Minister)

I have two amendments to clause 7. Both of them are consequential and so the will of the chamber has already been noted. However, I want to say two things. First of all, some of these positions listed in the schedule relate to a specific individual. For example, there is only one Premier and there is only one Leader of the Opposition in the House of Assembly, but a number of these loadings relate to groups of people—for example, ministers in the Executive Council, ministers outside the Executive Council, shadow ministers, parliamentary secretaries.

There are 26 items in the list. When we consider those that have multiple eligible members within them, my calculation is that there are 50 members of parliament who are entitled to extra pay on the basis of the list in the schedule—50 out of the 69 members of parliament. Every single one of those 50 members comes from the Labor Party or the Liberal Party. I have said that this was the Liberals and Labor feathering their own nests, that it was self-interest on steroids. Here is your proof. Do the sums yourself. It might be 49, it might be 51. Do the sums yourself. There are, on my calculation, 50 out of 69 members entitled to extra pay because they are a member of the Liberal Party or the Labor Party, and that is outrageous.

Because we are sitting in here we are not listening to the debate in the other place, but the message I have just had from someone who is listening is that there are members over there complaining. They want to go home and we are holding them here because we are debating the

Parliamentary Remuneration (Determination of Remuneration) Amendment Bill—the absolute nerve and cheek of those people. They have no shame. They are complaining that they have to stay because they want to get a message from us and they have not got that message because we have not finished the debate. Really, this is snouts in trough extraordinaire. I think it is absolutely outrageous.

As I have said, I am not going to divide on these two amendments. One amendment was to remove shadow minister and the other was to remove the chairs of committees. The will of the chamber is known, but I will have more to say as the debate in committee resumes.

Amendments negatived; clause passed.

Schedule.

The Hon. M.C. PARNELL: I have a question on the schedule. The schedule refers to the transitional provisions. It is unclear, on a reading of this, exactly how it might work. It seems a line has been drawn in the sand at 1 September 2015. Basically, my understanding is that after that date no travel can be undertaken that relates to any period of travel allowance that is brought forward. In other words, you cannot tap into the next year's. My question is: what implications does this transitional provision have for travel before this clause is brought into effect, and when does the minister expect these new arrangements will come into effect?

The Hon. K.J. MAHER: The effect of the clause is that it will not have any effect on travel in the current financial year, but from 1 September you cannot bring forward travel from the 2015-16 financial year.

The Hon. D.G.E. HOOD: Point of clarification then, minister: does that mean that members are free to use what amount is in their current travel allowance for the remainder of this financial year?

The Hon. K.J. MAHER: I am advised that is the effect of that part of the transitional amendment.

The CHAIR: Any further contributions?

The Hon. M.C. PARNELL: One more, because we will kick ourselves if we do not clarify this. Let us say this bill is proclaimed and comes into operation, say next month or the month after, is the minister saying that travel allowance that relates to this current financial year, notwithstanding the passage of this bill, can still be used up to 30 June of next year?

The Hon. K.J. MAHER: My advice is that, yes, it can. It means that you cannot bring forward from the next financial year.

The Hon. R.I. LUCAS: Can I just offer a point of potential clarification? My understanding is that what will operate and needs to be taken into this equation is that there will be a decision at some stage, possibly at the end of this year or early next year, the tribunal will make a decision to abolish certain allowances, the allowances will be abolished and there will be a compensating salary increase. On my understanding, the salary increase would occur either at that time or, under this legislation, it can come back to the passage of the legislation, but that is a decision for the tribunal. My assumption would be, at that particular time the travel allowance will disappear as will the gold card.

The Hon. M.C. Parnell: That's not what the minister said.

The Hon. R.I. LUCAS: That's why I am just offering clarification. The minister has not been perhaps as actively engaged in these discussions as other ministers in the government might be, so I did not want that to be on the record potentially unchecked. It is my understanding, in terms of the discussions, and it would seem to make sense to me, that if, for example, the tribunal were to make a decision that the basic salary was to increase from 1 January, I am not sure that the members would still be able to use the gold card and travel entitlements for 2014-15 for the next six months up until 30 June.

It would seem to make sense that the transitional arrangements should be that, if the basic salary starts then, that would be when the gold card and the 2014-15 travel entitlement, in essence,

would have stopped and the new arrangements would start. Common sense would seem to me to suggest that that would be a fair arrangement that would pass the 'sniff test', in terms of public exposure of the situation.

Having put that on the record, I am not sure whether the minister might like to either clarify what he said or take further advice on it in terms of that issue, but that is my understanding in relation to the circumstance.

The Hon. D.G.E. HOOD: I guess that raises the other possible scenario, that is, for a member who, for example, had already booked travel prior to the bill becoming operational but the travel was for a date after the bill becoming operational. I think we need some clarity about what is okay and what is not.

The Hon. K.J. Maher: Travel booked before the bill becomes operational but before a determination is made?

The Hon. D.G.E. HOOD: Correct, and also the circumstance—

The Hon. R.I. LUCAS: Can I indicate the advice I have received is that if, in essence, bookings have occurred prior to whenever the travel allowance disappears and the basic salary increases, they would be honoured, if that is the right word, or they would be processed. If something has been booked and it occurs afterwards, that would be the case: you have expended your 2014-15 travel allowance, albeit that the travel might be after 30 June—it might be in late January during the summer break or whatever it might be.

Certainly, that is the advice I have received in terms of trying to understand this bill and its implications for members, and I members have asked me questions similar to this. That is the advice I have provided on the basis of the advice I was given in relation to this.

The CHAIR: Minister, would you like to clarify this issue?

The Hon. K.J. MAHER: The information the Hon. Rob Lucas has put on record I am advised is correct. Certainly, if there were not a determination for quite some time, it would be status quo: members could use their travel allowance as they have it this year. They could not bring forward from next financial year. However, once a determination is made, and if there is a compensation from the tribunal for travel allowance, you could not use it after the time the determination has been made. The issue the Hon. Dennis Hood raised about booking before it is proclaimed—yes, you can do that, but you still cannot bring forward from 2015-16.

Schedule and title passed.

Bill reported without amendment.

Third Reading

The Hon. K.J. MAHER (Minister for Manufacturing and Innovation, Minister for Automotive Transformation, Minister for Aboriginal Affairs and Reconciliation) (18:18): I move:

That this bill be now read a third time.

The Hon. M.C. PARNELL (18:18): As loath as I am to keep the members of the other place waiting for us—

Members interjecting:

The Hon. M.C. PARNELL: I am offended at the suggestions from unnamed members that I am about to filibuster; I have no intention of doing that. What I do want to do is just one final time put on the record that this is a very self-serving piece of legislation from the government. In cooperation and connivance with the opposition, they have managed to give themselves a very good deal indeed. I think that this is a very poor way for this state to set an example as to how these things should be done. We have not heard one skerrick of evidence. When I have asked for evidence, all we have heard is, 'Well, some inquiry some time ago thought it was a good idea to give people more money, so we do.'

I think this is a terrible piece of legislation. It will not pass Rob Lucas's sniff test, or the water cooler test, or the front bar test. I accept that some members think that no bill ever would have, but I think we could have done much better. I think we could have kept more accountability and we could have certainly kept more fairness. I just want to put on the record for now that, on behalf of the Greens, I will be opposing the third reading of this bill and that we will be dividing on that question.

The Hon. D.G.E. HOOD (18:20): Very briefly, I think my contribution yesterday outlined Family First's position, but I just want to make it absolutely clear that we were predisposed to support this bill originally. However, over the course of negotiations, over the preceding several weeks in particular, we have noted a number of aspects of the bill that we do not believe are right and, because of that, as I outlined my contribution yesterday—I will not go through the detail again—we are unable to support the bill.

If some of the amendments presented today had been successful, we would have been much more inclined to support the bill, but I think the one thing that is particularly difficult in this bill is that every member of this place has constituents all over the state and, once this bill passes, we have no specific fund in order to go and see those constituents. I think that is entirely wrong. I cannot think of another job anywhere, under any circumstances, where that would be the case and, frankly, I think it is ridiculous. We will definitely be opposing the third reading.

The Hon. J.A. DARLEY (18:21): I have to say at the outset that when I first read the bill I was prepared to support the bill but, as I said in my second reading speech, I still believe that these matters should be dealt with by the independent Remuneration Tribunal and therefore I will not be supporting the bill.

The Hon. K.L. VINCENT (18:21): Just briefly, I am sure, once again, that it will not come as any surprise that Dignity for Disability will oppose the bill at this time. I am not going to go into all the reasons why because I have already put them on the record, but I will reassure you again that we are happy to break the usual protocol and rush legislation through when there is significant community interest to justify us doing that. Again, this is not an issue that demonstrates any community interest.

We did not rush to legislate the role of a disability senior practitioner to properly protect people with disabilities from restraint and other forms of abuse, we did not rush in this place to make sure that volunteer firefighters would be eligible for compensation if they got illness due to their firefighting duties. We did not rush to amend disability services legislation in this place or introduce mandatory reporting for abuse and neglect of people with disabilities.

We certainly did not rush the disability justice plan. We have seen the legislation to do with that pass this parliament just in the last few weeks, after five years of very hard lobbying. If we are not going to rush for those things, if we are not going to rush to save positive life, protecting and respecting the lives of people living with HIV in this state, then we certainly should not rush this legislation. For those reasons, on behalf of Dignity for Disability, I will oppose this bill.

The council divided on the third reading:

Ayes 13
Noes..... 6
Majority..... 7

AYES

Dawkins, J.S.L.	Finnigan, B.V.	Gago, G.E.
Gazzola, J.M.	Hunter, I.K.	Kandelaars, G.A.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I.
Maher, K.J. (teller)	McLachlan, A.L.	Ridgway, D.W.
Stephens, T.J.		

NOES

Brokenshire, R.L.	Darley, J.A.	Franks, T.A.

NOES

Hood, D.G.E. Parnell, M.C. (teller) Vincent, K.L.

Third reading thus carried; bill passed.

CONSTITUTION (GOVERNOR'S SALARY) AMENDMENT BILL

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (18:29): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Governor of South Australia holds the most significant office in the State. The Governor's office is established under the *Letters Patent and the Constitution Act 1936* ('the Act') declaring the role of the Governor as the representative of the Sovereign Head of the Commonwealth, responsible for exercising virtually all of the Sovereign Head's powers in respect of the State. The Governor is appointed by the Sovereign Head on advice of the South Australian Premier.

The Act allows for the provision of a salary to be paid to the Governor by the Treasurer whilst holding the office of Governor.

Unlike all other significant office holders in the State, including members of the Judiciary and the Legislature, the Governor's salary is not determined by the South Australian Remuneration Tribunal. It is dealt with solely by the Act.

The officers referred to the Remuneration Tribunal have the benefit of establishing appropriate salary arrangements including superannuation and salary sacrificing. The Governor does not.

The current legislative framework limits the ability of the Governor to enter into these arrangements, and as such, creates a disadvantage between significant office holders in the State.

The Bill before the House seeks to repair this situation and ensure significant office holders are treated similarly, with respect to matters relating to remuneration.

The amendments as provided for in the *Constitution (Governor's Salary) Amendment Bill 2015* amend the Act to refer the matter of the Governor's remuneration to the Remuneration Tribunal. The Remuneration Tribunal will have exclusive jurisdiction to determine the appropriate remuneration conditions for the Governor, as it does with other significant officer holders.

The Bill also seeks to ensure the Act reflects current practice and therefore sees the removal of the historic furlough clause. This clause gave effect to the historical practice whereby English Governors would take leave to return to England. It is no longer consistent with current practice of appointing Australian Governors.

These amendments will ensure practices are consistent and bring into effect conditions that are already offered to other significant office holders in South Australia. These amendments also seek to acknowledge the substantial contribution of the Governor to the State of South Australia.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Constitution Act 1934*

4—Substitution of section 73

This clause substitutes current section 73 with the following proposed clause.

73—Governor's salary

This clause enables the Remuneration Tribunal to determine the Governor's salary with the proviso that—

- the Governor is not to be remunerated for any period for which he or she is entitled to remuneration from the Commonwealth in respect of his or her administration of the Government of the Commonwealth; and
- the rate of salary so determined cannot be reduced by subsequent determination of the Remuneration Tribunal.

5—Amendment of section 73B—Appropriation

This clause makes a minor consequential amendment to section 73B.

Schedule 1—Transitional provision

1—Transitional provision

This clause ensures that the Remuneration Tribunal will not determine a lower rate of salary for the Governor than the one applying immediately before the commencement of the amending Act.

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

SUMMARY OFFENCES (BIOMETRIC IDENTIFICATION) AMENDMENT BILL

Second Reading

The Hon. G.E. GAGO (Minister for Employment, Higher Education and Skills, Minister for Science and Information Economy, Minister for the Status of Women, Minister for Business Services and Consumers) (18:30): I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Under existing laws, police have limited powers to request that an individual identify himself or herself. Police also have limited powers in respect to the taking of a person's fingerprints.

In the lead up to the 2014 State election, the Government announced that it would be introducing laws to expand the powers for police to more effectively use mobile fingerprint scanners (also known as portable biometric fingerprint scanners) to fight crime.

The mobile fingerprint scanners, currently being used by police, are able to scan and capture biometric data (an electronic picture of a fingerprint), electronically access the relevant database known as the National Automated Fingerprint Identification System ('NAFIS') and receive a response to enable rapid identification.

South Australia Police ('SAPOL') has advised that scanned biometric data is electronically transferred from the device to a SAPOL server, which sends the data and an instruction to the NAFIS database to search its records to determine if there is a matching fingerprint on file. The outcome of the search is referred to as a 'Hit' / 'No Hit' result. If a matching fingerprint is found in the NAFIS database, the person's identity and criminal history are returned and appear on the screen of the mobile device. Conversely, if the fingerprint is not matched in the NAFIS database, there will be no other information returned other than 'No Hit'. The use of the mobile fingerprint scanners will have no additional contribution to records held on the NAFIS database.

SAPOL also advised that captured biometric data through the fingerprint scan is compared to fingerprints of people with a known identity on the NAFIS database.

The Bill amends current section 74A(1) of the *Summary Offences Act 1953* ('the Act') to allow a police officer to require a person to submit to a biometric identification procedure, which is in addition to the current power to require a person to state all or any of the person's personal details. A police officer may use either measure or both. The existing pre-conditions in section 74A(1) of the Act will apply for both.

Those pre-conditions are that a police officer has reasonable cause to suspect:

- that a person has committed, is committing, or is about to commit, an offence; or
- that a person may be able to assist in the investigation of an offence or a suspected offence.

The Bill defines *biometric identification procedure* as:

'a procedure in which biometric data relating to a person is obtained by means of photograph or scan and compared with other biometric data for the purposes of identifying the person.'

The Bill defines *biometric data* as:

'fingerprint data or any other prescribed data or data of a prescribed kind that describes physical characteristics of a person or part of a person that may be used to identify the person.'

The definition of biometric data will enable other forms of biometric identification procedures to be used in the future by prescribing other types of data by regulation. Any expansion will be assessed on a case by case basis as the technology develops.

The same maximum penalty will apply for failure or refusal to submit to a biometric identification procedure as that in current section 74A(3) of the Act.

Current section 74A(4) of the Act has also been amended to include the situation where a person is required to submit to a biometric identification procedure. Under this amendment, a police officer who has required a person to submit to a biometric identification procedure is required to comply with a request to identify himself or herself, in accordance with that section.

The Bill also includes a new section 74A(4a) which is an offence aimed at deterring inappropriate retention and storage of biometric data. The new section expressly provides that a person must not retain or store biometric data derived from a biometric identification procedure under new section 74A for longer than is reasonably required for the purposes of carrying out the biometric identification procedure. The maximum penalty is consistent with the maximum penalty for unauthorised storage of a DNA profile under the *Criminal Law (Forensic Procedures) Act 2007*.

The wider use of mobile fingerprint scanners by police is expected to improve identification rates, reduce the incidence of people avoiding being identified and allow for identification while police officers remain in the field.

The biometric identification procedure proposed in this Bill is intended to be a separate and distinct procedure to assist with on the spot identification of a person to aid police officers in their duties whilst remaining in the field.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Summary Offences Act 1953*

4—Amendment of section 74A—Power to require personal details and other identification information

This clause proposes to amend section 74A of the *Summary Offences Act 1953* so that a police officer may require a person to submit to a biometric identification procedure if the officer has reasonable cause to suspect that a person has committed, is committing, or is about to commit, an offence or that the person may be able to assist in the investigation of an offence or a suspected offence. This is in addition to the requirement to state all or any of the person's personal details which is currently provided for under section 74A(1).

A biometric identification procedure is defined as a procedure in which biometric data relating to a person is obtained by means of photograph or scan and compared with other biometric data for the purposes of identifying the person. Biometric data is defined as fingerprint data or any other prescribed data or data of a prescribed kind that describes physical characteristics of a person or part of a person that may be used to identify the person.

The clause provides that a person must not retain or store biometric data derived from a biometric identification procedure for longer than is reasonably required for the purposes of carrying out the biometric identification procedure.

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

At 18:31 the council adjourned until Tuesday 13 October 2015 at 14:15.