

## LEGISLATIVE COUNCIL

Wednesday, 20 June 2018

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

**The PRESIDENT:** We acknowledge Aboriginal and Torres Strait Islander peoples as the traditional owners of this country throughout Australia, and their connection to the land and community. We pay our respects to them and their cultures, and to the elders both past and present.

### *Parliamentary Procedure*

#### **PAPERS**

The following papers were laid on the table:

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

Regulations under the following Acts—  
Rail Safety National Law (South Australia) Act 2012—Fees

By the Minister for Human Services (Hon. J.M.A. Lensink)—

Murray-Darling Basin Authority—Report, 2016-17

### *Parliamentary Committees*

#### **LEGISLATIVE REVIEW COMMITTEE**

**The Hon. T.J. STEPHENS (14:17):** I bring up the second report of the committee.

Report received.

**The Hon. T.J. STEPHENS:** I bring up the third report of the committee.

Report received and read.

### *Ministerial Statement*

#### **ROYAL COMMISSION INTO INSTITUTIONAL RESPONSES TO CHILD SEXUAL ABUSE**

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:18):** I table a ministerial statement made today in the other place by the Hon. Rachel Sanderson, Minister for Child Protection, on the Royal Commission into Institutional Responses to Child Sexual Abuse.

### *Matter of Privilege*

#### **LOCAL HEALTH NETWORKS**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:19):** Mr President, I raise a matter of privilege in relation to the Minister for Health and Wellbeing.

On 16 June 2018, the government published an advertisement in *The Advertiser*, titled 'Government board chairs sought for South Australia's public health system local health networks'. The advertisement also appeared in the Adelaide Hills *Herald*, Barossa and Light Herald, *Border Chronicle*, *The Border Times*, *The Bunyip*, *Coastal Leader*, *The Courier*, *Eyre Peninsula Tribune*, *The Flinders News*, *The Islander*, *The Leader*, *The Murray Pioneer*, *The Murray Valley Standard*, *The Naracoorte Herald*, *Northern Argus*, Penola's *The Pennant*, *Plains Producer*, *Port Lincoln Times*, *The Recorder*, *The Southern Argus*, Victor Harbor's *The Times*, *The Transcontinental*, *West Coast Sentinel*, *Whyalla News* and the *Yorke Peninsula Country Times*. The advertisement read:

- One Statewide, three Metropolitan and six Regional Boards.
- Opportunity for high calibre, strategic and experienced board directors to closely engage with and guide South Australia's Local Health Networks.

- Governing Board Chair remuneration up to \$70,758 per annum.

The South Australian Government is implementing reforms to the governance of the South Australian public health system that will result in the introduction of new Local Health Network governing boards, which will be fully operational from 1 July 2019.

Expressions of Interest are sought for Chairs of the 10 new governing boards. Governing board Chairs commence from 31 July 2018, serving initially in an advisory capacity during the transitioning period and operating in the full capacity as Chairs of the governing boards from 1 July 2019.

There is a precedent of such an advertisement being ruled by a former Speaker of the other place as a matter of privilege and should be investigated as such. In 2004, there was a precedent where, in the other place, a similar advertisement was raised by the then member for Stuart. In this precedent it was determined by the Speaker of the House of Assembly to be a prima facie matter for privilege. This related to advertising for positions for the, as then, unestablished natural resource management boards, as published in *The Advertiser* on 7 February 2004 and the *City Messenger* on 11 February 2004.

The then Speaker of the House of Assembly explained to the House of Assembly on 26 February 2004 that he ruled on the basis, and I quote:

...where the privileges of the parliament, without fear or prejudice being imposed on it as an institution or any member of it, can proceed to determine what change, if any, to the law should be made.

A committee motion was then moved with precedence by the Hon. Dean Brown, the former premier of South Australia. In that instance, the house accepted the explanation of the minister largely on the basis that the advertisement had said:

Once enacted, the Natural Resource Management Act will establish regional boards. Roles, terms and conditions are subject to the passage of the Bill through the South Australian Parliament.

Therefore, in that instance, the primacy of parliament to consider and pass, amend or reject the bill was maintained by our stating that it was subject to the passage of the bill. In this instance of the advertisements for the local health network governing boards, no such acknowledgement of the parliament's role exists.

Applicants are only informed that the reforms will result in the new boards and that they will be fully operational by 1 July 2019. The roles, requirements, payments, network structure and responsibilities are all predicated on the passage of a bill that has only just been introduced to this parliament.

I believe it is imperative for the primacy of parliament's role to be maintained by the executive government of the day and for the community not to be misled about what any chamber has or has not passed. In this instance, the actions of the government directly or indirectly impede the house in the performance of its functions.

I therefore give notice that on the next Wednesday of sitting I will move that the matter be referred to a committee of privilege for inquiry and report.

#### *Question Time*

### **NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:24):** I seek leave to make a brief explanation before asking a question of the Minister for Human Services in relation to our National Partnership Agreement on Remote Indigenous Housing.

Leave granted.

**The Hon. K.J. MAHER:** The minister has been asked a number of times to provide an update to this chamber in relation to the funding for the construction and maintenance of remote Aboriginal housing. This funding ceases in its entirety at the end of this month, just over a week away.

Last week, as shadow minister for Aboriginal affairs and reconciliation, I was on the APY lands, visiting five communities across the lands. The issue of housing was raised constantly, and I was regularly asked if more funding would become available. Unfortunately, I had to inform both

service providers and community members that the new state Liberal government had so far failed to secure a new funding agreement for remote housing and that the existing funding would stop entirely at the end of this month.

I also had to inform community members that the new Minister for Human Services in the South Australian parliament had not ruled out the forced closure of Aboriginal communities because of the housing funding crisis. My questions are:

1. If the minister was to visit a remote Aboriginal community, what would she say to some of the people living in some of the most remote areas, who are desperately awaiting a funding commitment?
2. Has the federal government made any offer to the state in relation to this funding?
3. Will the minister stand up for Aboriginal South Australians and ensure that if there is no more federal funding she will secure adequate state government funding?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:26):** It delights me to be able to place on the record some information in relation to this issue. I became aware of the issue in relation to the ending of the agreement between the commonwealth and state government last year. I think it was before Christmas that I was contacted by particular stakeholders and certainly made a number of calls and representations to the minister, Nigel Scullion. I understand that the state government here, at a local level, through the minister for social housing, made some pleadings through the media, but actually never put any money on the table at all. It is typical.

The then state government knew about this issue, I think, well in advance of Christmas last year, and was asked by the commonwealth to put some money on the table so that negotiations could commence. As per usual, the approach of the then Labor government was, 'Give us your money. We are not going to do anything ourselves, but we want money from you,' as has been their wont and has made us a national embarrassment.

This issue came up in federal parliament on 6 February this year. It was a question from the member for Mayo, Ms Sharkie. She asked the Hon. Ken Wyatt, the minister representing the Minister for Indigenous Affairs:

Approximately half of Indigenous Australians in remote areas live in overcrowded housing, with some three bedroom homes containing 17 occupants. In contrast, only five per cent of non-Indigenous Australians live in overcrowded housing. Will the minister please provide the reasons why the federal government has abandoned the National Partnership on Remote Housing, which will mean a shortfall of \$24 million for South Australia...Defunding will inevitably lead to more overcrowding and even poorer health, social and educational outcomes for remote Indigenous communities.

Mr Wyatt then replied:

It is a matter of priority for our government and certainly has been part of a priority that has been the focus of a remote Indigenous housing agreement for the past 10 years. The negotiations that are occurring between states and territories that are part of this remote agreement require ministers from the states and territories to also equally commit and match Commonwealth funding. The funding that we provided to South Australia last year—

*Members interjecting:*

**The PRESIDENT:** Order! Let the minister speak.

*Members interjecting:*

**The Hon. J.M.A. LENSINK:** No, the history is pretty important—

*Members interjecting:*

**The PRESIDENT:** Order! Let the minister speak.

**The Hon. J.M.A. LENSINK:** —and this goes to homelessness funding delays in South Australia.

*Members interjecting:*

**The PRESIDENT:** Order!

*Members interjecting:*

**The Hon. J.M.A. LENSINK:** Let me finish.

**The PRESIDENT:** Order! Minister, through the President.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** I'm sorry, Mr President, I apologise.

**The Hon. K.J. Maher:** I'm asking what you would tell Aboriginal communities.

**The Hon. J.M.A. LENSINK:** I will get to that.

**The Hon. K.J. Maher:** I'll be sending *Hansard* out again, as I did before.

**The Hon. J.M.A. LENSINK:** Yes, very good; look forward to that.

**The PRESIDENT:** Minister, through the President.

**The Hon. K.J. Maher:** This is what you want them to read; it's up to you.

**The Hon. J.M.A. LENSINK:** Don't you threaten me! He continues:

The funding that we provided to South Australia last year was \$430 million for mainstream, or general, housing, but over the last nine years South Australia has received \$3.3 billion. The point you make about reducing overcrowding has been a result of that continued partnership. We've seen a 15 per cent reduction in overcrowding in the four jurisdictions that are affected: Western Australia, South Australia, Northern Territory and Queensland.

The funding has not been cut. It has not been reduced.

**The Hon. K.J. Maher:** Is this Aboriginal housing, is it?

**The Hon. J.M.A. LENSINK:** Yes, yes, correct.

**The Hon. K.J. Maher:** This is all Aboriginal housing?

**The Hon. J.M.A. LENSINK:** This is all Aboriginal housing, if you had been listening—

**The PRESIDENT:** Minister, do not respond directly to conversational questions across the aisle.

**The Hon. J.M.A. LENSINK:** That is the question that was put. He continues:

Senator Scullion is in ongoing negotiations with the relevant ministers. Sadly—

6 February 2018—

Zoe Bettison has, so far, refused to put any money on the table as part of those bilateral discussions.

*Members interjecting:*

**The Hon. J.M.A. LENSINK:** You've known about this issue since 2017!

**The Hon. I.K. Hunter:** Because it was the commonwealth responsibility. You let them walk away from the responsibility every time.

**The Hon. J.M.A. LENSINK:** You're a disgrace!

**The Hon. I.K. Hunter:** You won't stand up for South Australians, you never do; you roll over! You're weak!

*Members interjecting:*

**The PRESIDENT:** Order! Order! Let the minister respond.

**The Hon. J.M.A. LENSINK:** Take responsibility.

**The PRESIDENT:** Minister, please!

**The Hon. J.M.A. LENSINK:** He continues:

That is important, because there is a need to consider all Aboriginal and Torres Strait Islander people as part of the citizenry of each jurisdiction. Equally, there is an obligation for state and territory governments to come to the table and make their contribution in the same manner that they do for mainstream.

*Members interjecting:*

**The Hon. J.M.A. LENSINK:** So, Mr President, where did this leave the incoming South Australian government? We had two funding arrangements for homelessness to deal with. There was the homelessness funding agreement, which I signed last week, which was delayed as leverage with the commonwealth, because we were trying to get some money back on the table. The discussions are ongoing between my department and the federal department—

**The Hon. K.J. Maher:** For Aboriginal housing?

**The Hon. J.M.A. LENSINK:** For Aboriginal housing, and the Treasurer's—

**The Hon. K.J. Maher:** You said last time it was Treasury.

**The PRESIDENT:** Order! If you want to have a conversation with the minister, Leader of the Opposition, have it outside.

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

**The Hon. J.M.A. LENSINK:** No, no, no, they're all talking; it may surprise the Leader of the Opposition to know that our ministers talk to each other and our departments talk to each other and they're working for the best outcome for all South Australians. So there are discussions taking place at Treasury level, between the state and commonwealth, and there are discussions taking place between DHS, my department and Nigel Scullion's department. They are ongoing and they are seeking the best outcomes for South Australia. I am not going to go into the details of those discussions, which would have been concluded had the Labor Party come to the party and put some recurrent funding on the table.

**The Hon. I.K. Hunter:** What, rolled over like you did? Rolled over like you did and backfilled their blank hole? It was their responsibility and you let them get away with it.

**The Hon. J.M.A. LENSINK:** Oh, give me a break!

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** And then the Labor Party goes to the sector and has a meeting with the providers. Do you think they don't know what's going on? They know exactly what's going on. They know that the Labor Party was derelict in its duty under both housing agreements and were slack and have left the Liberal Party to clean up their mess, not just in the economic areas but in the social policy areas as well.

#### **NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:33):** Mr President, a supplementary arising from the original answer: is the minister aware of how much the New South Wales government recently allocated for Aboriginal housing over the next four years in their very recent budget?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:33):** No, I am not aware of that detail because I haven't studied the *Sydney Morning Herald*, those sorts of things. I am here to represent the interests of South Australians. That is what I will continue to do, and these negotiations are ongoing for the best interests of South Australians.

#### **NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING**

**The Hon. K.J. MAHER (Leader of the Opposition) (14:34):** Supplementary arising from the original answer, Mr President: is this the answer that the minister wants people in remote Aboriginal communities to hear?

**The PRESIDENT:** I am ruling that out of order, Leader of the Opposition. The Hon. Ms Scriven.

**CAREER EMPLOYMENT SERVICES FUNDING**

**The Hon. C.M. SCRIVEN (14:34):** I seek leave to make a brief explanation before asking a question—

*Members interjecting:*

**The PRESIDENT:** Leader of the Opposition, I cannot hear your own frontbencher speak. Hon. Ms Scriven, please recommence.

**The Hon. C.M. SCRIVEN:** Mr President, I seek leave to make a brief explanation before asking a question of the Treasurer.

**The PRESIDENT:** What is the topic?

**The Hon. C.M. SCRIVEN:** The Treasurer's review of government funded programs.

Leave granted.

**The Hon. C.M. SCRIVEN:** The Minister for Industry and Skills sent a letter to Northern Futures Incorporated advising that, as a result of the Treasurer's review of government funded programs, funding for the Jobs First Employment programs and Career Services programs will cease on 30 June 2018. Will the Treasurer confirm whether funding for Northern Futures has been cut as a result of the Treasurer's review of government funding? When was this decision made and how was it communicated to stakeholders? What other programs are being cut as a result of this Treasurer's review?

**The Hon. R.I. LUCAS (Treasurer) (14:35):** As Treasurer, I accept responsibility for everything that goes on in relation to budget and finance related issues, but there is a collaborative role with ministers in relation to the implementation of budget related decisions.

The budget will be released on 4 September. I don't propose, even after the very kind invitation from the honourable member, to outline all the decisions that are currently being contemplated, and in some cases already taken, in terms of the presentation of the 4 September budget. I thank the honourable member for the invitation, but I won't be taking up that invitation at this stage.

If there are decisions which are taken in terms of the process of formulating the budget—and in some cases one can understand that they have to be because if funding is to be continued or discontinued as of 30 June or 1 July of this year, which clearly pre-dates 4 September, then the responsible minister would need to implement that particular decision by way of corresponding to the impacted stakeholders.

There will be some programs and projects where decisions will be taken in terms of the presentation of the budget and therefore they will be advised to stakeholders by ministers. In other cases they will be part of the more normal process, which will be the presentation of the budget on 4 September, when all will be revealed to stakeholders and to the general community and to members of parliament as to the decisions that the new government has taken.

**CAREER EMPLOYMENT SERVICES FUNDING**

**The Hon. C.M. SCRIVEN (14:37):** Supplementary: the Treasurer has not answered the question of when the decision about Northern Futures was made and how it was communicated to stakeholders, as a result of his review of funding.

**The Hon. R.I. LUCAS (Treasurer) (14:37):** I think the second part of the question is self-evident. I think the shadow minister read out a copy of a letter or an email or something that was sent from the Minister for Industry and Skills to the stakeholders. I think it is self-evident how that was transmitted to stakeholders. The shadow minister, I think, has a copy of either the email or the letter or whatever it was she was reading from.

In terms of the detail of how it is conveyed to stakeholders, that's not an issue for me as Treasurer, that's an issue for the responsible minister in terms of the implementation. The Treasurer is responsible for an overall budget allocation and individual ministers will be responsible in terms of managing whatever allocation or funding allocation or appropriation they are ultimately given. Most

of those decisions will not be made publicly apparent until 4 September. In some cases, ministers will convey an implementation of a decision prior to 4 September, as would appear to be the case in relation to Northern Futures.

In relation to when decisions are taken in relation to individual funding programs, I am not going to be putting on the public record the chronology of dates and programs of discussions I have had with ministers. Ultimately, I will make general decisions as Treasurer for ministers in relation to their appropriations. Ministers will then make subsequent decisions in relation to projects and programs and especially will make decisions about how they consult various stakeholders who might be impacted by the decisions that are the responsibility of that particular portfolio, agency and minister.

#### **CAREER EMPLOYMENT SERVICES FUNDING**

**The Hon. C.M. SCRIVEN (14:39):** Further supplementary: is funding being cut to Northern Connections, Southern Connections and to automotive programs, such as the Automotive Workers in Transition program; and will the Treasurer advise which other programs are being cut as a result of his review for 30 June?

**The Hon. R.I. LUCAS (Treasurer) (14:39):** In relation to the detail of some of those projects and/or programs, I will take advice and bring back a reply. Certainly, the government's policy costing document released prior to the election made a clear indication at least, I think, in relation to one or two of the areas the honourable member has referred to. She might like to refer to the publicly available documentation released by the government prior to the election in relation to one or two of those particular organisations or programs. But in relation to some of the others, I will need to take advice and bring back a reply.

#### **CAREER EMPLOYMENT SERVICES FUNDING**

**The Hon. C.M. SCRIVEN (14:40):** I thank the minister for the answer. So what criteria was used to determine that these programs were going to be cut—and by 'these' I mean the Jobs First Employment Projects and Career Services programs? What criteria was used to determine they would be cut, and will the Treasurer confirm what the savings figure for the Minister for Industry and Skills' department is?

**The Hon. R.I. LUCAS (Treasurer) (14:40):** When the budget's released, I'll certainly be in a position to be able to indicate. But certainly in relation to the savings program of not only the Minister for Industry and Skills but all ministers, a very significant component of that will be clearly identified as a Labor efficiency dividend that had to be implemented post the election irrespective of whichever government was elected. All agencies, when the new government arrived, advised me, as the new Treasurer, that these were the efficiency dividends the former Treasurer and the former government had left with us that we had to implement post the election for the 2018-19 and forward estimates years.

It will be quite clear in terms of the documentation available that some of the savings tasks that agencies are confronting at the moment will be as a result of the new priorities of the new government, which we outlined at the time of the election, and clearly that will have an impact in terms of the funding priorities; but also some of the savings that agencies like industries and skills will have to implement are as a result of efficiency dividends, the most recent of which was implemented in the last weeks before Christmas last year in the Mid-Year Budget Review, when the former Labor government initiated widespread efficiency dividends that had to be implemented in all agencies post the election. They were clearly documented by the former government and the former Treasurer.

So any efficiency savings that are being implemented, at least in part, have been generated by decisions taken by the former Labor government—as a result of efficiency dividends that are required. In relation to the detail of savings programs for all agencies, including industries and skills, again I'll resist the kind invitation to outline all of that detail now. They are issues which will be released at the time of the budget.

**CAREER EMPLOYMENT SERVICES FUNDING**

**The Hon. C.M. SCRIVEN (14:42):** Point of clarification, Mr President: the Treasurer has misunderstood the question—

*Members interjecting:*

**The Hon. C.M. SCRIVEN:** Or it's a supplementary.

**The PRESIDENT:** So it's a supplementary.

**The Hon. C.M. SCRIVEN:** The question was: what criteria was used to determine that these two types of programs—Jobs First Employment Projects and Career Services programs—would be cut, and the question regarding the savings figure was in relation to those two programs.

**The Hon. R.I. LUCAS (Treasurer) (14:42):** The criteria that is governing the new government is twofold. First, the overarching criteria is to grow the economy and create jobs, to reduce the cost of living and costs for South Australian families and to deliver better services. That is the overarching mantra of the government. We were elected on that particular program, and we intend to deliver it. That is the guiding influence.

The second influence, which will influence decisions for ministers and agencies, is to deliver the efficiency savings targets both that the former Labor government left with the agencies and any additional ones the incoming government has offered. Linked with that—

**The Hon. C.M. Scriven:** So programs—helping people to get jobs—are not the priority.

**The Hon. R.I. LUCAS:** Well, these are the criteria that will govern decisions that have to be made. You have to meet your savings targets, some of which were left by the former Labor government and some of the new ones for the Liberal government. So that is a criterion. A second one will be: we've got to try to grow jobs, grow the economy, reduce the cost of living in South Australia and deliver better services. And thirdly, there are new priorities for the new government—

**The Hon. C.M. Scriven:** So not jobs, not helping people into jobs.

**The Hon. R.I. LUCAS:** —and the new priorities will be to deliver and create jobs. One of the new priorities for the government is to abolish payroll tax for all small businesses in South Australia, something the former Labor government was unprepared to do. They saw it as something mean and nasty to cut payroll tax for small businesses in South Australia to create jobs.

The reality is that the new government has been elected on a program of creating jobs in the economy. That means, therefore, that some of the old priorities of the former Labor government will not be able to be continued. That's the simple reality. If you're going to deliver new priorities, if you want to get rid of payroll tax for all small businesses in South Australia and to help grow jobs and grow the economy in South Australia, you have to get rid of some of the savings programs that you have.

This is not an old-style Labor government; this is actually a reformist Liberal government that has been elected. The people of South Australia said, 'We've seen what old-style Labor has done over 16 years; we've seen the mess that they created'—

**The Hon. K.J. MAHER:** Point of order: the question was in relation to what the new government is doing, not about what any old government has been doing. I note that the member has been on his feet for 13 minutes already.

**The PRESIDENT:** I note your point of order. The Hon. Ms Scriven, do you have another point of order?

**The Hon. C.M. SCRIVEN:** There is a final supplementary, if the Treasurer has—

**The PRESIDENT:** No, I don't think the Treasurer is finished.

**The Hon. C.M. SCRIVEN:** You haven't finished, but you have spoken for so long and you have not said anything.



**The PRESIDENT:** The Hon. Ms Scriven, please sit down. Treasurer, please wind up your answer; it has been lengthy.

**The Hon. R.I. LUCAS:** I keep getting supplementary questions. They are the criteria that are governing the decisions that are being taken. That is, if we're going to fund new priorities, we have to stop funding some of the old priorities of the old-style Labor governments. They are tough decisions which have to be taken but we will not resile from taking tough decisions. If you're going to abolish payroll tax, if you have a new priority, then you have to stop funding some of the old-style Labor priorities. Sadly, you are not going to be able to continue with all those programs that the former Labor government might have loved but which were singularly unsuccessful.

**The Hon. C.M. SCRIVEN:** I have a final supplementary, Mr President.

**The PRESIDENT:** I will listen to it. You have had a fair chance to prosecute your case.

#### **CAREER EMPLOYMENT SERVICES FUNDING**

**The Hon. C.M. SCRIVEN (14:46):** Will the Treasurer confirm what the Minister for Industry and Skills stated on radio this morning, that no more than \$1.9 million will be cut to training and employment provider grants across his department?

**The PRESIDENT:** I'm going to rule that one out of order. I have been more than generous, and it did not involve, really, what was stated in the original answer to the first question.

#### **TELSTRA JOB LOSSES**

**The Hon. E.S. BOURKE (14:46):** My question is to the Treasurer. What support will the government put in place for workers who will lose their employment following Telstra's announcement of job cuts? How many South Australian Telstra employees will be impacted?

**The Hon. R.I. LUCAS (Treasurer) (14:47):** The Premier and the government obviously are disappointed to hear that, potentially, there may well be a number of South Australian workers impacted by the decision taken by Telstra, but that is obviously not a decision directly influenced by the government.

In relation to any role of the state government, we are pleased to hear that Telstra has announced that it has established a \$50 million fund, part of which will be directed to retraining and assisting those workers who may well lose their entitlement—and that is an appropriate response. We are not talking about a company which is going out of business here which, in the recent past, we might well have been talking about.

Telstra is a business that has obviously made a business decision to downsize but to continue to operate. Appropriately, they have provided funding for retraining and trying to help workers find other jobs. As I understand it, part of that fund is to be used to continue to provide training and upskilling opportunities for existing staff as well. We will obviously look at what, if any, role the state government might take, but we operate from the mantra, firstly, that if there is an ongoing business that is making business-related decisions, shouldn't it be the responsibility of the business, in the first instance, to provide support and retraining rather than the taxpayers of South Australia to be the first port of call?

Again, we understand old-style Labor says that the state government has to hop in there and the taxpayers have to fund everything right from the word go, but we will look to see what, if any, role we might have to play, so we clearly wouldn't rule that out. However, in the first instance, we have a different view in relation to the responsibilities here and we are pleased to see that at least Telstra is announcing that they have a fund which is available.

I have also been advised—I don't have direct knowledge of this—that the Telstra enterprise agreement arrangements involve redundancy packages of up to 80 weeks for impacted workers. I think there would be many workers that I'm aware of, and that perhaps the honourable member might be aware of, who, in the event that they did lose their job, would be more pleased to see an 80-week payout rather than some of the payouts that they receive under their enterprise agreements.

The quick rush from honourable members opposite, that it's a state government's responsibility to do this and that, as I said, is an expected response from old-style Labor. As a new

government, we will be prepared to do what we might need to do if there are gaps. We will have a look at that but, in the first instance, we see a responsibility for Telstra as a corporate citizen to manage the process as best as it can.

In relation to the last issue, we have asked the question and we are not aware of what the immediate impact is in South Australia. Telstra's statement is that it doesn't have a breakdown of the impacts in individual states and territories. So we are not in a position to provide any greater information to the public other than the information that we have been given, and that's exactly the nature of the information that we have been given.

#### TELSTRA JOB LOSSES

**The Hon. K.J. MAHER (Leader of the Opposition) (14:50):** Supplementary arising from the original answer: when was the Treasurer himself or the government first advised of the Telstra job losses, and has the Treasurer himself or the government spoken to anyone from Telstra or the union representing Telstra workers?

**The Hon. R.I. LUCAS (Treasurer) (14:51):** I was first advised this morning, when there was a public statement that was made. There may well have been an email contact from representatives of Telstra to either the Premier's office or to parts of the government just prior to the public announcement today.

However, I thought that some weeks ago—and I am going on memory and will have to check this—this issue of Telstra downsizing had been raised publicly. I don't know whether it was by way of a leak, a prerelease or an early indication. I have to check the records, but some of the issues that were raised today—though not the specific numbers—I seem to recall having been raised a few weeks ago, because I think I might have been asked at that stage by sections of the media to respond to what the impact would be on South Australia at that particular time. I am happy to check the record on that.

In relation to the formal announcement today, I only became aware of it this morning after I came out of a meeting. In relation to whether there have been discussions: yes, the Premier had a discussion with a senior representative of Telstra around lunchtime today to try to seek further information about impacts in South Australia and what Telstra's approach might be. I sat in on part of that, or most of that, telephone conversation. The information I shared in relation to what the job impact numbers might be in South Australia—having put the question to Telstra, it was again the response that, at that stage, they hadn't actually looked at what the breakdowns were and what the regional impacts might be in South Australia or the other states and territories.

#### TELSTRA JOB LOSSES

**The Hon. K.J. MAHER (Leader of the Opposition) (14:52):** Final supplementary arising from the original answer: has the Treasurer himself or the government spoken to anyone from the union that represents Telstra employees?

**The Hon. R.I. LUCAS (Treasurer) (14:52):** I haven't, but I have no knowledge of whether or not anyone else has.

#### COMMUNITY HOUSING

**The Hon. J.S. LEE (14:53):** My question is to the Minister for Human Services about community housing. Can the minister advise the chamber about the recent launch of community housing developments in the western suburbs?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:53):** I thank the honourable member for her question. I am delighted to provide some information to the house in relation to two launches that I have recently attended in the western suburbs to assist people into affordable and community housing.

In April this year, UnitingSA completed a project at Pennington, a subsidiary of their Portway Housing Association, which has transformed eight previously run-down Housing Trust properties into modern, two-storey townhouses. Rental prices for the three-bedroom properties will be capped at 75 per cent of market value and adds to Portway's range of affordable accommodation options in the community.

Honourable members would probably be familiar with Portway Housing, which is part of the UnitingSA organisation. It was established in 1984 and offers subsidised accommodation to those on low incomes, particularly focusing on a range of cohorts, including high-needs families and individuals, refugees, people with a mental illness, those aged over 65 and people under 25. They have approximately 360 properties in the western suburbs.

The Pennington project on Torrens Road submitted a registration of interest to Renewal SA in February 2016 and they now have eight attached concrete brick veneer townhouses. It took them a couple of years to complete those, because they were refurbishments. I also attended a Kidman Park project recently, which was on 15 June actually, so just last Friday. They actually demolished two properties at that site and have been able to develop those into six new townhouses, which they have done themselves.

Portway Housing is what is considered a tier 2 provider. Tier 1 providers are those that are much larger and meet particular criteria under the particular regulations. I think it goes to demonstrate what the opportunities are in the community sector with a multiprovider model, which the Liberal Party is very supportive of. Community housing providers have been successful, with a range of expressions of interest in small and medium-sized redevelopment projects, and the tier 2 organisations fit in very well with these particular developments.

The South Australian government is examining ways to extend these particular programs for the not-for-profit sector, because we are great believers in the community housing sector and the role that they play in the social and affordable housing space. We know that there needs to be a pipeline of opportunities developed to assist these programs to continue, and that includes long-term affordable finance. So I have been very pleased that the federal government has come on board, particularly the national Treasurer, Scott Morrison, who has developed the National Housing Finance and Investment Corporation, which will assist the community housing providers to continue to provide new opportunities to assist people into affordable housing in South Australia.

#### **PROTON THERAPY UNIT**

**The Hon. F. PANGALLO (14:57):** My question is to the Minister for Health and Wellbeing, the Hon. Stephen Wade, about the proton beam therapy unit proposed for the new Royal Adelaide Hospital:

1. Can the minister give us an update on the progress of getting this unit established, and have due diligence inquiries into the developer, Proton, been completed?
2. Can he release the results of those inquiries?
3. Has it been established whether this developer has managed to deliver a working unit?
4. Has any funding for the \$325 million project been received and allocated?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57):** I thank the honourable member for his question. If I can take the liberty of editing it as we go, the proton therapy unit is not intended for the Royal Adelaide Hospital, it is intended for the basement of the proposed SAHMRI II facility. The 2017-18 federal budget confirmed that the commonwealth government was willing to provide \$68 million to South Australia to support the establishment of a proton therapy unit in South Australia.

The proton therapy unit will be the first of its kind in Australia and will provide significant advances in how we manage cancer. Therapy will particularly improve the treatment options for patients with particular cancers and, if I may say so, particularly for children. I won't try to mislead the house by suggesting that I have a great depth of scientific understanding, but it has been explained to me that the precision of proton therapy units is particularly useful for children with cancers because it so localises the cancer treatment that it minimises the damage on surrounding tissue and therefore is of great benefit to treating children and those with cancers in the brain that are close to other critical structures.

The honourable member is correct that the proton therapy unit is going through appropriate due diligence processes. It is a normal process for the commonwealth and the state to go through due diligence, both technical and in other forms.

I should stress that we are not the primary partner—the grant is to SAHMRI. There is a relationship with the state government, and certainly the state government is involved and is very keen for this project. It will be a key asset within the biomedical precinct on North Terrace. There have been technical tests in recent weeks. I am yet to receive an update on how they have gone, but we are very optimistic that this will prove to be a great health asset on the North Terrace precinct.

### SAVINGS TARGETS

**The Hon. I. PNEVMATIKOS (15:00):** My question is to the Treasurer. Will the Treasurer confirm that he is planning to impose an additional savings target of .75 per cent on government agencies, and when will that new target come into effect?

**The Hon. R.I. LUCAS (Treasurer) (15:00):** I can confirm that what we outlined in the policy costing document released publicly prior to the election will be implemented. There were varying levels of savings for what I might refer to as the health agency and the non-health related agencies, so the number to which the honourable member refers is only one of the numbers in the policy costing document. That is a publicly available document, and the honourable member can apprise herself of the details of that, and that will be one of the guiding influences of the new government's budget.

The details of that will be released, as I indicated earlier, on 4 September. I again repeat to the honourable member information I gave to one of the other honourable members, and that is that what will be made clear is that the savings task that agencies will be confronted with after 4 September will be a combination of the former Labor government's saving tasks, some of which were announced just prior to Christmas in the Mid-Year Budget Review but not yet implemented, and some will be as a result of the new Liberal government's savings task. Any savings task an agency has from the 4 September budget will be as a result of a combination of Labor government decisions and incoming Liberal government decisions.

In relation to the date of operation, because the budget has been delayed, that is a complex question. Clearly, the technical answer is that it relates to the whole of the financial year 2018-19, which starts, obviously, on 1 July, but the budget of course will not finally be passed until some time later this year, potentially October or November of this year.

So the final details of that will not be available, clearly, until the Appropriation Bill and any budget related measures bills have passed the parliament. The technical answer is that it will operate from 1 July, but obviously in relation to the public announcement of decisions, etc., it will not be until 4 September, and there is always the caveat in relation to the final shape of the budget having passed through both houses of parliament, I would imagine some time in October or November.

### SAVINGS TARGETS

**The Hon. I. PNEVMATIKOS (15:02):** Supplementary question arising from the original answer: will the Treasurer confirm that all savings that SA Health achieves will be rolled back into SA Health?

**The Hon. R.I. LUCAS (Treasurer) (15:03):** My hardworking and excellent colleague the Minister for Health has already put that on the public record. It was on the public record prior to the election. The additional savings requirements of the Liberal government, which is what the policy costing document indicated, will be rolled back in the fashion to which the honourable member has referred, but bearing in mind that there were continuing Labor savings tasks, some of which were imposed as late as just before Christmas in the Mid-Year Budget Review, which will still need to be implemented by the minister and indeed his other colleagues in terms of the savings tasks that they have had.

So the policy costing document commitment we made was quite explicit. Any additional savings task imposed by the incoming Liberal government in the health area will be quarantined and rolled back into health and health related programs, but there is and continues to be a not insignificant savings task that the former Labor government left the health portfolio, and that will be an ongoing task for the incoming minister.

### SAVINGS TARGETS

**The Hon. I.K. HUNTER (15:04):** Supplementary: why is the Treasurer committing to maintain efficiency dividends, he says, from the former government's Mid-Year Budget Review, yet in the previous answer he also confirmed that he is taking a hard decision to cut the programs that were funded by these efficiency dividends?

**The PRESIDENT:** It is a very loose thread to the original answer, but I am going to allow it. Treasurer.

**The Hon. R.I. LUCAS (Treasurer) (15:04):** And, sadly, Mr President, indicates the former minister's inadequate understanding of budget related matters, which is perhaps not a surprise. Mr President, it is quite clear that the former government did leave considerable savings tasks to agencies. It is quite clear that we have added to the efficiency dividend by way of the announcements we made at the election for 2018-19 in the 4 September budget. The savings tasks for departments will be a combination of labour savings or efficiency dividends and additional ones from the incoming Liberal government.

Now, to all intents and purposes, agencies will have to just implement the total savings task, and that will mean that, if we are going to fund new initiatives, such as abolishing payroll tax for all small businesses, we will have to, in some agencies, or right across agencies, either discontinue or not continue with certain projects or programs which might have been projects or programs the Labor Party loves, Mr President.

So they are the difficult decisions that will need to be taken, but there is nothing inconsistent with those positions, and, in fact, it is entirely consistent with the position that we promised the people prior to the election.

### SAVINGS TARGETS

**The Hon. I.K. HUNTER (15:06):** Supplementary, Mr President: isn't it a fact, Treasurer, that this government has a choice not to continue with previous government programs, as you have already outlined, including efficiency dividends, and therefore any efficiency dividends that are continued will be Liberal government efficiency dividends?

*Members interjecting:*

**The PRESIDENT:** Treasurer.

**The Hon. R.I. LUCAS (Treasurer) (15:06):** Mr President, that would, in the very short period that we have been in this chamber since the election, have to rival one of the silliest questions that I have heard in this chamber. It demonstrates the former minister's very inadequate understanding of finance and budget related matters. The simple fact—

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

**The PRESIDENT:** Leader of the Opposition, we do not need a running diatribe; and, minister, please do not encourage the Leader of the Opposition. Treasurer, continue.

**The Hon. R.I. LUCAS:** I have not said anything to the Leader of the Opposition. I am answering the question from the Hon. Mr Hunter. I ignore the Leader of the Opposition. Mr President, the Hon. Mr Hunter asked one of the silliest questions that has been asked since the election.

The simple fact is that money does not grow on trees, unlike the honourable member seems to be suggesting. What he is saying is, 'Well, you don't have to continue with the hundreds of millions of dollars of efficiency dividends that the former government locked into agency forward estimates and some of the commitments that have been made and some that have to be continued with in terms of the ongoing commitments.'

If the former government has signed an enterprise agreement with nurses, with teachers, with doctors, etc., the honourable member seems to be suggesting, 'Well, you just don't have to continue with those.' Well, that is just not the reality. That is where a lot of the money goes. The honourable member does not have to worry about managing a budget anymore. He did not worry about it when he was a minister.

The reality is that, unlike the fertile mind of the former minister, money does not grow on trees. So, Mr President, with respect to the efficiency dividends, the former ministers will not be able to run away from their responsibility in relation to the cuts and the efficiency dividends that they announced in the December Mid-Year Budget Review in the week just prior to Christmas.

So they will not be able to hide, and, Mr President, in political terms they will be fingered with the responsibility for those particular savings and those particular efficiency dividends. They will not be able to run, they will not be able to hide because they will be held accountable for the decisions that they have taken.

We will happily accept responsibility for any decisions that we take, but former ministers, discredited as they might be, will have to take responsibility for the decisions, and the ramifications of the decisions, that they took in that Mid-Year Budget Review, which they gleefully supported and cheered for around the cabinet table.

### **TRADE, TOURISM AND INVESTMENT MINISTERS MEETING**

**The Hon. T.J. STEPHENS (15:10):** My question is to the Minister for Trade, Tourism and Investment. Can the minister update the council on the recent trade and investment ministers meeting held in Adelaide last week and the collaborative nature of the push for a national brand?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:10):** I thank the honourable member for his ongoing interest in promoting South Australia and growing our economy. As he indicated last Wednesday, South Australia played host to a trade, investment and tourism ministers meeting. The trade and investment was in the morning, and the tourism ministers' meeting was in the afternoon. It was the first time that this group had come together since I have been a minister, and it was an honour to host them here in South Australia and also an honour to have the federal minister, the Hon. Steven Ciobo, in Adelaide with all the other ministers.

Of particular interest was the discussion around a national brand. The federal government is leading the charge on this. At the moment, as members would know, we have a brand. I think it is called Australia Unlimited, but clearly the federal government and a number of national influential stakeholders and people do not believe that brand has the cut-through or the support that it needs. Minister Ciobo has announced, as I think members would be aware, a new task force charged with creating a new national brand for our nation—for tourism, for exports, for investment, for everything that Australia stands for.

The council is chaired by Andrew 'Twiggy' Forrest and also includes distinguished leaders such as Alan Joyce, the chief executive of Qantas, Dr Stephanie Fahey, the head of Austrade, and luckily, I think, and importantly for us, South Australia's own Mr Glenn Cooper. The thought behind this is a single national brand, and I think the discussion was very much around it being a master brand, similar to what we have seen in other countries, like the New Zealand '100% Pure'. Great Britain has a 'GREAT' campaign around its products and they focus on the word 'great', and of course we all know Canada's maple leaf as their symbol and their logo.

Something that we have in this state is our logo, which I am wearing today. I know a lot of members do wear it. It is something that the current Premier and I, at the time it was released, gave our bipartisan support to. We thought that was a good initiative by the previous government. There was always debate around, 'Is it exactly what we want?' but it does describe where South Australia is on the national map. You could spend another \$1 million and come up with another creative agency to do it, but really at the end of the day it is a very good logo, but it doesn't have a story behind that brand at a local level.

Similarly, when I was at this SIAL exhibition or trade show in Shanghai several years ago, I was disturbed when I saw that we really didn't have a national presence. We had Food SA and Catherine Sayer and her team in the Australian space, with Queensland, but Victoria was somewhere else in another pavilion and New South Wales was in another pavilion somewhere else, and we didn't come together as a nation. If you went to some other pavilions, such as the United States, it was the US everywhere, with every individual state having their own presence. France was the same, and even little countries like Malta, Morocco and Turkey all had a national brand.

I think there is some real appetite for that. All the ministers around the table saw it as a very positive step, and we support it. It will be a high-level brand, where states will still have the capacity to express ourselves and promote ourselves nationally and internationally, but under the banner of this, if you like, master brand.

It will happen relatively quickly. I know that the federal government and the team need to move quickly, so there will be a number of forums and community engagements over the next couple of months. I think the actual time line is for it to be launched and announced in January or February next year. It is an important initiative that I was pleased to look at from a state perspective. All the states were on board that this was something we needed to do.

Just quickly, from a tourism perspective, I raised the issues that were important here. I was delighted that when I talked about our plan to hook up across to Victoria the Adelaide to Melbourne bike trail, the Victorian Labor minister, Mr Eren, chimed in and said, 'This is a great idea, mate, and we are happy to be involved.'

Obviously, they haven't got to the point of wanting to fund it but, certainly, I was very much encouraged that there was some support from the Labor government in Victoria. That is great news for us because there is a Victorian election later in the year and whatever the result might be, I suspect we might have some support.

It was also interesting to note that the commonwealth government will be releasing its India Economic Strategy very soon. I think that is important for South Australia because we do have an Indian strategy but we need to make sure that we plug in with the federal government's new economic strategy. It is also interesting to note that the Indonesian free trade agreement is imminent. That will be very good for South Australia. Our closest neighbours geographically will give us an opportunity to access that market.

It was also pleasing to note that when you go to these things you are warmly welcomed. Sometimes when you go to these things as the new kid on the block and as the new minister, you wonder how you are going to be accepted. I was pleased. I got two different receptions. When I walked into the trade ministers' meeting, comparing me to the previous trade minister, I think I was delighted with the comparison that I was given.

However, it was interesting, when I went to the tourism ministers' meeting, I sort of got a bit of negative feedback because I clearly hadn't provided the level of food, wine and hospitality that the Hon. Leon Bignell had done prior. I was told that the next time we host, I actually have to lift my game to make sure that I match the sort of hospitality that was provided by the previous minister.

#### **ADELAIDE TO MELBOURNE BIKE TRAIL**

**The Hon. K.J. MAHER (Leader of the Opposition) (15:16):** Supplementary arising from the answer: what is the funding allocated to the South Australian portion of the bike track, and if the Victorians don't provide funding, will South Australia consider funding that also?

**The PRESIDENT:** It doesn't arise out of the original answer. Minister, do you wish to answer?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:16):** I will answer it. I will give the honourable member an answer.

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

**The PRESIDENT:** My latitude doesn't normally go that far.

**The Hon. D.W. RIDGWAY:** You can tell I am a cyclist, just waiting to burst out of my skin and start cycling.

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

**The PRESIDENT:** The minister is keen to answer your question, Leader of the Opposition.

**The Hon. D.W. RIDGWAY:** As the honourable member would be aware, our election commitment was half a million dollars to do the planning study, to do the route and to work out what assets need to be invested in and what already exists. Clearly, if you think about it, we have a cycle

trail along Linear Park, out to the beach, and the coastal trail goes nearly 70 kilometres. There are parts of the trail that go along the Southern Expressway. There is already one through McLaren Vale and the old railway line. There are some down across from Victor Harbor across to Goolwa.

So there are already some assets right through to Mount Gambier. The idea of the half a million dollars was to look at the assets that already exist, look at what needs to be done. Clearly, we have made it a commitment that we would like to ride across the barrages. I think riding across the mouth of one of the world's great rivers would be truly an international opportunity, from a tourism point of view.

I can see the former minister for SA Water over there sort of grimacing. Well, we have a different approach. You can drive four-wheel drives across it, the landowners either side who own the land drive across it, so I am sure we can come up with some arrangement to actually get cycle access to those barrages. Then, of course, there are parts of that track that will need some investment in just a little bit of all-weather paving.

It is actually quite interesting. What we have committed to is the half a million dollars to actually have a look at all of those things. To come up with the actual route, we need to negotiate with—not negotiate, consult, because, as a good example, if you get to Kingston, you could take the old, disused rail corridor from Kingston through Lucindale into Naracoorte and down the rail corridor from Naracoorte to Penola, through Coonawarra, through to Penola to Mount Gambier, or you could go around the coast to Robe and Beachport, but once you get to Beachport there is a disused rail corridor into Mount Gambier. As several of the honourable members from the South-East would know, that corridor still exists.

In the end, for the honourable member's benefit, what we would do is spend that half a million dollars looking at what assets are needed, talking to the community about what the best routes are and then we will come up with a long-term implementation plan.

#### **ADELAIDE TO MELBOURNE BIKE TRAIL**

**The Hon. K.J. MAHER (Leader of the Opposition) (15:18):** Final supplementary arising from the original answer—

**The PRESIDENT:** It's not about the cycling, is it, because that was a bonus I gave you?

**The Hon. K.J. MAHER:** Given that cycling was central to the answer that he gave previously, Mr President. Is this a guaranteed commitment to establish this bicycle track to Victoria, or is this a non-core promise like the introduction of shop trading hours legislation within 100 days?

**The PRESIDENT:** That is so close to the wind, Leader of the Opposition. Only because the minister is so enthusiastic to answer your question, I'm going to allow it, but technically it is out of order. Minister.

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:19):** It is a commitment to establish it, but the first commitment was to do the planning study to see what assets need to be upgraded.

**The Hon. K.J. Maher:** Are you guaranteeing it or not?

**The Hon. D.W. RIDGWAY:** Of course we are. Tourism Australia have embraced it. They think it is just what they need to get to their \$130 billion. The Victorians are—our commitment is to do the planning work, to work out the route, speak to the community and then we will make decisions on funding the assets that need to be upgraded.

#### **MOUNT GAMBIER ROUNDHOUSE**

**The Hon. M.C. PARNELL (15:19):** I seek leave to make a brief explanation before asking the Minister for Trade, Tourism and Investment, representing the Minister for Transport, Infrastructure and Local Government, a question about the Mount Gambier roundhouse.

Leave granted.

**The Hon. M.C. PARNELL:** I would be delighted if the minister chose to answer in his own capacity, given this segues nicely from what he was just talking about, the Mount Gambier rail



corridor that is now disused and could be used for cycling. Anyway, I digress. There is a growing campaign in Mount Gambier to save one of only three railway roundhouses left in South Australia. According to local campaigners and the local media, demolition of the Mount Gambier roundhouse is scheduled for next Monday, 25 June.

Local campaigners have mounted a spirited campaign, both locally and on social media over recent weeks, to stave off the demolition in order to buy time for community consultation to explore possible future uses for the site. Their hope is to restore and repurpose the roundhouse and its adjoining railway turntable for community purposes and to complement the existing rail lands development in Mount Gambier.

I understand that the roundhouse and the turntable are on state government owned land and they were once heritage listed but that this status was removed following a fire which destroyed part of the site a few years ago. My question of the minister is: will the minister order the postponement of the demolition in order to gauge community support for a rescue operation that would enable the restoration and repurposing of the Mount Gambier roundhouse for public purposes?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:21):** I thank the honourable member for his question. Clearly, I will have to refer part of it to the Hon. Stephan Knoll, Minister for Transport, Infrastructure and Local Government. I did want to pick up on one particular issue that the honourable member raised about using the rail corridor for cycling. It is used for cycling right now. The Mount Gambier council has put a bitumen seal between the two old bits of railway line, so there is a very perfect cycling track right through the middle of Mount Gambier.

This means, of course, that the railway line all the way to Wolseley is still in existence, albeit through some parts of the South-East there are gum trees 50 feet high in the middle of it and they would need to be cut down. I know the honourable member would struggle with cutting down a tree but would allow a cycle path. Certainly, there are some great opportunities for cycling in the South-East.

The actual details around the roundhouse I will refer and bring back. We have two advocates here from Mount Gambier sitting in the front row opposite and I am surprised they have not raised this particular subject. It is really pleasing for the people of Mount Gambier to know that they have somebody in this chamber who is actually sticking up for them. I will refer that to the honourable minister and bring back a reply.

**The PRESIDENT:** The Hon. Mr Ngo.

*Members interjecting:*

**The PRESIDENT:** Order! A member is on his feet. Let the member speak.

#### INTERNATIONAL STUDENTS

**The Hon. T.T. NGO (15:22):** I seek leave to make a brief explanation before asking a question of the Minister for Trade, Tourism and Investment on international students.

Leave granted.

**The Hon. T.T. NGO:** Recently, the Premier was quoted in the media as saying that the existing intake of 35,000 international students per annum, which is 4.7 per cent of Australia's international student intake, was 'hopeless'. The Premier stated that South Australia has 7.1 per cent of the nation's population, therefore we should be aiming to have at least 7.1 per cent of the nation's international students, which I worked out to be about 53,000 international students per year. The Premier also stated that South Australia 'should have 10 per cent of the international students', which equates to about 74,000 to 75,000 international students per annum.

My question to the minister is: what time frame is the government setting in order to reach the stated goal of 7.1 per cent? What is the time frame for the government to reach 10 per cent of Australia's international students residing in South Australia?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:24):** I thank the honourable member for his ongoing interest in international education. I think it was interesting to note yesterday that our two leading universities have announced they are investigating

amalgamation. I spoke to one of the vice-chancellors this morning about that. He was keen to ring me; in fact, he called me yesterday to let me know that the announcement was coming, but I was unable to take the call.

In particular, that will give us a huge opportunity because if it comes off and the new university goes up the ladder, up the ranking of national universities, it will be a huge marketing advantage for us to have one of the largest universities in Australia based in South Australia—if that comes off, which I expect it will. They have done a reasonable amount of work on it, and I wish them well in the future of their negotiations.

It is clear to everybody that we haven't kept pace with the rest of the nation. As you outlined in your question, the statistics with the rest of the nation in the growth of international student numbers, I think we are around about 35,000 at the present. Clearly, that's an opportunity for us. It's soon to go past wine as one of our largest exports for South Australia. There's huge opportunity.

Even recently, members would be interested and probably did see in the paper, in *The Advertiser*, that I recently was fortunate to have lunch with Zaheer Khan, the former Indian opening bowler. The members opposite laugh, and that's the sort of thing they always do. They laugh without actually understanding the facts. This gentleman has retired from international cricket. He is opening up a range of gymnasiums and pro sports facilities in India, which is an emerging industry.

He spoke to me about how he needed to get some high quality people into his organisation and wanted to know how he could engage with South Australia so that education and training could happen in South Australia. I do hope he comes back for the Australia-India test match that we will see here at the end of the year—I'm starting the introduction to study in Adelaide with Mr Khan—because it's a great opportunity just for a very simple meeting over a small bite to eat; a very simple meeting. How important these interactions are to grow our student numbers.

The honourable member opposite talks about the targets. We have an ambitious target. We want to grow our number of international students. We have committed extra funds to it because we see it as important. It grows our economy. It grows our education economy. We have all the families and friends that come to visit. So many of these young students go away and, as we would know, through life some people are more successful than others. Some will grow great businesses and will want to come back here. Some will come back with family and friends.

In terms of the actual question, we are not putting a time line on when we are going to achieve these targets, but we will strive to achieve them because we see it as a huge opportunity to grow our economy. Unlike under the previous government—there was a negative sentiment towards growing international student numbers—we will now have a positive approach. We're open for business, we're open for education and we want the world to come here and be trained.

#### *Matter of Privilege*

### **LOCAL HEALTH NETWORKS**

**The PRESIDENT (15:28):** During question time I have reflected on the notice the Leader of the Opposition gave in relation to a matter of privilege. The Leader of the Opposition gave notice that he would move on the next Wednesday of sitting that a committee of privilege be established to inquire into and report on the matter. Questions of privilege should be urgent in the point of time and receive precedence. As such, the question should be resolved at the earliest possible occasion. The notice given today for the referral of the matter to a committee of privilege should be for the next day of sitting and the item should receive priority over other business. The progress of the motion will be a matter for the council. Therefore, the matter will have priority on the *Notice Paper* tomorrow.

#### *Matters of Interest*

### **RENEWABLE ENERGY**

**The Hon. R.P. WORTLEY (15:29):** I rise today to talk about the inconsistent policy direction of the government on renewable energy. The Premier in another place promised to kill Labor's virtual power plant on his first day as Premier, telling ABC Radio National, 'No, that's not part of our agenda.' Late last month, the energy minister in another place told the Australian Energy Storage Conference

and Exhibition, 'It's very important to be clear about this—we are honouring the existing commitments around the Tesla virtual power plant.'

We know that the former Labor government's plan to partner with Tesla to install solar panels and batteries on 50,000 homes would have created the world's biggest virtual power plant. Up to 25,000 systems were to be installed in Housing Trust properties. This meant that many South Australians could benefit from increased generation in the South Australian energy market, with lower prices and increased energy stability.

Analysis by Frontier Economics shows that the virtual power plants are expected to lower energy bills for participating households by 30 per cent. Since this embarrassing backflip from the government, we have not heard much about the government's plans to roll out the Tesla virtual power plant.

Indeed, we also have not heard much from the government about implementing its own scheme that was campaigned on in the recent election. There is, of course, a good reason why the Premier and his colleagues have little to say on their energy policy. AGL's latest power price data shows that the Premier's promise to cut household power bills by \$302 is in ruins. AGL has reported on a price reduction of 0.4 per cent in 2018-19, which is well below the 6.9 per cent reduction used to justify the Liberal party's promise of a \$302 reduction.

Who could forget that an independent inquiry conducted by the Electoral Commission found that the Liberal's promise to cut power bills by \$302 was misleading, and the Liberal Party subsequently had to retract and withdraw materials promoting this promise. The actual data from electricity companies show that South Australians will not receive the power price reductions they were promised by the Liberals. Nevertheless, this is a promise that the Premier has made and, at the very least, he needs to explain to the people of South Australia how he intends to deliver on this promise notwithstanding that energy retailers have discredited him.

South Australians deserve to know how exactly a subsidised household battery scheme is going to work. There has been little to no policy detail released on this particular part of the Liberals' energy plan. The Liberal Party has said that it will create a \$100 million household battery fund which would provide grants averaging \$2,500 per grant. The Liberal Party also announced that applicants would be means tested, yet this government has still failed to properly answer the following: how is the government proposing to means test applicants; has it set a threshold and on what basis has it determined a threshold?

I remain concerned that low income earning households will not be able to afford the substantial upfront payment required to install a household battery storage system even with a \$2,500 grant. This policy shuts low income households out of the market. It is poorly formed and poorly articulated.

Finally, I confess to being somewhat bemused at the Hon. Mr Ridgway's sudden enthusiasm for renewable energy. Some time ago now the Hon. Mr Ridgway and I camped under a wind turbine for the night as part of our work on a select committee. I cannot speak for the Hon. Mr Ridgway but I can recall that I had a very good night's sleep. In any event, the Hon. Mr Ridgway's ambiguity toward windfarms is on the record. I recall a Liberal Party pamphlet where he described windfarms as 'generating angst'.

Last month, the Hon. Mr Ridgway tweeted that he was pleased to speak at the Australian Energy Storage Alliance Market Update and described South Australia's reputation as being a leader in renewable energy and low carbon initiatives, creating fantastic opportunities for investment. This is a far cry from the criticism that the Labor government received when it was in power. I conclude my remarks by calling on the Hon. Mr Ridgway to come clean, so to speak, and tell us what measures he is pursuing to ensure that South Australia remains a world leader in renewable energy, and I call on him to release the Liberal Party's policy details.

#### **MALAYAN EMERGENCY**

**The Hon. T.J. STEPHENS (15:33):** I rise today to acknowledge the 70<sup>th</sup> anniversary of the commencement of the Malayan Emergency, which was marked this past Saturday, 16 June, with a commemoration service at the City of West Torrens Memorial Gardens. I was pleased to attend and

lay a wreath on behalf of the Premier and the government of South Australia. Through it, I wish to share with this place excerpts from the writings of author Major Paul Rosenzweig OAM MA JP (ret'd) who has made a substantial contribution to works recording Australia's military history. He begins with:

In 2018, the former Allied nations will mark the 100<sup>th</sup> anniversary of Armistice Day...commemorative ceremonies around the globe will mark this significant event, effectively closing off a five-year commemoration of the Centenary of World War I.

Receiving far less attention this year, in fact probably none at all in most quarters, will be the 70<sup>th</sup> anniversary of the start of the undeclared war known as the 'Malayan Emergency'. 'The emergency', as it is sometimes known, was a guerrilla war fought in the Federation of Malaya, which lasted from 1948 until 1960, and cost the lives of 39 Australians.

The Federation of Malaya was a federation of 11 states—nine Malay states plus two of the British Straits settlements, Penang and Malacca—and came into existence on 1 February 1948. Essentially, the Emergency began on 16 June 1948, when three European plantation managers in the northern state of Perak were executed by members of the Malayan Communist Party. The British declared a state of emergency in Perak on 18 June, and then enacted emergency measures country-wide from July.

The Emergency was the commonwealth's response to a national liberation war fought by communist guerrillas of the Malayan National Liberation Army (MNLA), the military arm of the Malayan Community Party. The MNLA, predominantly Malayan Chinese, were seeking to overthrow the British colonial administration in Malaya. It was an undeclared war; the rubber plantations and tin mining industries urged the use of the term 'emergency', since their losses would not have been covered by Lloyd's insurers if it had been termed a war.

Most official records give 18 June 1948 as the declared commencement of the Malayan Emergency. However, the qualifying period for the commonwealth class Malaya actually begins on 16 June 1948. While the Emergency was underway, the Federation of Malaya became independent on 31 August 1957, with Tunku Abdul Rahman as prime minister. The commonwealth contribution included Malayan and British units, including Gurkhas and Royal Marines. Other commonwealth troop-contributing nations included Australia, New Zealand, Fiji, Nyasaland, Northern Rhodesia and Southern Rhodesia.

Australia's commitment to operations against the communist terrorists fell within the context of its membership of the British Commonwealth Far East Strategic Reserve (FESR). More than 7,000 Australians served during the Malayan Emergency, and some estimates suggest as many as 10,000 due to the rotational service of the warships and the rotation of reinforcements into the battalion groups.

The Australian War Memorial records 39 Australian servicemen as having lost their lives and 27 wounded in Malaya, with 15 of these deaths occurring as a result of operations. The three battalions of the Royal Australian Regiment lost 20 men, including one attached. The Royal Australian Artillery lost four men and there were a further three deaths from the supporting services. The RAAF suffered six deaths, plus another four at RAAF Butterworth, and the RAN lost two men. In addition, there were a further six deaths: four army and two RAAF officers during the non-operational period following 1 August 1960 and during 1961.

The Office of Australian War Graves records that there are 36 Australian war dead from the Malayan Emergency. They are buried at various locations. Others are buried or officially commemorated in Australia in civil cemeteries and crematoria or in the OAWG Garden of Remembrance. The Tedendak Military Cemetery also contains a memorial to the missing, on which those with no known grave are officially commemorated.

While the Emergency was still underway, the Federation of Malaya became independent on 31 August 1957. Then prime minister Tunku Abdul Rahman signed a proclamation on 31 July 1960 declaring that the Emergency was over. The formal conclusion of the Emergency set the conditions for Malaysia to come into existence in 1963, when the Federation of Malaya joined with the Singapore, North Borneo and Sarawak crown colonies, although Singapore later separated from Malaysia on 9 August 1965.

The service of the Australian troops and the sacrifice of our 39 Australians, among the 1,800 Malayan and commonwealth troops who lost their lives in the 12-year conflict, was not in vain. This served to uphold the sovereignty of Malaya, allowing the successful attainment of independence and the eventual creation of Malaysia on 16 September 1963.

**DIXON, MS E.**

**The Hon. T.A. FRANKS (15:39):** I rise today, just a week after a young woman, a comedian, walked home and was raped and murdered. This week I, many other members of this parliament and many people across this country stood at a vigil for Eurydice Dixon. We stood because we are sad as hell and we are not going to take it anymore. We are sick of seeing women raped and murdered, and we are sick of victims being blamed for being there. We know that Eurydice walked home after a comedy show late at night. We know that not long before another 21-year-old woman told police that she was grabbed by a man in a similar precinct at 2.38am.

We also know that this month an 11-year-old girl walking to school in Newcastle was abducted and, we believe, sexually assaulted on her way to school in broad daylight. What we know from social media is that all these people were blamed for being there. Questions were asked on Facebook of the young girl's parents why they let her walk to school alone at 9 o'clock in the morning. Questions were asked why a young adult woman was walking in a park at night.

The detective, Inspector Stamper, in responding to finding Ms Dixon's body, said, 'My message is that people need to be aware of their own personal security and just be mindful of their surroundings.' What we do know is that Eurydice was in fact very mindful of her surroundings. She had her phone out. She had texted a friend to say that she was almost home safe. She chose a path that she believed to be safe. Of course, you would have to think that there would be nothing safer in the world than an 11-year-old schoolgirl walking to school just after 9am.

This attitude of victim blaming is writ large in the experience in the UK where it has now been admitted that, with regard to the gang grooming that is rife in that country, a case review of those many hundreds of women and girls who were groomed, raped and assaulted has found that the police have been found to be culpable for blaming the victim. In fact, the review there found that the approach of persuading victims to change their behaviours had led to a consideration that sent unhelpful messages to the perpetrators, that they were unlikely to be prosecuted or prevented from continuing to abuse, encouraging an arrogant persistence.

Today I stand here because, like the many thousands of people at the vigils in Elder Park and Princes Park this week standing to mourn yet another death and yet another rape, we are sick of the victims being blamed and we are calling out those in leadership positions not to give us helpful advice that we already take. Women and girls already live their lives on guard. Women and girls already plan safe routes home, ensure that somebody knows where they are and live their lives in constant fear, in some cases, and quite rightly so in some cases, and they do not need police to tell them to protect themselves when in fact we have the right to be safe in our streets and in our homes.

We do not need questions raised of, 'Why didn't she leave him?', when a woman is murdered at the hands of one she knows. We know that that is the most dangerous time for a woman, when she actually leaves him, so those questions from our leaders need to stop and victim blaming needs to end. The idea of being careful is helpful advice when given in private, and it is advice that many of us take, but when it crosses over the line to victim blaming from the very people who are paid to protect us in this society, we need only look to the UK to see that that gives perpetrators permission to continue to rape and to kill. That is unacceptable and I hope that we see more leadership against that victim blaming culture and that rape culture, and that it finally ends in our society.

**1079 LIFE**

**The Hon. D.G.E. HOOD (15:44):** I rise to inform the chamber of something that operates in their midst that they may not be aware of; that is, an FM radio station in Adelaide that has existed for a number of years. I had the privilege of visiting the station last week, on Thursday I think it was. I went out there for a luncheon and a tour of the station, where they showed me through the radio station itself but, most interestingly, through the production rooms and the 'On air' rooms, as they call them.

They took the opportunity to explain to the small group I was with how the computer screen in front of the radio announcer actually works and how it flashes red at a certain time, if the song is coming toward an end and those sort of things. It was very interesting. The station I am talking about is 1079 Life. Members may or may not be aware of the station, which has been operating for some time. This year, I understand, they are celebrating their 25<sup>th</sup> year of operation in Adelaide. They have quite an extended reach, some 295,000 listeners, and about 120,000 listeners each and every week who tune in for an average of 7.8 hours a week. So it is quite a substantial exposure to a large number of South Australians on a weekly basis.

I was interviewed by the station on Sunday evening just passed, at about 8.15 or so, for about 15 minutes, by the announcers who some members in this chamber will know: Pastors Paul and Lauren Newsham, who have a program on the station every Sunday night. They also interviewed the newly-elected Premier, the Hon. Steven Marshall, the member for Dunstan, last week as well, and I understand that the Hon. John Dawkins was also interviewed by the station in recent weeks regarding his work in suicide prevention, which is something new to the heart of Pastors Paul and Lauren that they featured on that program.

It is a very active station. It was formerly known as Altamira FM—people may have heard of it under that banner—and then it changed its name, I think, a number of years later in 1998, according to my notes, to Life FM, and the new banner 1079 Life was adopted just a couple of years ago in 2016. They have quite an extensive reach, some 295,000 listeners each and every month.

The station is heavily involved in community work and has done some things that I believe are worth mentioning to the chamber. They assist over 2,000 community groups every year with promotions, publicity and support, many of which they do at no cost to that organisation. As a community station they see themselves as having an obligation to assist community groups, whether they be secular or religious, to advertise on the station. Many have done so at no cost whatsoever to the organisation, which has assisted them run their programs and reach out to the community.

It undertakes appeals on behalf of other charities quite regularly. They are involved in Feed the Hungry, a well-known program, and enough funds were raised to feed over 6,000 refugee children for a month through that program. They simulcast nightly with Adelaide's 9News, so if you happen to be in your vehicle at 6pm you can switch on 1079 Life (which is 107.9 on the FM band) and you will hear a simulcast of Adelaide's 9News.

It is the only station, I should point out, that broadcasts SANFL games each week. It was not that long ago, members in this chamber would remember, that SANFL games were covered by most of the commercial stations. FIVEaa stands out as covering the SANFL for many years, as did the ABC. My understanding is that 1079 Life is now the only station that covers SANFL games each and every week.

**The Hon. J.S.L. Dawkins:** It does a great job.

**The Hon. D.G.E. HOOD:** It does a great job, I agree. It has been recognised in the community through many awards. Very briefly, in 2017 it won the South Australian Community Broadcasting award for the best interview, the best sports broadcast and the best youth contribution. The station has also been a real training ground for a number of almost household names in South Australia, including Brenton Ragless and Kate Collins, who have worked at the station on a volunteer and also a paid basis, I understand, over the years. The station has used that learning and the equipment that it has there to run training courses in media and radio.

There is much else I could say, sir, but my time, unfortunately, has expired, but I would say that this is a great asset to South Australia and one that I encourage members to listen to.

## **GAS RESERVES**

**The Hon. F. PANGALLO (15:49):** I thank the Hon. Mr Hood. I actually called soccer games for 107 FM. I rise to speak on the astonishing predicament our resource-rich state and nation is facing. The next time you head to your local servo or hardware store to exchange your bottle of gas, take a moment to think about its contents and the journey it made to get to your barbecue. The LPG has made an extraordinary round trip: extracted from Australian wells, shipped to Japan at a cheap price, only for it to return with a mark-up of up to 60 per cent.

*The Hon. I.K. Hunter interjecting:*

**The Hon. F. PANGALLO:** Yes, 60 per cent. Australia, perhaps, sits on the world's biggest reserves of gas. I say 'perhaps' because we may never know what is here, for the cartel of the six biggest players who control the price of gas like to keep their reserves a secret. They are also responsible for creating the gas shortage that we are experiencing and a false price market. This mess is impacting on our economy and energy needs.

State and federal governments should wear some of the blame for their lack of foresight to develop a national energy strategy. Currently, we export 12 per cent of the world's gas, and it is climbing at such a rate that Australia will soon claim the gold medal as the market leader, yet incredibly here we are still having to endure domestic gas shortages while paying amongst the highest prices in the world for our own commodity that is abundant.

Two years ago, AGL—the corporate energy giant set to make \$1 billion profit on the back of contemptible power bills it slugs consumers this year—shipped off a staggering 25 per cent of the nation's annual gas supply to China, Korea, Japan and Malaysia, raking in \$2 billion in the process for its shareholders, all this while knowing that it was going to shut down its coal-fired Liddell power station and thereby put more stress on our already overloaded national electricity market.

We are giving away our most vital resources. Only last week, Chinese company CKI, which already controls much of our energy infrastructure, filed a \$13 billion takeover bid for APA, the country's largest gas pipeline operator, which carries the lifeblood of our manufacturing industries and the economy. Hopefully, it sparks intervention from the Foreign Investment Review Board.

Gas is so vital for our energy needs, particularly if we become more reliant on what is dubbed as the 'unreliable electricity industry of renewables'. I am not against renewables or wind farms, but we do need an affordable and reliable base load power generation as a backup, and with coal disappearing from the picture gas must surely be the answer.

In South Australia we are streaking towards a renewable energy target of 50 per cent. Our major power stations are gas fired. One of them was mothballed during the 2016 blackout because of the price of gas being too high to produce electricity. Batteries, wind farms and rooftop PVs aside, gas prices caused by domestic shortages is still driving up our electricity bills.

Manufacturing industries will be the biggest loser. In 2014, a BIS Schrapnel report estimated losses of \$59 billion and 91,000 fewer jobs. The chairman of the Australian Competition and Consumer Commission, Rod Sims, said recently that, despite the reforms announced by the Turnbull government a year ago, the east coast gas market was still broken. Bizarrely, coal-fired electricity is cheaper than gas-fired electricity.

So how should we respond to this crisis produced by corporate greed and cunning? Australia is the only gas producing nation on the planet that does not have a national reservation policy, allowing gas exports without restrictions. There is an exception in Western Australia—a reservation policy has been a feature of its markets since the 1970s. I will be pushing for similar legislation here where the state retains 15 per cent of the gas produced by each liquified natural gas project.

Earlier this week, in a Budget and Finance Committee meeting, I asked Dr Paul Heithersay, the deputy chief executive of minerals and energy from the Department of the Premier and Cabinet, whether a gas reservation policy had been considered. His response was blithely dismissive and lacking substance or conviction. It is no surprise that the oil and gas producers do not like it.

SA-Best carried a domgas reserve policy to the 2018 election and we will pursue it, because we believe it will significantly drive down electricity prices, boost manufacturing—especially with our big defence projects looming—and encourage hydrocarbon exploration and development. If it succeeds, we may well get that genie back into the gas bottle.

### **SAFE SCHOOLS**

**The Hon. I.K. HUNTER (15:55):** I rise today to speak about Safe Schools, which affects some of the most vulnerable young people in our community. Every week, hundreds of young LGBTI South Australians face bullying and prejudice simply because of who they are. They face these

challenges at a particularly vulnerable time in their lives, while they are still learning about the world, about society and about themselves.

The facts are not in dispute. Report after report catalogues the increased bullying experienced by young LGBTI teenagers. Just recently, a PricewaterhouseCoopers report, published as recently as March, identified that school-aged LGBTI students were at increased risk of bullying (reported in 'The Economic Cost of Bullying in Australian Schools', PWC).

That is why education and antibullying programs specific to the LGBTI community are so important. A *beyondblue* survey found that 61 per cent of young LGBTI young people reported that they had experienced verbal abuse. That is six out of every 10 queer-identifying young people experiencing abuse on a regular basis. A total of 18 per cent of LGBTI young people reported suffering physical abuse. That is almost one in five young people reporting physical abuse. Those numbers are unacceptable.

*beyondblue* goes on to report that young LGBTI people who have suffered this abuse have higher levels of social and mental health problems than their peers. They are also at higher risk of alcohol and drug misuse, dropping out of school, homelessness, self-harm and attempted suicide associated with these reports.

The National LGBTI Health Institute reports that LGBTI young people are five times more likely to attempt suicide. Transgender Australians are 11 times more likely to attempt suicide. The facts are that 22 per cent of same gender attracted and gender diverse young people between the ages of 14 and 21 years, in this country at least, have thoughts of suicide, increasing to 30 per cent for those young people who have experienced verbal abuse and 60 per cent for those who have experienced physical abuse.

I turn now to a report published by the Centre for Disease Control in America, which recently released its Youth Risk Behaviour Survey that includes extensive surveys that span over the decade 2007-2017, tracking trends in LGBTIQ+ violence victimisation, bullying and mental health issues in ages 13 to 24. The CDC's Division of Adolescent and School Health routinely monitors youth health behaviours, conducts research and evaluates innovative prevention strategies.

According to them, one-tenth of LGB students reported not attending school because of safety concerns; one-third of all LGB youth are bullied at school and are more than two times more likely to be electronically bullied than their straight peers; LGB youth are more than two times more likely to experience persistent feelings of sadness and hopelessness than their straight peers; LGB youth are almost four times more likely to seriously consider attempting suicide than their straight peers; LGB youth are almost four times more likely to have made a suicide plan than their straight peers; lesbian, gay and bisexual youth are more than four times more likely to attempt suicide than their straight peers; and, LGB youth are more than four times more likely to be injured in suicide attempts than their straight peers.

Yet, this state Liberal government pretends that these findings do not require a response specific to LGBTI young people. This Marshall government's cuts to Safe Schools programs is a direct attack on our lesbian, gay and transgender youth, their families and their school communities. That is why it is completely unacceptable—completely unacceptable—that this government should desist from the funding of a proven Safe Schools program and replace it with absolutely nothing but talk.

They say they are going to replace it with a more generic, non-specific antibullying program, which by its very nature will not address the issues that are specific to lesbian, gay and trans youth. It will not go to the substance of the concerns that these kids are feeling in their day-to-day lives. I was very proud to be a member of a government that supported the antibullying program run by SHINE in this state, targeted specifically at protecting LGBTI students. That is, again, why I am so concerned that this state government has just jettisoned that part of our community that needs this government's support, and needs our community's support at a vulnerable time of their lives.

The alarming statistics I have read out into the record about the risks facing this specific group of young people demands a specifically targeted response. We as a society must do more to protect the lives and wellbeing of young LGBTI people, and so must this government. Inaction is unacceptable, and the action of this government in cutting this incredibly supportive program will



hang around the neck of minister Gardner in particular and this state Marshall Liberal government for its attacks on our young LGBTI community. It is not good enough. We need to target the root causes of bullying and abuse for this specific sector of the community because other programs have not worked in the past.

#### **FILIPINO SETTLEMENT COORDINATING COUNCIL OF SOUTH AUSTRALIA**

**The Hon. J.S. LEE (16:00):** It is with great pleasure that I rise today to speak about the Filipino Settlement Coordinating Council of SA 120<sup>th</sup> Philippines Independence Day celebration on 9 June 2018 and also to highlight the 2018 South Australian Filipino Achievers Awards. Australia and the Philippines have a long history of bilateral cooperation. In 2016, Australia and the Philippines celebrated 70 years of bilateral relations. Growing people-to-people links is encouraged through trade, investment, cultural exchange, education, tourism and migration.

I would like to congratulate the Filipino Settlement Coordinating Council of South Australia for playing a significant role in serving the community. It was certainly a great honour to represent the Premier, the Hon. Steven Marshall, at the 120<sup>th</sup> Independence Day celebration. Other distinguished guests on the night included the new Honorary Consul to the Philippines in South Australia Mr Darryl Johnson, the Mayor of Salisbury Mrs Gillian Aldridge, and also councillor Carol Martin.

Congratulations to the council for putting together an awards program that recognises outstanding individuals from the Filipino community for their achievements and contribution to the community. There are so many incredibly hardworking people who have contributed to the success of the council over the years. I would like to place my special thanks on the record and to praise the founding member and inaugural chair of the FSCCSA, the wonderful Aida Garcia, the current chairperson, Mr Ben Hur Winter, and Mrs Cholly Winter, together with everyone on the past and current committee for their hard work and contributions.

This year, the Filipino community of South Australia have much to celebrate. Award nominations were judged by an independent panel of judges across six categories. These award winners with proud Filipino heritage demonstrated the resilience, hard work and commitment to outstanding community services. I would like to express my heartfelt congratulations to all the SA Filipino Achiever Awards winners and provide a brief outline of each winner.

In the category of career achievement award, the winner was the wonderful Ms Carmen Garcia, the Managing Director of Community Corporate. I have had the pleasure of knowing and working with Carmen for many years. She is certainly a high achiever and was recently awarded the state contribution award as part of InDaily's inaugural 40under40 awards. Her company was also recognised in the 2017 Governor's Multicultural Awards for outstanding economic development through her work with refugee and migrant communities.

In the category of sports, the winner was the 21-year-old world-class Adelaide gymnast Christopher Remkes. From humble beginnings, Christopher works hard to represent Australia on the world stage. He made us proud when he won gold at this year's Commonwealth Games on the Gold Coast. In the arts achiever category, the artistic and multitalented Valerie Berry was the award winner. Valerie is a professional actor and theatre educator who has worked successfully in Australia and the Philippines.

In the community achiever category, the very fabulous Joy Goodridge was the deserving winner. She is a passionate community worker and has volunteered for the Murraylands Filipino Australian Association for 15 years. In the young achiever category, Leonarda Spee was the winner. She is a wonderful young lady who has been recognised for her volunteer work as well as academic excellence and who has received the outstanding academic achievement award three years in a row at the University of Adelaide.

In the senior achiever category the winner was the most vivacious and energetic Luz Pore Shields, who is a tireless community volunteer who advocates positive ageing, helping the senior Filipinos to remain active, while promoting Filipino culture through dancing and singing. Believe me, Luz can really dance and she has the energy and flexibility of a 20 year old, even though she won the senior achiever award category.

The judges had difficulty picking the overall State Achiever of the Year 2018 because of their remarkable achievements, therefore both Carmen Garcia and Christopher Ramkes became the joint winners as the overall State Achiever of the Year 2018. Well deserved.

I would also like to acknowledge two high commendation recipients, namely Teresita Sarmiento and Gabriel Olaer for their excellent efforts. Congratulations once again to the Filipino Settlement Coordinating Council of South Australia for hosting another successful Independence Day celebration and awards evening.

#### *Members*

### **MEMBER'S LEAVE**

**The Hon. J.M.A. LENSINK (Minister for Human Services) (16:05):** I move:

That leave of absence be granted to the Hon. Connie Bonaros on account of family bereavement until and including 5 July 2018.

Motion carried.

#### *Motions*

### **BEEKEEPING**

**The Hon. J.A. DARLEY (16:07):** By leave, I move my motion in an amended form:

That the regulations made under the Livestock Act 1997 concerning beekeeping made on 19 December 2017 and laid on the table of this council on 3 May 2018 be disallowed.

I seek leave to conclude my remarks at a later date.

Leave granted; debate adjourned.

### **BOWEL CANCER AWARENESS MONTH**

**The Hon. R.P. WORTLEY (16:07):** I move:

That this council—

1. Acknowledges Bowel Cancer Awareness month from 1 to 30 June 2018;
2. Recognises, that if discovered early, bowel cancer is one of the most treatable forms of cancer and therefore acknowledges the importance of early detection methods in saving lives;
3. Acknowledges the important role of non-government organisations such as the Cancer Council, Bowel Cancer Australia and the Jodi Lee Foundation, in promoting awareness, fostering research, promoting preventative health initiatives and providing support to patients and their loved ones;
4. Urges the state and commonwealth governments to prioritise funding for preventable health initiatives, aimed at reducing the high rate of bowel cancer in Australia; and
5. Recognises the important role that state and commonwealth governments play in ensuring access to screening, early diagnoses and quality treatment and care so that patients and their families can continue to enjoy a healthy life.

The motion I move today recognises Bowel Cancer Awareness Month as being this month, from 1 to 30 June, and the importance of raising awareness, particularly in regard to early screenings. As it happens, today is Red Apple Day and I encourage everyone to purchase a Red Apple ribbon or donate to his or her preferred cancer charity.

Bowel cancer is Australia's second deadliest cancer and, sadly, claims the lives of around 80 Australians every week. Despite this depressing statistic there is a more positive message to heed, and that is that more lives can be saved through early detection, as bowel cancer is a very treatable disease if diagnosed in its early stages. Bowel cancer risk increases sharply from the age of 50 onwards; awareness campaigns such as this one remind us all that screening every one to two years after the age of 50 is incredibly important.

The National Bowel Cancer Screening Program is available to eligible persons over the age of 50. I would add that for people of all ages it always pays to know your family medical history and have a discussion with your GP, as this terrible disease can, sadly, affect younger people too.

We know that risk factors for bowel cancer are sometimes beyond anyone's control, such as age or family history. There are also other risk factors where modifications such as quitting smoking, limiting alcohol intake, being active and enjoying a diet with plenty of fruit and vegetables can contribute to reducing risk.

It is important that we as a parliament do what we can to invest more in cancer research. The former Labor government committed to an additional \$3 million for the Beat Cancer Project. This funding would have allowed for cutting-edge research into fighting cancer right here in our state. I note that during the election campaign the Liberal Party promised to tackle the prevalence of bowel cancer in our community, and I, along with my colleagues on this side of the chamber, will be closely monitoring the delivery of these measures.

We probably all know somebody, or know somebody who knows somebody, who has been affected by this terrible disease. It just so happens that today I got an email, and I think we all in this parliament got emails, from Kim MacDonald. Kim MacDonald works in Hansard. I just want to read her email out, because it is a terrible incident. I went and had a talk with Kim and asked if it was okay if I read the email out. She agreed that I could do so. The email says:

June is Bowel Cancer Awareness month and Wednesday June 20 is Red Apple Day, when we raise awareness of bowel cancer through the sale of bowel cancer awareness ribbons. Bowel cancer is Australia's second biggest cancer killer and affects men and women, of any age, almost equally. Unfortunately, one in 13 of us will receive a bowel cancer diagnosis during our lifetime, and 80 people die every week from the disease. It is increasingly being diagnosed in people under 50. My son Lachie was diagnosed at 22, and we lost him when he was only 25.

Through the sale of these ribbons, Bowel Cancer Australia not only raises awareness in the community but also raises funds that go towards research, support and education. Bowel Cancer Australia's goal is to have a lasting impact where no-one dies of bowel cancer and all those who are diagnosed receive the support they need.

Ribbons are available in the Blue Room for \$2.

I urge everyone to go and buy a ribbon, because the money does go to a good cause. I would like to thank Kim for allowing me to add this contribution into my speech.

I will end by encouraging everyone, if appropriate, to seek out screening options or get to know your family history and any risk factors. I would also encourage everyone to talk to your family members and loved ones and to gently remind them, if necessary, about the importance of frequent screenings over the age of 50. There is no doubt that discussing these matters can be an awkward and uncomfortable topic. Embarrassment about experiencing symptoms can sometimes, sadly, be a factor in not seeking help sooner. However, by raising awareness in the community and promoting early intervention, the mortality rate of bowel cancer can be reduced, and I encourage us all to do what we can to work towards the same.

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

## PUBLIC SECTOR EMPLOYEES

**The Hon. K.J. MAHER (Leader of the Opposition) (16:14):** I move:

1. That a select committee of the Legislative Council be established to inquire into and report on—
  - (a) issues relating to the employment, termination, redeployment or placement of public sector employees following the 2018 state election;
  - (b) the adequacy of existing structures and policies to ensure the independence of the Public Service is maintained;
  - (c) any influence or direction from ministers or members of parliament in relation to the employment, termination, redeployment or placement of public sector employees following the 2018 state election; and
  - (d) any related matter.
2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

4. That standing order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

It is a well-established principle that premiers and ministers cannot and should not interfere with the employment of public servants. In fact, section 34 of the Public Sector Act makes it very clear in relation to public sector employees that a premier or minister does not have any role whatsoever in their employment. The only role that a premier has is in relation to the employment of a chief executive.

The Commissioner for Public Sector Employment has recently confirmed that ministers or premiers 'absolutely do not have any roles in below Chief Executive level employment decisions.' There are very, very good reasons for this. Public servants should be selected for their suitability for a particular job, not because of their political beliefs or any other personal preferences—it has to be down to their ability to do the job they are selected for.

In fact, this was the case when the now member for Black, David Speirs, was employed in the Department of the Premier and Cabinet. The now new minister was a public servant in Cabinet Office in the Department of the Premier and Cabinet at the time that he was a preselected Liberal candidate. You could not have a clearer indication of the political beliefs and persuasions of a person than being a candidate running for political office. Was the now member for Black moved out of Cabinet Office? No; that is where he remained working, presumably because his superiors in the public sector judged that he was able to be impartial and to rely on evidence to provide objective advice to government and implement directions promptly and thoroughly.

That phrase that public servants 'rely on evidence to provide objective advice to government and implement directions promptly and thoroughly' is important as it speaks to the very impartiality of the Public Service and public servants that we expect. In fact, that sentence is from the Public Sector Code of Ethics, which are required to be adhered to under section 14 of the Public Sector Act.

Your political persuasion can and should play no role at all in how you are treated, employed, redeployed, placed or terminated within the public sector. In fact, that principle is best summed up by a former employee of Cabinet Office, the now member for Black himself. In his first speech to parliament, the member for Black said:

Until January this year I spent five years working in the Public Service, most of that time spent within the Cabinet Office in the Department of the Premier and Cabinet. The irony of my dual positions of endorsed Liberal candidate and Premier's department employee was not lost on me or my colleagues but it was not something that created a conflict. I always undertook my duties with the integrity that is expected of public servants.

As I said, the member for Black was not just a rank and file member of the Liberal party. He was not merely helping out on campaigns on weekends. At the time, the member for Black was a preselected candidate for a marginal seat for the Liberal Party, which he went on to win. You could not possibly find a greater reason to come to the conclusion that there could be a risk of impartiality. But, was he moved from Cabinet Office? No; he remained in his position. That is the nub of the situation we have before us, which this motion to establish a select committee seeks to address. Why were a select group of people removed not just from Cabinet Office but from the Department of the Premier and Cabinet entirely?

Following the election of the Liberal government in March of this year, we have heard a number of extraordinarily concerning things that, when put together, raise grave concerns about the role that the Premier, his chief of staff, the Treasurer and senior public servants may have played in the sacking, firing or moving on or redeploying of public servants. Indeed, of particular concern is that no-one seems to have the same story. The story moves every time someone asks a question on this matter, and we must get to the bottom of it.

Last week, we heard in question time in the other place that the Premier's chief of staff was asked to clarify comments that had been made about influencing or interfering with employment arrangements of non-chief executive public sector employees. In question time last week in this place, the Treasurer was asked whether he saw the Premier telling Cabinet Office executives that all Cabinet Office staff who had previously been employed in the former premier's office or a former minister's office had to be transferred out of Cabinet Office and the Department of the Premier and

Cabinet. The Treasurer, when that was put to him, denied it. Yet, as reported by InDaily, there was a meeting between Premier Steven Marshall and the executive director of Cabinet Office, Ruth Ambler, including the Treasurer and the Premier's chief of staff, where plans for Cabinet Office were discussed.

More recently, on Monday, an officer from Cabinet Office said that the Treasurer, Rob Lucas, was also present at that meeting, along with the Premier's chief of staff, Mr James Stevens, and the Premier's economic adviser, Richard Yeeles. That is something that the Treasurer has now admitted. We also learned, earlier this week, that five people have been moved out of Cabinet Office since the election. We heard that they were moved out because of concerns about impartiality, even though, as we understand it, there were no particular issues raised about it with those people.

The only concern that we have been able to ascertain to date is that those five people had formerly been employed in the office of a former Labor minister or the Premier's office. It appears that there are apparently concerns about the impartiality of individuals who had worked in a former minister's office. Again, this is in stark contrast to the then preselected Liberal candidate for the now seat of Black, who was judged on his ability to do the job, not his clearly stated political leanings.

We know that the head of Cabinet Office knew very little about the backgrounds or skills of the five people who were moved out of Cabinet Office and the Department of the Premier and Cabinet. What we do know is that the new Premier asked the head of Cabinet Office if there were people from the former premier's office still employed. We know that that question was asked of the head of Cabinet Office at a meeting on 20 March attended by the Premier, the Treasurer, the Premier's chief of staff and one of the Premier's advisers. We know this is the case, because an attendee at the meeting—the head of Cabinet Office, Ms Ruth Ambler—has said that this is the case.

We also know that, soon after that meeting on 20 March, which I am sure we will be hearing a lot more about in the coming weeks, a number of individuals who fit the description of the question asked by the Premier were moved not only out of Cabinet Office but completely out of the Department of the Premier and Cabinet. We know that the then deputy chief executive of the Department of the Premier and Cabinet was so concerned about what was relayed to her from the meeting on 20 March that she saw fit to go and see the Premier's chief of staff to raise those concerns. We also know that the then deputy chief executive, Ms Tahnya Donaghy, was sacked just a few days after this conversation.

In summary, what we know is: one, neither ministers nor the Premier are to have any role in the employment matters of public sector employees below chief executive level. Two, at a meeting on 20 March this year, the Premier asked the head of Cabinet Office whether there were people who were in the former premier's office who had come into Cabinet Office. Three, the group of people that the Premier asked about were moved out of their jobs soon after. Four, the then deputy chief executive of the Department of the Premier and Cabinet raised concerns with the Premier's chief of staff about what occurred at that meeting on 20 March. Five, the then deputy chief executive of the Department of the Premier and Cabinet was sacked just a few days later.

There are many concerns and many questions that this raises that we need to answer. Was there a hit list of staff that were for the chop? Who first raised the idea that staff had to be moved out of Cabinet Office and who raised that something needed to be done about this? Why was this select group of people targeted in this way? Why was the former deputy chief executive of the Department of the Premier and Cabinet sacked only days after raising concerns about the appropriateness of this process? Why was an 'unusual' email—that came out in reports earlier this week—sent to the head of Cabinet Office confirming that the then deputy chief executive had played no role in these shady machinations? Who is going to be the new chief executive of DPC and what is the open and transparent process to make that appointment?

Most importantly, we need to establish—and a select committee is the best and most appropriate way to establish this—whether the Premier, the Treasurer or any of their staff have interfered with the hiring and firing practices of the public sector and, in so doing, have critically and fundamentally interfered with the impartiality of the public sector. I look forward to the support of this chamber in the establishment of this select committee and, indeed, look forward to the support of government members in the establishment of this select committee. If no-one has done anything

wrong and no-one has anything to hide, then there should be no fear of a select committee being established. It is vital that we get to the bottom of this, and I commend the motion to the chamber.

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

### SHOP TRADING HOURS

**The Hon. C.M. SCRIVEN (16:25):** I move:

That this council—

1. Expresses its support for the decision by Millicent residents to oppose the deregulation of shop trading hours;
2. Acknowledges the Millicent community's overwhelming support for local businesses and local jobs; and
3. Calls on the government to support the Millicent community's efforts to support local businesses and local jobs and oppose the deregulation of shop trading hours.

I am pleased to be able to move this motion in this place, and I note that an identical motion is being moved by the Leader of the Opposition in the other place. This is an important issue to residents of the South-East in Millicent and the surrounding area. I spent part of last week in Millicent speaking to local residents and small business owners about the Marshall Liberal government's plan to deregulate shop trading hours.

On Friday last week, I was joined by the Leader of the Opposition in this place, and one thing was absolutely clear: local people do not want deregulation of shop trading hours in Millicent. Residents feel that the current arrangements strike the right balance for their town and they do not want the legislation to be changed. There are currently three supermarkets in Millicent: IGA, Foster's Foodland and Woolworths. IGA and Foster's Foodland are, of course, small businesses, in stark contrast to Woolworths.

Millicent has a population of around 5,000 people. IGA and Foster's Foodland are adamant that deregulating shop trading hours, which would allow Woolworths to open from midnight to 9pm every day of the year, except Christmas, Good Friday and ANZAC Day morning, would drive at least one of the small supermarkets out of business. Currently, Sunday is the busiest trading day for the IGA in Millicent. On Friday last week, I spoke with Christine from the IGA, who told me that deregulation of shop trading hours will destroy their best trading day and cost local jobs.

If Woolworths opened on Sundays, it would take market share from the IGA. In short, it would destroy the current balance that enables a town of 5,000 people to support three supermarkets. That destruction is not just some theoretical change in rules. That destruction represents the killing of a business, the killing of jobs and the destruction of a community-centred workplace.

I spoke to two workers at one of the supermarkets who had each worked there for more than 20 years, and they are fearful for their jobs. I was told that if trading hours were deregulated competition with Woolworths would mean they would have to cut daytime hours during the week for a number of their employees. So what we will have is not some wonderful emergence of new jobs in Millicent due to this proposed deregulation. No, what we will have is long-term employees losing their jobs, weekday hours being lost and the likely loss of a longstanding business in the town.

Such losses would have a deep impact on a regional community that needs a boost, not a boot. I note that yesterday the Treasurer received a question from an honourable member about shop trading hours, who asked whether the government would consider giving certain areas an exemption. The Treasurer replied:

...country communities were clamouring, were crying out, to be able to trade on Sundays. They wanted, contrary to the shop trading laws of the state, those supermarkets to be able to open so they could go and buy their goods and produce on Sundays.

Despite the Treasurer's tendency to wax lyrical at every opportunity that he came from the South-East, it appears he has absolutely no idea about the place. His statement could not be further from the truth in Millicent. When I was in Millicent last week speaking with Brian and David Foster from Foster's Foodland, a family-run business that employs local people, as I mentioned, the clear

message from them was that if deregulation happens they will have to cut staff hours, and that is the last thing they want to do. They believe shop trading hours work well the way they are now.

There was a petition that I had brought for Brian and David to put at the checkouts of the shop and, even in the short amount of time that I was in the store, the petition had already amassed a large number of signatures from local residents, which brings me to my next point.

The Treasurer likes to talk about people having choice. The town of Millicent has undertaken two community surveys over the last 11 years, whereby all residents of Millicent have been asked: 'Do you want to deregulate shop trading hours?' In 2006, as a result of a request from Woolworths for Sunday trading, the Wattle Range Council conducted a community questionnaire to test public opinion on extending shop trading hours: 66 per cent of respondents voted against the proposal.

That 2006 consultation process led the council to decide not to make an application for extended trading hours for Woolworths. There were no changes made to Millicent shop trading hours at that time. In April 2017, just over a year ago, the Wattle Range Council held another vote on the issue of shop trading hours in Millicent, conducted by the Australian Electoral Commission.

Close to 80 per cent of respondents voted against deregulation. Let me repeat: 80 per cent of respondents voted against deregulation. If the Treasurer and the Marshall Liberal government were sincere about giving people choice, they would respect the choice that the people of Millicent have made. The people of Millicent have chosen, have voted, not once but twice against deregulating shop trading hours in their area.

I note that the Hon. Mr Pangallo and the Hon. Ms Bonaros recently held a shop trading hours community forum in Millicent, which was well attended. After speaking with local people who attended the forum, the clear message given at that forum was that they were absolutely opposed to deregulation. In fact, residents attending the forum went so far as to move a motion, urging the Liberal member for MacKillop, who is a member in the other place, to cross the floor of parliament and vote with the opposition on this important matter.

There is a groundswell of support within the Millicent community to keep the shop trading hours the way they are. Those shop trading hours support a community. Those shop trading hours should stay as they are. I urge members to respect the decisions that the Millicent community has made and support this motion.

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

### **AUSTRALIAN BROADCASTING CORPORATION**

**The Hon. F. PANGALLO (16:32):** I move:

That this council—

1. Recognises the significance of the Australian Broadcasting Corporation (the ABC) to South Australians and especially to regional South Australians;
2. Acknowledges the importance of the ABC remaining a public broadcaster; and
3. Rejects any attempt by the federal government to sell the ABC.

I am not sure if the Australian Broadcasting Commission has ever screened the US cult movie *Dumb and Dumber*, but picking a fight about privatising the national broadcaster is not a laughing matter, and not a very smart move. That is exactly what the Liberal Party's federal council did over the weekend, with rank and file members passing a motion to sell off the national broadcaster. Not one delegate at the national conference spoke out against the motion—not one! The federal council's 'own goal' rivals that of Nigeria's luckless Oghenekaro Etebo in Croatia's easy 2-0 win over Nigeria in their World Cup group D opener on Saturday, and similarly risks giving the Labor Party an easy free kick at the next federal election.

The Liberal Party's federal council has done nothing more than start a losing battle that opens up the Turnbull government to a justifiable attack. On Monday, the Prime Minister swore black and blue that the ABC will never be sold, but we all remember Tony Abbott's 2013 election eve pledge of no cuts to the ABC or SBS. That was broken faster than you can say 'ABC' or 'SBS'.

Make no mistake, the ABC is under attack by the federal government and ideologues on the right of the Liberal Party. Funding for the national broadcaster was cut by \$84 million in May, with the federal Treasurer Scott Morrison saying the reduction was justified because 'everyone has to live within their means'. It could be argued that a few politicians could apply that advice to themselves when spending taxpayers' dollars, especially when it comes to their travel entitlements.

The \$84 million cut over the forward years comes on top of the government's decision not to continue a further \$43 million targeted to grant support for news gathering and after cuts of the magnitude of \$254 million in successive budgets since 2014. The federal Minister for Communications, Mitch Fifield, has also announced the second efficiency review for the ABC and SBS, echoing the Lewis review in 2014. Fifield is a member of the Institute for Public Affairs, otherwise known as the IPA, the right wing think tank that has long been advocating for the privatisation of the ABC.

There is no doubt that the cuts to the national broadcaster will impact audiences and make it difficult to fulfil its charter requirements. In 2014, following the reductions in funding, cutbacks were made to ABC rural and regional services, including the decommissioning of the Bush Telegraph radio program, as well as the closure of five regionally-based ABC offices. At the time, the National Farmers' Federation (the peak body representing Australian farmers) expressed apprehension that services, as well as the priority of regional services within the ABC, would diminish. The latest cuts mean that regional services will be further imperilled.

In 2017, we saw the federal government welcome One Nation support for its media reform package in return for the implementation of various pieces of legislation for purely political motives, which aim to chip away at the independence of the ABC and SBS. Those bills are yet to be debated, and, with One Nation's dwindling representation in the Senate, we hope they will be shelved.

The time has come for us to stand up to the ABC's critics and defend the broadcaster no matter where you sit politically. It is not in anyone's interest to stay silent while the ABC is being done over by the coalition government. Addressing the National Press Club yesterday in Canberra, ABC managing director, Michelle Guthrie, said:

The people of Australia, who regard the ABC as one of the great national institutions...deeply resent being used as a punching bag by narrow political, commercial or ideological interests.

As a journalist for more than four decades and someone who worked there, I can say with some authority and experience that the role of independent journalism is a centrepiece of democracy. The ABC remains the most trusted media organisation in Australia and one of the most trusted institutions in general.

In 2016, independent OmniPoll found that 86 per cent of those surveyed felt that the national broadcaster provides a valuable service to the Australian community. In October 2017 an Essential Trust in Media poll found that the ABC TV news and current affairs was the most trusted source of media in Australia, and the October 2017 Essential Trust in Institutions poll found that the ABC was the fourth most trusted institution in Australia, behind only the federal and state police forces and the High Court. Where did political parties poll, you may ask? Dead last, coincidentally, just behind trade unions.

The ABC matters to Australians, and so it should. A ReachTel poll in the federal seat of Mayo, which faces a by-election on 28 July, revealed that residents want funding for Aunty increased. Mayo covers a wide rural and regional landscape from Springton in the north to Goolwa in the south, taking in the Adelaide Hills, the Fleurieu Peninsula and Kangaroo Island, and is home to many leading agricultural and farming producers. In many instances, the ABC is one of the only sources of news and commentary of issues impacting our country for rural and remote Australians, even those in the Asia Pacific region.

It was not surprising, then, that the survey of more than 1,000 residents in Mayo saw voters across all age groups support maintaining or increasing funding for the ABC, with older voters the most likely to support more funding. Cutting funding to the ABC is unpopular enough—proposing to privatise the national broadcaster is political poison.



Georgina Downer, the Liberal Party candidate for Mayo, while on the campaign trail has been forced to say that selling the ABC is something the IPA, her employer, believes is a great idea but is not necessarily her opinion—yet another backflip on comments attributed to her. I do not buy it and neither do the residents of Mayo. They are not gullible.

Rebekha Sharkie, my Centre Alliance colleague, who is recontesting Mayo, is a fierce supporter of the ABC and will fight tooth and nail if re-elected to ensure the ABC stays in public hands. With Rebekha back in parliament, Peppa Pig, Shaun the Sheep and ABC icons B1 and B2 will all be safe. Oh yes, and let's not forget Tony Woodhouse and the Nation Building Authority in *Utopia*.

The National Farmers' Federation is acutely aware of the integral role the Australian Broadcasting Commission plays in the lives of all Australians, particularly rural and regional Australians. In a submission to a Senate inquiry earlier this year, it stated:

ABC is also one of the only media entities that produces a free dedicated news services to primary industries (there are a number of smaller enterprises that offer email subscription news services that source revenue from advertising). Landline, Country Hour and ABC Rural amongst others are regarded as institutions by many in the sector.

Keeping rural, regional and remote Australians connected also carries significant community benefit. Overall the NFF considers the ABC plays a positive role for regional Australians and the agricultural sector.

It is said that public broadcasters have a unique ability to inform and empower Australians to take part in public debate. They also play a vital role in ensuring a transparent political process and the accountability of state institutions towards the public. I could not agree more. Preserving the independence and future of the ABC is in the best interests of all Australians, no matter where they live. I commend the motion to the chamber.

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

#### *Bills*

### **PARLIAMENTARY REMUNERATION (BASIC SALARY) AMENDMENT BILL**

#### *Introduction and First Reading*

**The Hon. M.C. PARNELL (16:42):** Obtained leave and introduced a bill for an act to amend the Parliamentary Remuneration Act 1990. Read a first time.

#### *Second Reading*

**The Hon. M.C. PARNELL (16:43):** I move:

That this bill be now read a second time.

From 1 July, all state members of parliament will get a pay rise of between \$4,000 and \$8,000 a year. This is not something that anyone has asked for; it just happened. The pay rise is not something that has been justified on the grounds of productivity or on any other measure. It will simply arrive in our pay packets for no other reason than federal MPs have been awarded a pay rise, so we get one as well. The mechanism is well known to everyone here. There is a provision in the Parliamentary Remuneration Act that links state MP salaries with the basic federal MP salary.

When federal members of parliament get a pay increase, that automatically flows on to state MPs. Whilst that arrangement is very nice for recipients, it does not necessarily pass the sniff test in the community, especially when we consider the plight of many of our fellow South Australians who are on fixed incomes, such as those on aged pensions or those struggling on the Newstart Allowance. In fact, according to Ross Womersley, the CEO of SACOSS, this morning on the radio, he advised listeners that the unemployment benefit in its various guises has not increased in real terms in nearly a quarter of a century, yet members of parliament get an automatic pay rise without having to justify it and without asking for it.

That is the question that is before us: why is that appropriate and is there anything that can be done in relation to it? I would note that, of the pay rises over the last decade or so, collectively they have been well ahead of inflation and well ahead of the cost of living. The bill that I am introducing today is, in fact, the third time that I have brought this issue to the council in the last

12 years. Last time was in 2010; the time before that was in 2007. I am hoping that it will be a case of third time lucky.

My recollection of the situation in 2007 is that there were protesting public servants on the steps of the state parliament who were desperately trying to get a very modest pay rise. They were being fought by the government of the day that did not want to give them a pay rise. The irony of the situation, where members of parliament, without asking, automatically get one, and yet teachers and nurses and other public servants have to fight tooth and nail, was not lost on the public back then, and I do not think it is lost on the public now. If we look at public servants, they are being told that they could not possibly get a pay increase of more than 1½ per cent: MPs get 2 per cent. I do not think it passes the sniff test.

I know that members of parliament are not happy with me bringing this motion on. It does infringe one of the unwritten rules of this place that we do not talk about MPs' pay and conditions. I have been warned on many occasions that all I am doing is fuelling anti-politician sentiment, all I am doing is giving a free kick to shock jocks and irate talkback callers, that there is nothing to be gained and everything to be lost because it is impossible to have a sensible conversation about politician pay.

The advice I get is just to leave this alone. I am told that pay rises for politicians are never popular, can never be popular and, unless we have an automatic mechanism such as the one in the current parliamentary Remuneration Act, members of parliament will never ever get a pay rise ever again. There is a grain of truth in some of that because, certainly, those of us who have engaged in this debate over the years would know that as soon as the words 'politician' and 'pay' are mentioned in the same sentence, all of a sudden there are references to snouts in troughs.

Occasionally, someone will come out and talk about peanuts and monkeys. They will be howled down and the snouts in troughs people will be back on the ascendancy. Of course, it is a fraught conversation. I am not saying that politicians are some particular class of worker that should never ever get a pay rise again, I just think that we can take more responsibility for our own fate. I accept that it is a fraught debate, but it is no reason to shirk our responsibility, especially our responsibility to the community, who ultimately pays all of our wages.

I will just comment briefly on the mechanics of the bill. I mentioned earlier that there is a connection in the parliamentary Remuneration Act which links the pay for federal MPs with that which is owed to state MPs. This bill proposes to break that connection. As members would know, the pay for federal MPs is set by the federal Remuneration Tribunal. My bill proposes that state MPs' pay should be set by the state Remuneration Tribunal. They are not strangers to this area. They are the ones who set our electorate allowances. They set the travel allowances for various country MPs. They set the common allowance, which is that quirk of history involving the rolling of various travel and committee entitlements into salary.

In fact, along with the Treasurer, my first ever appearance before the Remuneration Tribunal was in relation to the setting of the common allowance. I made the case back then that I thought it was unfair and unreasonable for MPs to be compensated for things that they never ever lost or ever used, such as the majority of MPs who never catch a bus or a train, yet were compensated \$1,500 for losing their free bus and train ticket.

It seemed to me to be quite ludicrous, but I had to accept that the act was against us and the Remuneration Tribunal had no choice but to order compensation for taking away from MPs something they never used. I have caught the eye of the Hon. John Dawkins, a great train traveller—I acknowledge that the Hon. John Dawkins catches the train. My point was that I thought it was unfair.

The bill primarily is about fairness. It breaks the connection with the federal MPs, puts the South Australian Remuneration Tribunal in the driving seat, but goes one step further and requires that, before any pay rise can come into effect, the government must regulate to give effect to that pay rise. The first level of scrutiny about whether, in the particular economic circumstances of a particular time, a pay rise is warranted, comes from the government. They have to decide to promulgate a regulation to give effect to the pay rise. That, of course, gives rise to a disallowable instrument. Then, there is the opportunity for members of parliament, if they do not believe that a pay rise is warranted.

If, for example, we are in another global financial crisis, if people are losing their jobs and if no-one else in society is getting a pay rise, then I think it would make sense. I think MPs have done this before, where they have, through different mechanisms, suggested that maybe this year a pay rise is not such a good look. The only mechanism that is available to me is a private members' bill, so the mechanism I have chosen is: the government has to regulate, and that creates a disallowable instrument.

It is a very simple measure. I will be sure to give members sufficient notice of my intention to bring it to a vote. Of course, it will have no bearing on the pay rise that we will all get on 1 July this year. This has happened too quickly for any change to be made to that arrangement. Certainly, my hope would be that in the future, in say 12 months' time, we do have a mechanism where state office bearers and members of parliament have their pay set locally, not set by people in Canberra, and that MPs do have the opportunity to exercise restraint.

The final thing I would say, not by way of giving formal notice but by giving informal notice, is that this is not the last the chamber will hear from me in relation to MPs' salaries. I still have in my sights the incredible unfairness and undeservedness of many of the loadings that apply to various office bearers in this parliament. I have chairs of committees in my sights: people who do no more work than any other members of those committees yet get \$20,000 or \$30,000 extra pay. I really think that is beyond the pale. The only reason there is not community outrage is because people do not know about it.

I think there is more work to be done to make the remuneration of members of parliament fairer and more in line with community expectations. With those words, I commend the bill to the house.

Debate adjourned on motion of Hon. J.S.L. Dawkins.

#### *Motions*

### **HOUSING LEGAL CLINIC**

Adjourned debate on motion of Hon. T.A. Franks:

That this council—

1. Notes that the funding agreement for the Housing Legal Clinic ends on 30 June 2018; and
2. Calls on the South Australian government to commit to renewing funding for a further three years in order for the service to continue.

(Continued from 6 June 2018).

**The Hon. J.S.L. DAWKINS (16:53):** I rise to speak on behalf of government members in relation to this motion. The Housing Legal Clinic operates under the Welfare Rights Centre (WRC) and provides pro bono legal services to people who are homeless or at risk of homelessness. Services are provided across metropolitan and regional South Australia. The WRC is a community legal service, providing free legal advice and assistance to South Australians in tenancy and social security law.

In 2017-18, the WRC was allocated funding of \$172,000 to run the HLC. The service agreement for this service was due to expire on 30 June 2018. The WRC was previously funded by the Attorney-General's Department to provide statewide specialist community legal services. The WRC was not successful in a competitive procurement process for these services and, indeed, Uniting Communities was the successful tenderer, and funding to WRC for these functions ceased as at 30 June 2017.

In September 2017, the former government approved the provision of additional once-off funding of \$300,000 to the WRC to deliver the expanded welfare rights service to South Australian Civil and Administrative Tribunal (SACAT) clients. This service agreement will expire on 30 September 2018.

In May 2018, the WRC submitted a proposal to the Department of Human Services requesting a total of \$475,000 per annum for a minimum of two years to continue the services currently provided by the WRC. The Minister for Human Services has approved an extension of

funding to the HLC until 30 September 2018 to align with the expiry of the expanded welfare rights service agreement with the WRC. This extension will allow the new housing authority time to consider how this funding is providing a service element that is meeting a service gap/need in the community and assisting in preventing homelessness.

The housing authority will review and provide advice to the government on the future of this service and the most effective and efficient means of providing legal support to the community. It should be noted that without both the funding for the HLC and the funding for the expanded welfare rights service it is likely the WRC will cease to function.

In conclusion, I note that the funding has been extended until 30 September 2018. The government is committed to ensuring full consideration is given to how this funding can continue to provide a service element that is meeting a service gap/need in the community and assisting in preventing homelessness. As such, the government will not support this motion because it disagrees with the suggested time frames in the motion.

**The Hon. J.E. HANSON (16:56):** I rise to speak on the Hon. Tammy Franks' motion in support of the Housing Legal Clinic. The Housing Legal Clinic provides a vital service free of charge to vulnerable South Australians who are currently homeless or at risk of becoming homeless. The Housing Legal Clinic works with legal firms that provide pro bono advice to clients at many emergency relief locations across South Australia. Clients receive quality legal advice, referrals and minor representation to people who may not usually be able to afford legal assistance.

The Housing Legal Clinic has been providing these important and critical services to South Australians for many years, and this service is now at risk. Unfortunately, it looks like the service provided by the Housing Legal Clinic may be coming to an end. The Housing Legal Clinic's funding contract with the state government comes to an end on 30 June 2018. This funding is approximately \$175,000 per annum. At this moment in time, it does not look like the Marshall Liberal government intends on continuing funding to support vulnerable people in our community through the great work provided by the Housing Legal Clinic.

Shadow minister for human services, Nat Cook MP, has recently met with the service providers in this space that have not been given funding certainty beyond Sunday 1 July 2018. Community service providers in the disability, housing and employment sectors have all expressed concern about the funding issues they face and how this can impact on job security and losses for the workers in this sector. The case of the funding for the Housing Legal Clinic goes to show how little respect or care is given by the Marshall Liberal government for the human services sector in South Australia and all the vulnerable people in our community it serves.

I think it is about time the minister showed some leadership, which the sector and the community members they serve are crying out for, by supporting the Housing Legal Clinic with the necessary funds and resources to continue operating past Sunday 1 July 2018.

**The Hon. T.A. FRANKS (16:59):** I rise briefly to express my thanks for the contributions of the Hon. John Dawkins and the Hon. Justin Hanson. I am disappointed that the government has quibbled. While supporting the intent of the motion in many ways and guaranteeing three months' additional funding, they have quibbled over the use of 'three years' and the call for three years' funding. This is a sector that needs certainty. Given that we will not know the outcome of the budget with the three-month guarantee, we still have no certainty. With those few words, I commend the motion and hope that this council can show its support for this sector beyond three months.

The council divided on the motion:

Ayes ..... 11  
Noes ..... 8  
Majority ..... 3

AYES

Bourke, E.S.  
Hunter, I.K.  
Pangallo, F.

Franks, T.A. (teller)  
Maher, K.J.  
Parnell, M.C.

Hanson, J.E.  
Ngo, T.T.  
Pnevmatikos, I.

## AYES

Scriven, C.M.

Wortley, R.P.

## NOES

Darley, J.A.

Dawkins, J.S.L.

Hood, D.G.E.

Lee, J.S.

Lensink, J.M.A. (teller)

Ridgway, D.W.

Stephens, T.J.

Wade, S.G.

## PAIRS

Bonaros, C.

Lucas, R.I.

Motion thus carried.

*Bills***OFFICE FOR THE AGEING (ADULT SAFEGUARDING) AMENDMENT BILL***Introduction and First Reading*

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (17:04):** Obtained leave and introduced a bill for an act to amend the Office for the Ageing Act 1995. Read a first time.

*Second Reading*

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (17:05):** I move:

That this bill be now read a second time.

The abuse of vulnerable adults, and in particular elder abuse, has been prominent in the media and public consciousness in recent years, and has also been the focus of a number of national and state inquiries.

Sadly, one in 20 older Australians experience some form of abuse, often by someone they know and trust, and usually a family member. Elder abuse can be physical, financial, sexual, chemical, neglect or emotional, with financial and emotional abuse often occurring together. For every one report, it is likely that another five cases remain hidden. The cost to individuals, families, society and government is very significant.

Legislative reform in relation to adult safeguarding was first raised in South Australia in 2011, with the findings of the Closing the Gap report, written by Professor Wendy Lacey. More recently, the recommendations of the Australian Law Reform Commission's inquiring into Protecting the Rights of Older Australians from Abuse and the Final Report of the Joint Committee on Matters Relating to Elder Abuse have all called on the government to develop adult safeguarding legislation, including the establishment of a unit focused on the prevention of elder abuse.

But we know that age alone does not make a person vulnerable to abuse, neglect or harm. It is the combination of age—whether advanced age or the fact that child protection laws no longer apply—combined with other factors, which make a person vulnerable. This may be ill health, disability, cognitive dysfunction or dementia, dependence on others for one's care, mobility or day to day lifestyle challenges or even social isolation. Age, combined with one of these factors, is what makes an adult potentially vulnerable to abuse or harm. All vulnerable adults deserve to have their rights safeguarded and to live a life of dignity and autonomy as far as is possible or practical.

That is why, in the lead-up to the state election in March, the Liberal Party made a commitment to progressing reform in this area by introducing legislation into the parliament within the first 100 days of forming government. The former government failed to act over seven years, since the Closing the Gap report. This government has acted within 100 days.

Professor Wendy Lacey, Dean and Head of the School of Law at the University of South Australia, has worked closely with the government to develop the Office for the Ageing (Adult Safeguarding) Amendment Bill 2018. This bill is the first of its kind in Australia and seeks to fill the gaps reported in our current system, in particular the lack of a single government agency with a clear statutory role for safeguarding vulnerable adults who, despite having full decision-making capacity, are experiencing abuse or neglect and are left to navigate complex systems alone. Events relating to the Oakden Older Persons Mental Health Service highlighted the need for safeguarding legislation, and I acknowledge the presence in the gallery today of Oakden families and Professor Lacey.

This bill establishes a new adult safeguarding unit, which will be located in the Office for Ageing Well within the Department for Health and Wellbeing. Previously known as the Office for the Ageing, part 2 of the bill provides for the name of this office to be changed to the Office for Ageing Well, reflecting this government's commitment to combatting ageism by challenging the way ageing is framed in the language and structure of the services our government delivers.

Underpinned by guiding principles that ensure that any actions are premised on respecting a vulnerable person's right to autonomy, dignity and self-determination, the new adult safeguarding unit will complement the role of the police and other government and non-government agencies by providing the South Australian community with an approachable, empowered body, with statutory responsibility and accountability for responding to reports of abuse or neglect of vulnerable adults.

The functions of the adult safeguarding unit are set out in section 15 of the bill. A key focus of the unit will be on the prevention of abuse through awareness raising and community education. However, where reports of alleged or suspected abuse are received, the unit will be responsible for assessing and investigating these reports and then either referring them on to appropriate persons or bodies, or working in collaboration with other agencies to coordinate a multiagency and multidisciplinary approach to responding to concerns in a way that puts the rights of the vulnerable adult at the centre.

Part 4 of the bill provides for the voluntary reporting but mandatory response to a report of abuse or suspected abuse of a vulnerable adult. Mandatory reporting is not an approach that is supported in responding to adults with decision-making capabilities. On receipt of a report, the director of the adult safeguarding unit must assess the report and then make a decision as to whether to carry out an investigation into the matter, refer the matter to an appropriate state authority or other person or body, or decline to take further action.

Sections 18 and 19 of the bill empower authorised officers, who include the director and certain employees of the adult safeguarding unit, with a range of coercive information-gathering powers to enable them to effectively investigate reports of serious abuse, such as the power to require a person to answer questions and produce documents.

Part 4, division 6 of the bill provides for the director of the adult safeguarding unit to apply to the court for an order in circumstances when the director reasonably suspects that a vulnerable adult is at risk of abuse. This includes interim orders. Such orders include authorising or requiring that a vulnerable adult undergo an examination or assessment, or requiring a person to do or refrain from doing something in relation to a vulnerable adult.

To support transparency and accountability of decision-making, a person who is aggrieved by a decision of the adult safeguarding unit or the director made in relation to the safeguarding of a vulnerable adult may have this decision reviewed under part 5. This review will be undertaken by the chief executive in the first instance, with the option of an external review by the Ombudsman available as a secondary step in cases relating to serious abuse.

The adult safeguarding unit will be expected to work closely with other agencies, not duplicating effort but supporting the referral of clients between agencies and services where needed, and coordinating multiagency responses to facilitate the reduction or management of a particular risk of abuse that has been reported in respect of a vulnerable adult. Information sharing will be a key factor in the ability of the unit to perform its functions and is provided for in part 6 of the bill, which also includes circumstances where authorised officers may compel information from others.

It is important to note that the consent of the vulnerable adult must be sought as a matter of principle before any action is taken by the unit. A person with decision-making capacity experiencing

abuse or neglect has the right to decline support in cases where no immediate harm is posed to either their life or that of others. Each of us has the right to make decisions for ourselves, even if these decisions are considered by others to be wrong, inappropriate or pose a risk to the person.

The legislation and operation of the unit will be further supported by a charter of the rights and freedoms of vulnerable adults, which will be developed in consultation with vulnerable adults, their carers and families. Regulations and a comprehensive code of practice will also be developed, which will outline in a detailed and practical way how the act is to be implemented and, in particular, how prescribed agencies will work together to fulfil their obligations.

This legislation is the first of its kind in Australia. Given the limited local experience to draw upon, the government proposes to stage the implementation and operationalisation of the act to support the successful delivery of reform. The bill is likely to be proclaimed in early 2019. Decision review processes will not come into operation until 12 months after the commencement of the act.

The safeguarding provisions will apply to vulnerable adults aged 65 years or older, or 50 years or older for Aboriginal or Torres Strait Islanders, only for the first three years of operation. Finally, section 53 of the bill provides for an independent review of the act to be undertaken within its first three years of operation to ensure that the legislation is meeting the needs and expectations of the South Australian community.

In conclusion, I thank some of the many who have championed and contributed to this legislation: my colleagues on the Joint Select Committee on Elder Abuse, including Kelly Vincent, formerly of this place; officers of my department; community advocates; and, the families of Oakden. In particular, I thank Professor Wendy Lacey. When laws are often dubbed with names, this bill could well be called Wendy's law.

Our state continues to deal with the tragedy of Oakden. While we attracted national concern for the failures of our services there, may we now take the lead for good. This is the first piece of legislation of its type in Australia. May it add to a wave of reform around the nation to support vulnerable adults. I commend the bill to the council and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

###### 3—Amendment provisions

These clauses are formal.

##### Part 2—Amendment of *Office for the Ageing Act 1995*

###### 4—Amendment of section 1—Short title

This clause amends the short title of the principal Act to reflect the change in name from the Office for the Ageing to the Office for Ageing Well.

###### 5—Insertion of sections 2 to 6

This clause substitutes or inserts new sections 2 to 6 as follows:

###### 2—Interpretation

This clause defines terms and phrases used in the principal Act.

###### 3—Meaning of *vulnerable adult*

This clause defines persons who are vulnerable adults for the purposes of the measure.

###### 4—Meaning of *abuse*

This clause defines the meaning of abuse for the purposes of the measure.

#### 5—Decision-making capacity

This clause defines the way the question of whether or not a person has decision-making capacity is to be determined for the purposes of the measure.

#### 6—Interaction with *Independent Commissioner Against Corruption Act 2012*

This clause clarifies that this measure does not limit the operation of the *Independent Commissioner Against Corruption Act 2012*.

#### 6—Substitution of Part 2

This clause substitutes Part 2 of the principal Act, and inserts new Parts 3 to 7 into that Act, as follows:

##### Part 2—Office for Ageing Well

##### 7—Office for Ageing Well

##### 8—Objectives of Office for Ageing Well

##### 9—Functions of Office for Ageing Well

##### 10—Delegation

##### 11—Annual report

This Part continues the Office for the Ageing established previously as the Office for Aging Well, and makes minor amendment to reflect the inclusion of the safeguarding functions under this measure.

##### Part 3—Adult Safeguarding Unit

##### Division 1—Principles

##### 12—Principles

This clause sets out a number of principles that are to apply in relation to the operation of this Act as it relates to safeguarding vulnerable adults.

##### Division 2—Adult Safeguarding Unit

##### 13—Separate Adult Safeguarding Unit to be established

This clause requires the CE of the Department to establish a separate Adult Safeguarding Unit within the Department, and sets out procedural matters relating to the Unit.

##### 14—Composition of Adult Safeguarding Unit

This clause provides that the Adult Safeguarding Unit will consist of the Director of the Office for Ageing Well and such other Public Service employees assigned or appointed to assist the Director.

##### 15—Functions of Adult Safeguarding Unit

This clause sets out the functions of the Adult Safeguarding Unit under the Act.

##### 16—Delegation

This clause is a standard power of delegation.

##### 17—Annual report

This clause sets out the annual reporting requirements of the Adult Safeguarding Unit.

##### Division 3—Authorised officers

##### 18—Authorised officers

This clause provides for the authorisation of authorised officers under the measure. The Director is automatically an authorised officer, with the remainder to be members of the Adult Safeguarding Unit authorised by the Director to so act.

##### 19—Powers of authorised officers

This clause sets out the powers that an authorised officer may exercise when investigating matters involving a risk of serious abuse under section 26 of the Act.

Certain powers, such as using force to enter premises, can only be exercised pursuant to a warrant, or in exigent circumstances where the Director has approved the use of the powers.

##### Part 4—Safeguarding vulnerable adults

##### Division 1—Charter of the Rights and Freedoms of Vulnerable Adults



#### 20—Charter of the Rights and Freedoms of Vulnerable Adults

This clause requires the Minister, with the support of the Office for Aging Well, to prepare and publish a *Charter of the Rights and Freedoms of Vulnerable Adults*.

Prescribed State authorities must, in carrying out functions or exercising powers under the Act, have regard to, and seek to give effect to, the Charter.

#### Division 2—Code of practice

##### 21—Minister may publish codes of practice

This clause provides that the Minister may, by notice in the Gazette, publish codes of practice for the purposes of the Act.

Each prescribed State Authority engaged in the administration, operation or enforcement of the Act must, to the extent that it is reasonably practicable to do so, comply with any relevant code of practice.

#### Division 3—Reporting suspected risk of abuse of vulnerable adults

##### 22—Reporting suspected risk of abuse of vulnerable adults

This clause provides a mechanism for people to report their suspicions that a particular vulnerable adult has been abused, and remains at risk of abuse or further abuse, or simply is at risk of abuse.

These reports - defined as being reports under the Act - lead to mandatory assessment and require the Director to take certain specified action having assessed the report.

#### Division 4—Assessment and investigation of reports

##### 23—Assessment

This clause requires the Director to cause each report made under the Act to be assessed. Upon assessment, the Director must then cause at least 1 of the steps set out in proposed subsection (3) to be taken in relation to the report, namely that it be the subject of an investigation, referred to another more appropriate agency or, in limited circumstances, to take no further action.

Records of assessments and actions must be kept, and the clause enables the Director to require a specified person or body to produce a written statement or answer questions in relation to an assessment.

##### 24—Consent of vulnerable adult should be obtained before certain action taken

This clause sets out a key feature of the measure, namely that (except in specified instances such as where there is an immediate threat to life or limb) action should only be taken under this proposed Part where the vulnerable adult consents to the action.

##### 25—Director may refer matter

This clause enables the Director, having assessed a report as required by proposed section 23, to refer the whole or part of the matter to another person or body that the Director considers more appropriately placed to deal with the matter. Matters so referred are required to be dealt with expeditiously.

##### 26—Director may cause circumstances of vulnerable adult to be investigated

This clause enables the Director to cause an investigation of the circumstances of a vulnerable adult to be carried out following an assessment of a report, or in any other circumstances the Director thinks appropriate.

#### Division 5—Further referral of matters

##### 27—Director may report certain matters to appropriate professional body

This clause provides that the Director may refer instances of profession misconduct or unprofessional conduct uncovered in the course of performing functions under the measure to the appropriated regulatory body.

##### 28—Director may make complaints to Ombudsman

This clause enables the Director to make complaints to the Ombudsman in respect of administrative acts and for those complaints to be dealt with as complaints under the *Ombudsman Act 1972*.

##### 29—Director may make complaints to Health and Community Services Complaints Commissioner

This clause enables the Director to make complaints to the Health and Community Services Complaints Commissioner on behalf of a vulnerable adult, or a class of vulnerable adults, and for those complaints to be dealt with as complaints under the *Health and Community Services Complaints Act 2004*.

### 30—Referral of matters to inquiry agencies etc not affected

This clause clarifies that nothing in this measure prevents a matter from being referred to an appropriate person or body at any time, nor does the referral of a matter of itself prevent the Adult Safeguarding Unit or Director from acting in respect of the matter under this measure.

### Division 6—Court orders

#### 31—Director may apply for Court orders

This clause provides that only the Director may apply for an order of the Court under this proposed Division, and when such application can be made.

#### 32—Parties to proceedings

This clause sets out that the parties to an application for orders under the proposed Division are the Director and the vulnerable adult to whom the orders would relate. However, the Court may join other parties to the application in the specified circumstances.

#### 33—Orders that may be made

This clause sets out the kinds of orders that may be made by the Court on application under the proposed Division.

#### 34—Court not bound by rules of evidence

This clause sets out that the Court is not bound by the rules of evidence in respect of proceedings under the proposed Division.

#### 35—Views of vulnerable adult to be heard

This clause endeavours to ensure that the views of the vulnerable adult to whom proceedings relate are heard by the Court.

#### 36—Right of other interested persons to be heard

This clause allows the Court to hear submissions made by certain other people in respect of the vulnerable adult to whom proceedings relate despite those people not otherwise having standing in the proceedings.

#### 37—Contravention of Court order

This clause creates an offence of contravening a term of a Court order imposed under the proposed Division.

### Part 5—Reviews of certain decisions

#### Division 1—Internal review

##### 38—Internal review

This clause provides that an aggrieved person in respect of a decision of the Adult Safeguarding Unit or the Director under Part 4 of this measure may seek review of the decision by the Chief Executive, and makes related procedural provisions.

##### 39—Delegation

This is a standard power of delegation.

#### Division 2—External review by Ombudsman

##### 40—External review by Ombudsman

This clause provides for an external review by the Ombudsman where a person is dissatisfied on an internal review under proposed section 38. However, a review under this section may only be conducted where the vulnerable adult to whom the relevant decision relates is, or is suspected of being, at risk of serious abuse.

The clause makes procedural provision in respect of reviews, including the ability to explore the possibility of settling the matter, and also provides the Ombudsman with the ability to make reports and recommendations following a review.

##### 41—Views of vulnerable adult to be heard

This clause requires a vulnerable adult to whom a review under proposed section 40 relates to be given a reasonable opportunity to personally present their views in relation to the review to the Ombudsman (unless the Ombudsman is satisfied that the vulnerable adult is not capable of doing so).

### Part 6—Information gathering

#### 42—Authorised officer may require information

This clause enables an authorised officer (by notice in writing) to require a specified person to provide to them such information, or such documents, as may be specified in the notice. The information or documents must be information or documents in the possession of the person that the authorised officer reasonably requires for the performance of functions under the measure, and the requirement can be made regardless of whether or not the person is a State authority.

#### 43—Sharing of information between certain persons and bodies

This clause provides that the persons and bodies specified in proposed subsection (1) can share certain information and documents with each other in the performance of official functions relating to vulnerable adults.

#### 44—No obligation to maintain secrecy

This clause provides that no obligation to maintain secrecy imposed on a person prevents the person from disclosing the information under the measure (however this section does not of itself displace the privileges and immunities contemplated by proposed section 53).

#### 45—Interaction with *Public Sector (Data Sharing) Act 2016*

This clause provides that nothing in this proposed Part affects the operation of the *Public Sector (Data Sharing) Act 2016*.

#### Part 7—Miscellaneous

#### 46—Obstruction of person reporting suspected abuse of vulnerable adults

This clause creates an offence for a person to prevent another from making a report under the Act, or hinder or obstruct them when doing so.

#### 47—Obstruction of Director etc

This clause creates an offence for a person to hinder or obstruct the Director in the performance of their functions under the Act.

#### 48—False or misleading statements

This clause creates an offence for a person to knowingly make a false or misleading statement in information provided under the Act.

#### 49—Confidentiality

This clause creates an offence for a person engaged or formerly engaged in the administration of the Act to divulge or communicate personal information in the course of official duties, except in the circumstances specified.

#### 50—Victimisation

This clause creates an offence for a person to victimise another on the ground, or substantially on the ground, that the other person or a third person has provided, or intends to provide, information under the Act.

#### 51—Protections, privileges and immunities

This clause sets out protections, privileges and immunities enjoyed by persons in respect of the measure.

#### 52—Service

This clause is a standard service provision.

#### 53—Review of Act

This clause requires the Minister to cause an independent review of the operation of the Act to be conducted within 3 years of the commencement of this clause, and for a report of the review to be prepared and laid before Parliament.

#### 54—Regulations

This clause is a standard regulation making power.

#### 7—Amendment of long title

This clause amends the long title of the principal Act to reflect the changes made by this measure.

Schedule 1—Transitional provision

1—Application of certain provisions of Act limited during first 3 years of operation

This clause provides that the specified provisions of the principal Act, as amended by this measure, will only apply to vulnerable adults who are 65 or more years of age (or 50 or more years in the case of vulnerable adults who are Aboriginal or Torres Strait Islander people), or a vulnerable adult, or vulnerable adult of a class, declared by the Minister by notice in the Gazette.

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

### SUPPLY BILL 2018

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 19 June 2018.)

**The Hon. I. PNEVMATIKOS (17:16):** I rise today to speak on the Supply Bill. This bill relates to the provision of \$6.6 billion worth of funds to operate public services in South Australia. I support this bill. After all, the government cannot spend money it does not have, but I am concerned that no details have been provided to quantify the government spend. This is particularly disconcerting for a government that has already indicated a potential budget deficit; alarming indeed in light of Liberal Party policy pronouncements for small government and reduced government intervention and allowing the market to control and balance the economy.

There have been many speeches inside and out of this chamber about the economics of past and future government spending, as reflected in the policies of both major parties. I will not reiterate those comments. Suffice to note that the Weatherill Labor government had a sound record with state government funding and intervention to support various initiatives that would create the infrastructure and jobs needed in South Australia for the benefit of all South Australians, whilst also focusing on education and training as well as health and hospitals.

Instead, I would like to focus on the old RAH site and plans for its development. There has been much discussion on this issue, but little tangible policy development outcomes, partly because it is a vexed issue and requires much contemplation and discussion, and in part because it presents new challenges that may well have ramifications into the future.

Why the old RAH site, you may ask? What is so special about it? Why can't we just decide its fate and get on with it? All important questions. To appreciate its significance I would like to make some initial observations. The old RAH site comprises seven hectares of prime real estate nestled in the East End of the Adelaide CBD. It was originally part of the Parklands and links up with the universities, galleries and museums on North Terrace. It is located on public land and belongs to the South Australian community, along with various heritage buildings on site. Because of its location, its size and public ownership of the site, it is important that discussions about its future role and purpose are extensively considered.

The Labor government initially entered into discussions with a private consortium of developers before deciding to pursue a different direction for the site in the days preceding the March 2018 election. Labor understands the importance of ensuring the development of this land and has the interest of our community as its primary focus.

The developer's original plan contemplated a 99-year lease over the site to erect a luxury hotel, a university innovation hub, an arts culture centre and 1,200 apartments. Interestingly enough, the Liberal government's vision for the site was not too dissimilar to the developer's proposal, which was rejected by the then Labor government. It includes an innovation start-up and growth hub, an international cordon bleu cooking school, a national gallery for Aboriginal art and culture, a contemporary art gallery and international standard hotel accommodation.

In the period prior to the March 2018 election, a design proposal from a New York-Adelaide consortium for a contemporary gallery was submitted by the then Labor government. The design contemplated a suspended rooftop garden, super lobby and a central performance centre. That design was successful and lauded by a nine-person international jury. It anticipated utilising two hectares of the seven-hectare site.

The Liberal government has not committed to adopting the design plan, but has indicated it will consider the design as part of its overall deliberations for the site. In essence, I would argue that the current government's proposed vision for the site does not actually progress the fate of the site much further. One can adduce that there is a consensus for a gallery or cultural institution in some form. Whether it will house modern or contemporary art and/or Indigenous art and artefacts is unclear.

The Liberal policy anticipates a national gallery for Aboriginal art and culture. In order to proceed down this path, further dialogue and discussion has to be had with the Art Gallery, the Museum (which currently owns and has in store the largest selection of Aboriginal art and artefacts) and Tandanya. The issue of ownership of Aboriginal artefacts, options for incorporating and consulting the various stakeholders is vital to progress any development in this regard.

We need to be clear about the reciprocal arrangements that exist between the Art Gallery, Museum and the Aboriginal community before we are able to proceed forward. Considering the Minister for Aboriginal Affairs and Reconciliation is yet to visit the APY lands and speak with the community and the government's failure to recognise the importance of a treaty on a state level does not bode well in this regard.

Consultation with our Indigenous community is not a strong point with the Liberal government. Further Liberal policy talks about more residential development in terms of hotels and accommodation on this site. There is an abundance of accommodation options in terms of hotels, apartments and temporary holiday accommodation in the CBD. We do not require any more residential accommodation or hotel development in the CBD at this point in time.

Occupancy and vacancy rates do not reflect any need for further hotel or apartment development. We do require temporary accommodation and support services for our most vulnerable who are living on the streets or who are experiencing hardship and financial instability. Short-term accommodation, as well as showering facilities, should be made available at the old RAH site, in addition to the provision of basic emergency and first aid assistance and facilities which would be better provided in a health centre type structure.

This approach will assist in addressing congestion in our hospital emergency departments and will provide more accessible and appropriate services outside of a hospital structure. We need to establish a centre for those who have hit upon hard times in our community with the provision of first aid and basic treatment, showering facilities, provision of clean clothes and short-term bedding and sleeping quarters.

Various agencies engaged in providing assistance and support should be consulted and included in implementing this public health centre for the community, which could be based at the old RAH site. The short-stay temporary accommodation that we should be talking about should be based upon need and circumstance. We do not require high-end international standard hotel accommodation for the enjoyment of the wealthy and few.

The old RAH site is on public land. Any initiatives, programs or services should be for the public and our South Australian community. The proposed Liberal vision of an international centre for tourism, hospitality and food studies, with the establishment of a cordon bleu chef training school, appears to disregard the existing TAFE enterprise and training facility at Regency Park, which is already providing hospitality and food services courses. The focus should be supporting and bolstering existing structures and facilities, where necessary, rather than reinventing centres which, in essence, directly compete with existing facilities.

Whilst it is acknowledged that the primary focus of these training initiatives would be to bring in tourism and training dollars, it is unclear how these projects will create business and job opportunities in our state for South Australians, as is alleged by the Liberal government. At the end of the day, how many cordon bleu chefs do we require in our state? Or is it the case that we will be simply training our youth and jobless to leave the state in search of job opportunities elsewhere?

The other issue of concern is the status of the training school for cordon bleu chefs; namely, will the training school be a private or public training facility or a combination of both? This is significant, as the school would be based on public land, using public facilities. Our state government

should not be promoting and offering public facilities for private enterprises without adequate financial recompense and unless there are built-in safeguards protecting the hospital on behalf of the South Australian community.

Ownership of the old RAH site must always remain in the hands of the South Australian public, and economic benefits derived from any development initiatives on the site are for the benefit of our community and state. By far, the idea of transferring the old RAH site into an innovation and start-up hub appears to show the most promise in providing real financial and social benefit for the state. Both Labor and Liberal policy promulgates the development of an innovation, start-up and growth hub as a means of business development and job creation opportunities for the state.

Not much detail has been provided to date by the Liberal government. Certainly, there are role models of similar hubs operating around the world, which need to be studied in order to assist in the development of our own plans and strategies. There is Station F in Paris, the Cambridge Innovation Center in Boston and the Sydney Startup Hub, to mention a few that have either been operating for some time or are in the initial development stages.

There is, of course, the MaRS project in Canada, which has now been operating for some 13 years. It is one of the largest urban innovation hubs, with its objective of bringing together start-ups, researchers and innovators. The Don Dunstan Foundation has sought to inform the debate with the establishment of a Thinker in Residence program that has been exploring the relationship between innovation, the economy and society, and how to move forward on development of the old RAH site.

Ilse Treurnicht, the former CEO of the MaRS innovation hub, was the Thinker in Residence at the foundation. There are many similarities and parallels that are relevant for the old RAH site. The MaRS Discovery District was also developed on the site of an old hospital in Toronto, Canada. Other similarities include our education system, the liveability and affordability of our cities, simultaneously the commonality of our large geographies, small population and local markets, and dependence on global trade and transitioning economies with a declining manufacturing sector.

MaRS sees collaborative innovation as a means of providing solutions to problems facing our society and community. Using their language, I quote:

MaRS Discovery District is a not-for-profit innovation hub dedicated to driving economic and social prosperity by harnessing the full potential of innovation.

The MaRS project generates thousands of jobs and millions in revenue with its focus, initiatives and programs that seek to strengthen the economy and improve society. We find ourselves at an important crossroads. We need to make critical decisions that will have a direct impact on the opportunities offered to our children and our children's children.

We need to be courageous and bold in our planning and decision-making. The old RAH site is an outstanding site and requires thorough and extensive consideration. It will involve collaborative effort amongst creative peoples in government, business, education and universities and in various walks of life. It requires thinkers and businesses with vision and planning for our state's future and viability. The promulgation of viable and prosperous strategies for development of the old RAH site will require extensive consultation with all stakeholders.

Most importantly, the South Australian community have the right to be well informed throughout the process, but also are entitled to make contributions at every step of the way of building and transforming the site. It is unacceptable for the Liberal government to negate any consultation on the basis that they have a mandate as a result of the March 2018 election. Their vision concerning the old RAH site lacks any detail or clarity. They have a mandate to develop the site only. The form of the development of the site requires further discussion, dialogue, consultation and planning with the South Australian community.

**The Hon. C.M. SCRIVEN (17:31):** It gives me great pleasure to rise to make a contribution on behalf of the opposition on the Supply Bill. It is an important bill. The very nature of these bills are particularly brief. The purpose, as its name suggests, is to supply the government with sufficient funds to carry on the business of government, while the parliament goes through the process of considering and approving a budget for the financial year which approaches.

This bill seeks to appropriate \$6.6 billion, which is, as I roughly make it, a fraction over about a third of the operating expenses of the general government sector for a financial year. I think it is interesting that this Supply Bill would provide for a little over a third of the necessary appropriations for the operating expenses of the year of government, which would get us through to a period only a small number of weeks after when the budget is to be tabled.

I note that it is convention that government bills, upon their introduction to the council, are provided with a period of time so that members can get their heads across the vast amounts of detail that is included and also to be given the opportunity to be briefed by relevant government departments. I say this as a shadow minister who is still yet to be briefed by any government department relevant to my industry and skills shadow portfolio, despite writing to the Minister for Industry and Skills almost a month and half ago.

As a shadow minister, it is critical for me to receive briefings relevant to the funding of the department of industry and skills, as it will be named, to ensure appropriate scrutiny of government decisions, the passage of bills and legislation through the parliament. I hope this lack of a briefing, despite being requested a month and a half ago, is an oversight.

I understand that, given the broad nature of the purpose of the appropriation of these moneys for expenditure by the government, members are allowed a large degree of leeway in speaking to this bill. I will not take full advantage of that, but I will speak to a number of items that I think need to be addressed. I believe it is fair to assume that the government's budget is a good indicator of its priorities for the forthcoming year.

We on this side of the house know that it is not pure luck that leads to a fiscal surplus. Previous Labor treasurers have worked successfully over the previous 16 years to ensure the provision of essential services, while maintaining responsible financial management of the public sector. The Marshall Liberal government inherits a budget that specifically includes an additional \$150 million in the current financial year for the operations and cost pressures that face SA Health, and \$24 million for child protection.

The former Labor government can be proud of its record during its 16 years in government. Governments always undertake to leave the place in better shape than when they started, and I think this is certainly the case with the previous administration, despite the narrative that those opposite would like to portray.

I want to start by talking a bit about health and the achievements that the previous government made in this area. Labor, during its time in office, made significant investments in our public hospitals, with major upgrades to every metropolitan public hospital and every major country hospital in South Australia. We funded a large number of projects during our time in government and made further commitments during the state election, such as:

- continuing to invest heavily in our health infrastructure with more than \$1.2 billion committed in the 2017-18 state budget to ensure our public hospitals remained world class, also supporting 3,900 jobs;
- to build a new Adelaide women's hospital co-located with the new Royal Adelaide Hospital that is expected to create 1,900 full-time equivalent jobs for South Australians during the life of the project;
- \$52½ million over four years to create a new and bigger world-class emergency department at the Lyell McEwin Hospital, including doubling the number of adult assessment cubicles, with about 200 jobs during construction;
- more than \$270 million for a major redevelopment of The Queen Elizabeth Hospital, including an upgraded cardiac service, a new and bigger emergency department, a dedicated elective surgery centre, a new intensive care unit and state of the art rehabilitation services;
- \$64.4 million to upgrade the existing Women's and Children's site;

- \$4.7 million over two years to contribute to the Australian Digital Health Agency, delivering the new digital healthcare program;
- \$44 million towards SAHMRI 2, an item that has been mentioned a number of times in this place, a new state of the art medical research hub to house the Southern Hemisphere's first proton therapy unit; again, 250 jobs during construction and 340 jobs ongoing;
- we also invested more than \$90 million in upgrades and new services at Modbury Hospital. Improved medical and surgical services and a new purpose-built palliative care hospice were part of Labor's commitments;
- \$35.4 million for an acute surgical unit to enable a wider range of elective surgeries to be carried out;
- a new \$9.2 million extended emergency care unit and a new \$8.9 million acute medical unit, to allow patients to be seen sooner and more to be treated and discharged at Modbury; and
- \$15.6 million to create a purpose-built palliative care facility, with 16 individual rooms with private bathrooms to provide contemporary care, on top of more than \$62 million invested by the state government in Modbury Hospital since 2002.

We are all aware of the damage and destruction that the previous Liberal government did to the Modbury Hospital. Then health minister, Michael Armitage, privatised Modbury Hospital to Victorian company Healthscope, which meant that the Modbury Hospital was managed from Victoria. Part of Modbury Hospital was blocked off from public patients and over 200,000 private medical records were passed over to a private company. It was the Labor government that then returned Modbury Hospital to public hands to ensure that everyone would have access to all of its services.

I have spoken to many people in the north-east over the years and what is such a common topic of conversation is the Modbury Hospital, the hospital loved by the community. They certainly have not forgotten about the damage and chaos that the then Liberal government did to Modbury Hospital. They know that the Liberals cannot be trusted with Modbury Hospital. They know the Liberal Party record on Modbury Hospital.

What is interesting is that I am told the current health minister, Stephen Wade, actually worked as an adviser to Michael Armitage. What is even more interesting is that just 18 months ago minister Wade, I am told, had employed the Hon. Michael Armitage to work for him one day a week. I trust they were not drawing up plans to privatise Modbury Hospital yet again. It is ironic to hear the new minister for Health claim to care about the Modbury Hospital, when it was the Liberal Party that privatised the hospital when they were in government.

Labor committed to a \$140 million cash injection over the next 10 years to upgrade country public hospitals and aged-care infrastructure, ensuring high-quality services can continue to be provided to rural and regional communities. This, of course, includes the upgrade to the Mount Gambier hospital renal dialysis unit. I think it is important to clarify this point as it has been raised in this place a number of times since the start of this parliamentary term.

The former minister for health, now Leader of the Opposition in the other place, visited Mount Gambier within a month of becoming minister to inspect the unit and the demands upon it. He and I spoke with local people who were using it and I was able to tell him about the many conversations I had had with people who needed an improved service.

People receiving renal dialysis treatment spend many hours, over many days, every week in the hospital—a challenging prospect for anyone. It was the previous Labor government that provided the funding for the upgrade to the Mount Gambier renal dialysis unit, with funding allocated in the Mid-Year Budget Review of December 2017. As a Limestone Coast resident, I understand just how important this is to the local community. I am glad that the former Labor government provided funding for it. The former Labor government also committed to invest almost \$80 million over the next four years to replace medical equipment in metropolitan and country hospitals.



Prior to the state election, the Labor government committed additional funding towards mental health services across Australia, with a focus on supporting people in their homes. That commitment included \$17.2 million in a funding boost for community outreach, providing drug and alcohol addiction services in the home and expanding home-based services and transitional care. It also included \$5½ million to support existing and youth suicide prevention work. Further, it honoured a mental health guarantee for people receiving mental health services, ensuring that any mental health client ineligible for the NDIS would continue to get current services.

Members would be aware that the NDIS is a major reform that is experiencing difficulties in implementation. It is absolutely imperative that people with a psychosocial disability do not have the added stresses of wondering if the services they receive now, however imperfect they may be, will continue.

The former Labor government also undertook to provide free meningococcal B vaccinations for all South Australian children aged two and under. That was to be provided on an ongoing basis at a cost of \$24½ million over four years. Sadly, this is something that so far the Marshall Liberal government has ignored. This is much to the anger of many South Australians and in particular people living in the Limestone Coast.

It is a common topic raised with me when I am home in Mount Gambier, partly because the tragic death of a Mount Gambier baby emphasised the need for this vaccine. I again urge this government to fund this life-saving vaccine as a matter of urgency.

In recent weeks I have also spoken extensively about the Disability Inclusion Bill, which has now been passed. I note that during this discussion the minister committed to only 'putting in a budget bid' when it comes to the creation of a disability advocate. This is not good enough. When you think about the amount of money we are being asked to approve for the running of government—as I mentioned, \$6.6 billion—one would think that the relatively small amount needed for the creation of a disability advocate could surely be funded. I certainly hope that this will be the case, and I will be watching closely come budget day, as I am sure will many members of our community who have a disability or who care for someone with a disability.

Another area I believe is particularly strong, and an area that we must always fear the Marshall Liberal government will slash, is education. Labor has always stood up for South Australian schools. After the previous Labor government came to office in 2002, it invested \$3.3 billion in school and early years infrastructure. Labor doubled the investment in education, with funding per student in public schools rising from about \$7,600 in 2002 to \$16,247 in 2017. We also lifted year 12 attainment rates to 92 per cent, the highest in the nation. This was an increase from 57 per cent in 2007.

We lifted the income eligibility for the School Card for a family with one child from just over \$37,000 in 2017 to \$57,000, or just over, in 2018. This allowed an extra 16,000 families to save on average \$274 a year on education costs. One of the families in Mount Gambier that I had the pleasure of visiting prior to the election told me how much this would mean to them. They were on a very modest wage, they had three children and they were expecting this to make quite a big difference to their annual education budget.

We invested \$692 million in the Building Better Schools program to upgrade 91 public schools across the state and \$250 million to build new science and maths facilities in 139 public schools as part of STEM Works. This is all part of building towards the future and the future jobs.

We invested \$1 billion in school infrastructure in the past four years alone, including the new Adelaide Botanic High School, which is due to open in term one of 2019. We invested more than \$500 million to reform the state's child protection and child development systems and appointed a Commissioner for Children and Young People to ensure South Australian children could have their voices recognised.

I move now to Fund My Neighbourhood. We were told recently that Fund My Neighbourhood will not continue in 2018. In fact I quote from the Treasurer, who, commenting on a statement that 'Fund My Neighbourhood funding will be allocated to support commitments made by the new state government that will improve South Australian communities,' said:

This was an example of the sort of programs and the waste that the former government sadly engaged in in a desperate but unyielding attempt to get re-elected prior to the last election.

Let us look at this statement, and I will particularly reference my local area of the Limestone Coast. Fund My Neighbourhood, we will remember, was participatory democracy, where everyone could vote for the community facilities or improvements they wanted. In my area, Boandik Lodge received \$150,000 towards a hydrotherapy pool, Boandik Lodge being an aged-care facility in Mount Gambier. The CEO of Boandik Lodge, Gillian McGinty, was quoted as saying that \$150,000:

...from Fund My Neighbourhood will be a great boost to achieving the goal of a hydrotherapy pool for the local community...

A facility that can be used by residents of Boandik as well as other community members will be a valuable addition to our city.

I wonder how Boandik Lodge would respond to the view that such a pool is a waste of money for them.

Similarly, I move to the small township of Kongorong where Fund My Neighbourhood provided funds for its sporting facilities for female change rooms and the Kongorong Soldiers Memorial Institute received funding for new showers and an upgrade of the toilets. I hope members are aware of how important those sports facilities and community institutes are to small communities. Funding that allows significant improvements is an investment in our community. Again, I ask: why are sporting facilities for a worthy community considered a waste of money?

Thirdly, the Wehl Street Theatre in Mount Gambier received funding for new seating. The Wehl Street Theatre is a lovely old building in Mount Gambier and in fact when I was a teenager and growing up there I was involved in the local theatre group. It would not surprise me if the seating is still the same as then. In fact, it has been upgraded, but with second-hand seating—again, I think over 20 years ago, if my memory serves me correctly.

The funding to improve that seating, including making it more available for people with a disability, is a very good use of community funds and hardly a waste of money. I refer again to the Treasurer's comments that these funds will be used to improve South Australian communities. I suggest, and I am not sure how it can be argued otherwise, that those funds have done exactly that: they have improved South Australian communities.

It has also been suggested that this was some kind of pork-barrelling to win marginal seats. This is despite the fact that these funds were allocated on a per capita basis. However, despite that concept of equal funding, that concept of participative democracy, I thought perhaps I should look into it. I found some evidence that would support the inference that, indeed, this was about gaining votes.

One of the areas that received funding through Fund My Neighbourhood more than doubled their Labor votes at the booth in the centre of the region. I refer stunningly, shockingly to the Kongorong booth, which increased its Labor vote in 2014 from three votes to seven votes in 2018. There we have it: the evidence that clearly this was about trying to win marginal seats.

Instead, I suggest that this was not about pork-barrelling; this was about enabling local communities to have a say in where the funds were to go. It was about local communities saying, 'These are the priorities for us and we don't need bureaucrats telling us where and how we should spend these funds.' This was about local communities getting improvements to their local services and it was well and truly about improving South Australian communities.

**The Hon. R.I. LUCAS (Treasurer) (17:47):** I rise to close the debate and to make some closing remarks at the second reading. I thank all honourable members who have made a contribution to the Supply Bill debate. This, together with the Address in Reply debate, provides one of a handful of opportunities for members to speak more broadly on a range of issues that might be of interest to them or of concern to them, as opposed to the specifics of a particular bill in a piece of legislation before the house at the time.

Whether I have been in government or in opposition, I have always welcomed the opportunity to either participate or to listen to the contributions of members. Given the time, I will not respond to all of the issues that have been raised. Some of the issues have been well and truly ventilated during

question time and on other occasions. However, I would like to respond to just a couple of the contributions that were made today, which are obviously fresh in my mind.

Part of the contribution of the Hon. Ms Pnevmatikos was in relation to the ORAH, and I welcome her, clearly, close interest in what the development at the ORAH site might be. We share her view that a seven-hectare site in the CBD is an almost once in a lifetime opportunity to do good things, not only for that local area but also, more importantly, for the future development of the economy and the state. There are exciting projects envisaged for that site and we hope that the honourable member and her colleagues will get on board, get with the program and support the government in its initiatives in relation to that site.

I must admit that I only came in at one part of the honourable member's speech. I do not know whether it was her view or whether she was quoting somebody else's view in relation to the opposition to residential apartments and hotel developments on the site. I will need to check the record, but I would remind the honourable member, if it was her view, that it was her government that was actually suggesting residential apartments and five-star or six-star hotels on the site.

There was significant opposition from the now Premier, one of the former leaders of the opposition—the member for Heysen, Ms Isobel Redmond—and the local member, Rachel Sanderson. They were strongly opposed to the notion of residential apartments on the site. So if that was her view, then her view is at odds with that of her party, which we welcome, and they are entirely consistent with the view of the new government.

We think there are much more exciting things that can be done to the site in terms of economic development and there are plenty of other opportunities throughout the CBD for apartments and residential development. We have seen plenty of that not too far, frankly, from the ORAH site, where there are significant residential apartment building blocks going up. We welcome the honourable member's views there.

To be fair, I think both the former government and the current government have flagged, at various stages, the possibility of a hotel on the site. The member has obviously indicated her opposition to that. Certainly, the new government is not locked in to the view that there should be a hotel on the site, and I think there are increasing arguments being put to the government that perhaps that is not the best way to go. As a member of the government, I will certainly take on board the views of the honourable member in relation to that issue.

I am not sure whether the honourable member addressed the exciting reactivation of the heritage buildings on Frome Road and North Terrace in terms of encouraging innovation, start-ups and entrepreneurship, but I would hope, again, that she would be very supportive of that. This site is a perfect opportunity, as the Premier has outlined, for exciting developments. There are heritage buildings which have to be kept and they need to be reactivated and used. Our advice has been that they are quite suitable for start-ups, entrepreneurship and innovation hubs, and there are a number of industries and businesses that have already expressed a considerable degree of interest in participating in the ORAH site.

The honourable member did refer to the exciting developments in relation to a cultural gallery, if I can put it that way. She was right to say that the former government's strong preference was for a contemporary art gallery. The new government is much more in tune with an Aboriginal culture and art gallery. That is essentially what we went to the election with and we will be continuing to pursue that particular option. We think that is a much more exciting option, with great respect to the art aficionados in this chamber and elsewhere.

There are a number of contemporary art galleries throughout Australia, but an exciting development, as is envisaged in relation to highlighting what we are told are—and I do not profess to be an expert in this area—some of the exciting collection pieces we have, both in the Art Gallery and the Museum, may well be something which, if appropriately done, would give us the stand-alone iconic attraction that South Australia should have. There are many who have argued that that is what we need and that this is a perfect site for that. There are many challenges ahead.

The governance arrangements and all those sorts of things are challenges that will need to be confronted. However, there is an extraordinary prospect at the end of the line, if it can be done

and done well, in terms of having an iconic project and hopefully an iconic building on that site, which may well attract not only South Australians who want to go and visit but, more importantly, interstate and international visitors who might be prepared or willing to come to South Australia to see something that is extraordinarily unique. It is different, it is uniquely Australian and South Australian and, from that viewpoint, it might attract interstate and international visitors to our state as well.

In relation to the international school of hospitality, I want to correct the honourable member. I think there is information available on various websites and other places that would I think correct her misconception about what is proposed there, and that is that it is not going to be in competition with TAFE Regency; it is actually going to be a removal of those programs from Regency Park onto the ORAH site. So there is not going to be competition, and it will involve TAFE.

The announcement both prior to the election and subsequent talks about Le Cordon Bleu, but it also talks about the TAFE offering, as currently exists at Regency Park, as a collaborative arrangement. What it says is that there is much to offer in terms of having that offering in the CBD. A lot of the overseas students and their families, but in particular overseas students who come to study and train here, will be attracted by a central location where there is accommodation conveniently nearby. There is the attraction of central business district living with cafes and all the attractions of being in the City of Adelaide, as opposed to being somewhat out of the centre of Adelaide at Regency Park.

That is a challenging option as well, but it does not exclude TAFE. It is completely inclusive of the TAFE offering. It is something that the new Premier, Premier Marshall, is passionately involved with in terms of the discussions that he had in opposition with the key players in relation to the offering at Regency Park and the potential new key players at the ORAH site. If the honourable member has a look at some of the aspects of that new proposal, some of her concerns should be ameliorated by an exciting new opportunity on that site.

I will make one other point in relation to the ORAH. I think the honourable member did make some unkind—if I can use a gentle word—commentary on the former leader of the opposition in terms of his knowledge of the Aboriginal culture, the lands and his knowledge of his portfolio area. I do not know the exact number, but I suspect the now Premier, the then leader of the opposition, has visited the APY lands in particular many more times than the honourable member ever has and, indeed, probably many more times than almost anyone in this chamber, maybe with the possible exception of the Leader of the Opposition, who might be catching up, as the former minister and continuing shadow minister.

The now Premier has demonstrated, over a number of years, a close and abiding interest in the portfolio area. He has taken continued portfolio responsibility for it and he has certainly visited the APY lands—

**The Hon. T.J. Stephens:** I think he was on the Reconciliation SA board before he was a member of parliament.

**The Hon. R.I. LUCAS:** My colleague, the Hon. Mr Stephens, who knows much more about this area than I, says that the Premier was on the Reconciliation SA board before he became a member of parliament, and he became a member of parliament in 2010, so that is eight years ago.

The Premier and ministers are ripe for criticism in many areas, but I think in that area that was misplaced criticism in terms of the Premier's commitment and knowledge of this portfolio area. Of course, that does not mean that the judgements that he and the government make will always be supported by the honourable member, but I certainly do not believe it can be dismissed on the basis that he knows very little about the area and has not visited the communities often enough to know enough about it.

The Hon. Ms Scriven made some comments in relation to a range of issues. I will not address all of those, but will make some brief comment about the Fund My Neighbourhood difference of opinion that the government has with the former government in relation to that. For the public record and for my very good friends at *The Border Watch*, I have never said and would never say that a project such as Boandik Lodge, which I know as well—or better, I should say—as the honourable member (just because I am older I probably know more people who have been in Boandik Lodge than she has over the years), but anyway put that to the side—we won't have a battle about it; we

both know a bit about the Boandik Lodge—I would never be critical of funding that goes to a project like that, or to sporting projects, wherever they might happen to be.

Some of the projects funded by Fund my Neighbourhood I am sure were worthwhile and would be a high priority, not only for the former government but for the new government. However, some of the projects that were funded, in the new government's viewpoint, were not sensible expenditure of taxpayers' money, and would certainly not be a priority for the new government. That is why we allowed the continuation of the first stage of the program to its completion, but we were not going to continue with stage 2, which was the \$20 million fund for 2018-19.

We are, and remain, trenchantly critical of the process that was used. The honourable member is quite happy to, in essence—I would refer to the process as a popularity contest: whoever can organise the most people on the phone or to vote for a particular issue got the funding. The honourable member prefers to call it participative democracy—each to their own. That is the description the former government would have adopted.

Certainly from my experience and view of what occurred in relation to the funding, whoever generally was able to organise the largest number of their mates, friends and colleagues to vote for their particular project got the money, and if there was a much more worthwhile project but it was not able to organise a large number of supporters, might not have been as adept at social media campaigns as others, because they did not get the votes they are were unable to win the popularity contest.

We think that spending \$20 million of taxpayers money should be done on a more considered basis than a simple ring around as to who can get the most votes on a popularity contest. If you are a former government that thinks that, 'Well, it is only \$20 million and we will splash it around, whoever gets the most votes wins', that's fine. That's the way the former government ran things; that's why they were thrown out of office, because they ran their government like that.

**The Hon. I.K. Hunter:** What a load of rubbish.

**The Hon. R.I. LUCAS:** Well, you did get thrown out of office comprehensively, and it was for a variety of those sorts of issues. People, after 16 years, got sick and tired of ministers and governments wasting their money in this particular way. They want a mature and adult government that is prepared to look at a project, perhaps like Boandik Lodge, and say, 'Okay, sensible project, we've evaluated it, that is the way a process should be conducted,' and a mature, adult government will conduct themselves in that particular way and it is not going to be a popularity contest where whoever organises the most gets the biggest lick of the lollipop in terms of the \$20 million.

With those few words, in conclusion I thank honourable members for their contribution to the second reading of the Supply Bill. Most importantly, this ensures that public servants and public services continue to be paid until the Appropriation Bill is passed later in the year.

Bill read a second time.

*Committee Stage*

Bill taken through committee without amendment.

*Third Reading*

**The Hon. R.I. LUCAS (Treasurer) (18:05):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

**LIMITATION OF ACTIONS (CHILD ABUSE) AMENDMENT BILL**

*Second Reading*

**The Hon. R.I. LUCAS (Treasurer) (18:07):** I move:

That this bill be now read a second time.

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

Leave granted.

I am pleased to introduce the *Limitation of Actions (Child Sexual Abuse) Amendment Bill 2018* which amends the *Limitation of Actions Act 1936* and abolishes the limitation period for claims for compensation by victims of child sexual abuse.

The *Limitation of Actions Act 1936* currently sets a limitation period of three years for bringing a common law action in personal injury. For a person who suffered abuse as a child, this means that an action must be commenced by his or her 21st birthday.

The Royal Commission into Institutional Responses to Child Sexual Abuse found that the existence of a limitation period creates significant barriers for survivors of child sexual abuse and operate unreasonably to deny victims access to justice. Survivors of child sexual abuse are unlikely to disclose the abuse until well into adulthood. When they do disclose the abuse, their first needs are likely to be seeking support services rather than civil litigation. In recommendations 85 to 88 of its Redress and Civil Litigation Report, the Royal Commission recommended that all States and Territories take immediate steps to remove the limitation period for cases arising from institutional child sexual abuse.

This Government has committed to introducing legislation to remove the limitation period for victims of institutional child sexual abuse within its first 100 days in Government.

The Bill achieves this result, but applies to all victims of child sexual abuse, not merely those who suffered abuse in an institutional setting.

The Bill inserts a new section 3A of the *Limitation of Actions Act 1936*, which provides that an action for damages relating to the death of or personal injury to a person resulting from child sexual abuse may be brought at any time and is not subject to any limitation period. This includes limitation periods applying to claims brought in tort, in contract, under statute or otherwise.

Although the Bill permits such actions to be brought at any time, it does not limit the court's inherent, implied or statutory jurisdiction or its other powers. The court will retain the power to summarily dismiss or permanently stay proceedings where there has been an abuse of process or where the lapse of time affects the defendant's case such that a fair trial is not possible.

The Bill also contains transitional provisions to clarify its application in cases where a limitation period on the cause of action has expired prior to the commencement of the Bill. In particular, Schedule 1 of the Bill provides that section 3A applies to an action on a cause of action that accrued before or after the day on which section 3A comes into operation, including where the cause of action was statute barred prior to section 3A coming into operation.

Further, an action may be commenced even though another action had been started but not finalised before the commencement of section 3A; another action was started but discontinued before the commencement of section 3A; a judgment was previously given on the ground that a limitation period applying to the cause of action had expired; or an action was dismissed on the ground that a limitation period applying to the cause of action had expired.

In cases where there is a previous judgement on the action or an action has been dismissed on the ground that a limitation period has expired, permission of the court is required before a new action may be commenced.

The court may grant permission for a new action to be commenced if satisfied that it is just and reasonable to do so. In granting permission for a new action to be commenced, the court may make any order it considers to be necessary for the action to proceed or otherwise appropriate in the circumstances.

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 *Limitation of Actions Act 1936*

4—Insertion of Part 1A

This clause proposes to insert a new Part 1A, containing new section 3A, into the Act. New section 3A proposes to remove any limitation on the period within which an action may be brought for damages relating to the death of or personal injury to a person resulting from the sexual abuse of the person when the person was a child.

Schedule 1—Transitional and other provisions

## 1—Interpretation

This clause provides definitions for the purposes of the transitional provisions in the schedule.

## 2—Application of section 3A of Act

This transitional clause provides that the proposed new section 3A of the Act will apply to an action for damages on a cause of action that accrued before or after the commencement of that section (including where a limitation period previously applying in respect of the cause of action had expired before that commencement).

## 3—Previously barred cause of action

This transitional clause makes provision in relation to causes of action in respect of which a limitation period had expired before the commencement of proposed new section 3A of the Act (*a previously barred cause of action*). The clause provides that a new action on a previously barred cause of action may be commenced even though there had previously been 1 or more actions commenced in respect of such a cause of action (including where the action has been discontinued, not finalised or finalised on a ground that the action was out of time). The clause makes special provision where an action on a cause of action had been previously finalised on a ground that the cause of action was out of time (including where an extension of time was refused), in which case a new action on the cause of action may only be commenced with the permission of a court. A court may grant permission for such a new action if satisfied that it is just and reasonable to do so and the court may make any other order the court considers necessary for the action to proceed or that is appropriate in the circumstances.

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

**SOUTH AUSTRALIAN PRODUCTIVITY COMMISSION BILL***Introduction and First Reading*

Received from the House of Assembly and read a first time.

*Second Reading*

**The Hon. R.I. LUCAS (Treasurer) (18:08):** I move:

That this bill be now read a second time.

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

Leave granted.

The South Australian Productivity Commission Bill 2018 initiates a key economic reform and its introduction fulfils another major commitment in my government's 100-day plan.

The Commission will play a vital role in generating jobs, investment and economic growth in South Australia.

The functioning of this Commission will instil a high level of public confidence that the advice and recommendations it provides are based on rigorous analysis and political impartiality.

That is why this bill establishes the Commission as an independent statutory body which will be fully and publicly accountable for the advice it provides and the actions it recommends.

The Commission will deliver a very important function for South Australia by making recommendations to Government to remove existing regulatory barriers, and to directly support productivity growth, unlocking new economic opportunities and creating new jobs in our State.

Productivity improvement is a key source of long-term economic growth, business competitiveness and real per capita income growth.

It is an important determinant of living standards and wellbeing for all South Australians.

For too long, South Australia's productivity growth has failed to keep pace with the rest of the developed world.

Labour productivity has lagged as other jurisdictions have seen massive increases in private capital investment, as well as more effective investment in skills, education and training.

Equally, our state has missed opportunities to grow multifactor productivity – something that, if continued, will drag on the growth of our prosperity in an increasingly digitally-enabled, services-based world.

We are committed to bringing a new approach to government regulation and service provision.

The Commission will be tasked with identifying unnecessary regulation for removal, and advising the government on ways to modernise and simplify regulation that has become outdated or which imposes unnecessary

costs on South Australian businesses and families, allowing businesses to grow and create jobs and families to raise their living standards.

It is the role of government to maximise the efficient use of taxpayer funds in the delivery of services and infrastructure.

The Commission will identify opportunities to:

- improve the accessibility, efficiency and quality of services delivered or funded by government;
- facilitate structural change whilst minimising the hardships that may occur as a result of this change; and
- promote regional development, and development occurring in an ecologically sustainable way.

These objectives will ensure the Commission works to improve the lot of all South Australians collectively, rather than particular economic sectors or individual groups.

Importantly, the Commission will not serve as a Committee of Audit. This is not about reducing the quality of outcomes achieved by government spending, but rather, improving both quality and efficiency for every dollar spent.

This bill requires the Commission to act transparently.

A Notice of Inquiry setting out the terms of reference and opportunities for the public to provide submissions, will be made publicly available every time a matter is referred to the Commission for inquiry.

The Commission's report on each inquiry it makes will be published on the Commission's website, including its recommendations for government action.

Commissioners will be eminently qualified, by virtue of their knowledge and experience in industry, commerce, economics, law or public administration—bringing together the best available advice and expertise of our private and public sectors.

We have many highly capable people engaged in developing public policy in this state; in the public sector, and in the parliament.

However, it is important that we challenge our thinking as we go, to ensure that our assumptions and analysis are thoroughly tested and that we look for innovative approaches and solutions to problems that affect South Australians.

This independent body of experts will make a valuable contribution in testing and extending the depth of thinking by government, improving the quality of outcomes delivered for South Australians.

I am pleased to be able to introduce this bill in the government's first 100 days, as I committed to do before the election, and I look forward to support in both places for this important and necessary initiative.

I commend the bill to members, table a copy of the explanation of clauses and encourage members to give this important legislation serious and favourable consideration.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Commencement

###### 3—Interpretation

These clauses are formal.

##### Part 2—South Australian Productivity Commission

###### 4—South Australian Productivity Commission

This clause establishes the South Australian Productivity Commission and gives it all the powers of a natural person.

###### 5—Objects and functions of Commission

Subclause (1) sets out the objects of the Commission, including to improve rates of economic growth and productivity and to improve South Australia's competitiveness.

Subclause (2) provides for the Commission's functions, including to hold inquiries and report to and advise the Minister on a range of matters referred by the Minister.



#### 6—Independence

This clause states that except as provided, the Commission is not subject to Ministerial direction in the performance of its functions.

#### 7—Commission may publish statements, reports and guidelines

The proposed section enables the Commission to publish statements, reports and guidelines relating to the performance of its functions.

#### 8—Membership of Commission

The clause provides for the membership of the Commission constituted of a Commissioner appointed by the Governor as the Chair and at least 1 and not more than 4 additional Commissioners, full-time or part-time, as appointed by the Governor.

#### 9—Commissioners

The proposed section makes arrangements for Commissioners by setting out the terms of appointment of a Commissioner, the basis on which the office of a Commissioner becomes vacant and the circumstances in which a Commissioner is removed from office.

#### 10—Acting Chair

This clause provides for the appointment of an Acting Chair to act in the office of the Chair.

#### 11—Staff

The proposed section facilitates arrangements for staffing of the Commission by persons employed in the Public Service of the State and assigned to assist the Commission and by persons appointed by the Commission on terms and conditions determined by the Commission.

#### 12—Consultants

The proposed section states that the Commission may engage consultants on terms and conditions considered appropriate by the Commission.

#### 13—Delegation

This clause sets out a power for the Commission to delegate its functions or powers to a Commissioner or any person or body of persons that is, in the Commission's opinion, competent to perform or exercise the relevant functions or powers.

#### 14—Conflict of interest

This clause sets out the necessary processes that must be followed where there is a potential conflict between a direct or indirect interest of the Chair, an Acting Chair, a Commissioner or a delegate of the Commission that may conflict with the person's functions.

#### 15—Meetings of Commission

The proposed section sets out the procedures and processes for meetings of the Commission.

#### 16—Common seal and execution of documents

The proposed section provides for the execution of documents by (or with the authority of) the Commission and the use of the Commission's common seal.

#### 17—Application of money received by Commission

This clause provides for the receipt of fees or other amounts by the Commission to be paid into the Consolidated Account.

#### 18—Annual performance plan and budget

The proposed section sets out the requirement for the Commission to prepare and submit to the Minister a performance plan and budget for the next financial year or for some other period determined by the Minister. The plan must address the Commission's major projects, and its goals and priorities with respect to the full range of the Commission's functions, for the period to which the plan relates.

#### 19—Accounts and audit

This clause sets out the requirement for the Commission to maintain proper records of its accounts and provides for the auditing of the Commission's accounts by the Auditor-General.

#### Part 3—Inquiries and reports

## 20—Minister may refer matter for inquiry

This clause sets out the requirement for the Commission to inquire into any matter that the Minister, by written notice, refers to the Commission according to terms of reference set out in the Minister's notice.

## 21—Notice of inquiry

This clause sets out the requirement for the Commission to give notice of an inquiry by publishing the notice on its website. The notice must specify the purpose of the inquiry, the period during which the inquiry is to be held, the period within which, and the form in which, members of the public may make submissions, including details of public hearings and the matters that the Commission would like submissions to deal with.

## 22—Conduct of inquiry

The proposed section states that subject to any requirement or direction of the Minister under proposed Part 3, an inquiry may be conducted in such manner as the Commission considers appropriate and that the inquiry may (but need not) involve public hearings.

## 23—Reports

This clause imposes a requirement on the Commission to deliver a copy of the Commission's final report on an inquiry to the Minister.

## Part 4—Miscellaneous

## 24—Annual report

This clause imposes a requirement on the Commission to, within 3 months after the end of each financial year, deliver to the Minister a report on the administration of this Act during that financial year. The Minister must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after receipt of the report.

## 25—Regulations

The proposed section facilitates the making of regulations by the Governor for the purposes of the scheme.

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

**STATUTES AMENDMENT (SACAT FEDERAL DIVERSITY JURISDICTION) BILL***Introduction and First Reading*

Received from the House of Assembly and read a first time.

*Second Reading*

**The Hon. R.I. LUCAS (Treasurer) (18:09):** I move:

That this bill be now read a second time.

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

Leave granted.

The Statutes Amendment (SACAT Federal Diversity Jurisdiction) Bill 2018 will address the recent High Court decision in *Burns v Corbett*, which has the consequence of preventing the South Australian Civil and Administrative Tribunal from exercising its jurisdiction in residential tenancy matters, and also potentially other matters within its jurisdiction, where the matter involves the exercise of judicial powers and involves residents of different states.

The Bill will ensure that if SACAT is unable to exercise its jurisdiction because of *Burns v Corbett*, the Magistrates Court will be able to exercise the jurisdiction to resolve the dispute, with the same powers and fees as SACAT.

*Burns v Corbett* involved a NSW dispute arising from equal opportunity legislation before the New South Wales Civil and Administrative Tribunal, or NCAT.

The High Court held that NCAT did not have jurisdiction to deal with the dispute because it involved the exercise of judicial powers as distinct from administrative powers, in a dispute between residents of different states. The Court held that, under the Australian Constitution and the Commonwealth *Judiciary Act 1903*, only a court referred to in Chapter III of the Constitution could deal with such a dispute, that is, a dispute involving federal diversity jurisdiction.

In a judgment handed down recently by the President of SACAT, the Honourable Justice Hughes, in the matter of *Raschke v Firinauskas*, it was held that disputes under the *Residential Tenancies Act 1995* are matters involving the exercise of federal judicial power and therefore fall within the types of matters that may only be heard by a court in circumstances where one of the parties is resident interstate.

The immediate problem arising from these judgments is that there is no other body with jurisdiction to deal with tenancy disputes under the *Residential Tenancies Act 1995*, which contains provisions to deal expediently with tenancy disputes, including for example to make vacant possession orders and use the SACAT bailiff to enforce them.

While the Government is presently considering appealing the SACAT judgment, the outcome of any appeal is unlikely to be known for some months.

In the meantime, SACAT advises that the *Burns v Corbett* decision could affect up to 700 to 800 matters per year, with landlords in affected cases unable to collect rent or evict tenants under the *Residential Tenancies Act*.

To urgently address this gap, the Government has prepared this Bill, which will amend the *South Australian Civil and Administrative Tribunal Act 2013* and the *Magistrates Court Act 1991* to ensure that the Magistrates Court is able to exercise jurisdiction in any matter in which SACAT may be unable to because the matter involves an exercise of federal diversity jurisdiction.

These amendments would operate so that the Magistrates Court is able to exercise all the powers and functions of SACAT in dealing with such matters, with SACAT transferring the matter to the Magistrates Court with no separate application or fee required to the Court. The amendments will be implemented so as to streamline to the greatest extent possible the handling of affected matters so that the impact on parties is minimised.

I commend the Bill to Members.

#### Explanation of Clauses

##### Part 1—Preliminary

###### 1—Short title

###### 2—Amendment provisions

These clauses are formal. It is intended that this measure will come into operation on the day it is assented to by the Governor.

##### Part 2—Amendment of *Magistrates Court Act 1991*

###### 3—Amendment of section 3—Interpretation

This clause includes proceedings that are transferred to the Magistrates Court under proposed Part 3A of the SACAT Act, inserted by clause 7 of this measure, as a minor statutory proceeding. This clause also removes the ability of a party to elect to exclude the transferred proceedings from the rules that govern minor civil actions for claims exceeding \$12,000.

###### 4—Amendment of section 38—Minor civil actions

This clause allows for a party to have legal representation on a review to the District Court under section 38 if the party had legal representation in the proceedings transferred to the Magistrates Court under proposed Part 3A of the SACAT Act.

###### 5—Amendment of section 41—Reservation of questions of law

This clause provides that, in relation to proceedings transferred to the Magistrates Court under proposed Part 3A of the SACAT Act, the Court may reserve a question of law for determination by the Supreme Court. This is similar to the ability of the Tribunal under section 72 of the SACAT Act.

##### Part 3—Amendment of *South Australian Civil and Administrative Tribunal Act 2013*

###### 6—Amendment of section 4—Relevant Acts prevail

This makes a consequential amendment to make clear that it is subject to the operation of proposed Part 3A to take account of the Constitutional issues arising from the exercise of judicial power by a State Tribunal.

###### 7—Insertion of Part 3A

This clause inserts proposed Part 3A

###### Part 3A—Diversity proceedings

###### 38A—Interpretation

This clause sets out the definitions relevant to the Part and in particular the meaning of *federal diversity jurisdiction* which refers to the jurisdiction contemplated by section 75(iii) or (iv) of the Commonwealth Constitution, whereby the High Court has jurisdiction over matters in which the Commonwealth is a party, or over matters arising between States, residents of different States or between States and residents of another State.

**38B—Transfer of applications involving federal diversity jurisdiction to Magistrates Court**

This clause provides that if a person would, but for issues relating to federal diversity jurisdiction, have the ability to seek a review or apply for a matter to be determined by SACAT, that matter may be determined by the Magistrates Court instead.

If the Tribunal considers that it does not, or may not, have jurisdiction to determine an application on federal diversity jurisdiction grounds, then the Tribunal may order that the proceedings be transferred to the Magistrates Court for determination. These proceedings are referred to as *transferred proceedings*. The clause sets out various procedural matters and provides that the applicable application fee is the fee under the SACAT legislation and no further fee is payable in relation to the transfer of the proceedings to the Magistrates Court. There is no review or appeal under the SACAT Act in relation to the Tribunal's decision to transfer the proceedings.

However, the Magistrates Court has the power to remit a matter to SACAT if it is satisfied SACAT has jurisdiction.

**38C—Magistrate Court proceedings, jurisdiction, powers and functions etc**

This clause provides that a matter that is transferred to the Magistrates Court will be taken to have commenced on the day on which the original application was made to SACAT.

In relation to the transferred proceedings, the Magistrates Court has and may exercise all the jurisdiction, powers and functions in relation to the proceedings that SACAT would have had if it could exercise federal diversity jurisdiction.

Furthermore, the practices and procedures that apply to the Tribunal will apply to the Magistrates Court in relation to the transferred proceedings unless the Court determines otherwise.

**38D—Modifications of certain functions, powers and procedures etc**

This clause makes provision in relation to the conduct of transferred proceedings in relation to the constitution of the Magistrates Court, legal representation, reviews of and appeals against decisions of the Court and costs.

The clause also provides that the Magistrates Court may make orders giving effect to any settlement reached by the parties before the proceedings were transferred to the Magistrates Court. The regulations may set out further modifications that may be required to facilitate the operation of this Part.

**38E—Compulsory conferences**

This clause provides that the Magistrates Court may require that the parties attend a compulsory conference under the SACAT Act.

**38F—References to Tribunal in other Acts or regulations**

This clause makes clear that a reference to SACAT in other legislation that confers or imposes a function on the Tribunal is to be read as including a reference to the Magistrates Court, if the function is conferred or imposed on the Court due to the operation of this Part.

**38G—Bailiffs**

This clause makes clear that Bailiffs appointed under the SACAT Act can enforce orders of the Magistrates Court made because of the operation of this Part.

**38H—Relationship of this Part to this Act and other laws**

This clause provides that the provisions of the proposed new Part prevail, to the extent of any inconsistency, over other provisions of the SACAT Act or any other Act.

**38I—Enforcement, variation or revocation of purported orders**

This clause provides for the enforcement of purported orders of the Tribunal whether made before or after the commencement of proposed Part 3A that are invalid because of determination of the application that gave rise to the order involved the exercise of federal diversity jurisdiction. It also provides for the variation or revocation of such purported orders by the Magistrates Court as 'transferred proceedings'. It also provides for immunity in relation to actions or purported actions taken pursuant to, or in relation to the enforcement of, a purported order in good faith.

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

**CRIMINAL PROCEDURE (MISCELLANEOUS) AMENDMENT BILL***Introduction and First Reading*

Received from the House of Assembly and read a first time.

**FAIR TRADING (TICKET SCALPING) AMENDMENT BILL**

*Introduction and First Reading*

Received from the House of Assembly and read a first time.

At 18:11 the council adjourned until Thursday 21 June 2018 at 11:00.