LEGISLATIVE COUNCIL

Tuesday, 24 July 2018

The PRESIDENT (Hon. A.L. McLachlan) took the chair at 14:14 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.

Bills

CRIMINAL LAW CONSOLIDATION (DISHONEST COMMUNICATION WITH CHILDREN) AMENDMENT BILL

Assent

His Excellency the Governor assented to the bill.

STATUTES AMENDMENT (SACAT FEDERAL DIVERSITY JURISDICTION) BILL

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Flinders University Annual Report and Financial Statements—2017
Regulations under the following Acts—
State Procurement Act 2004—Riverbank Authority
Victims of Crime Act 2001—Fund and Levy—General

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

Corporation By-laws—
City of Mount Gambier—
No. 1—Permits and Penalties
No. 2—Local Government Land
No. 3—Roads
No. 4—Moveable Signs
No. 5—Dogs
City of Port Lincoln—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land
No. 5—Dogs
Regulations under the following Acts—
Urban Renewal Act 1995—Riverbank Authority Dissolution—General

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

Regulations under the following Acts—
Radiation Protection and Control Act 1982—Transport of Radioactive Substances—General
Youth Justice Administration Act 2016—Assessments

Question Time

AUSTRALIAN CRANIOFACIAL UNIT

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): My questions are for the Minister for Health and Wellbeing:

1. Since parliament last met, has the minister met with South Australian of the Year, Professor David David AC?

2. Has the minister given any assurances to Professor David that the government will not be implementing damaging changes to the Australian Craniofacial Unit and that his concerns would be addressed?

3. What action has been taken on this over the last two weeks?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): I thank the Leader of the Opposition for his question. Professor David David and I did meet since the parliament last sat. We met on 9 July to discuss his concerns. It would be fair to say Professor David had a range of concerns, but I think the most acute would be in relation to the recruitment process for visiting medical officers for the Australian Craniofacial Unit. In response to those concerns, I have commissioned an independent review of the recruitment process. It has been undertaken by a senior corporate services officer from the Department of Human Services. I have been advised that my office received the independent review of the recruitment process earlier today. I will consider the report and make a statement after I have considered it.

AUSTRALIAN CRANIOFACIAL UNIT

The Hon. K.J. MAHER (Leader of the Opposition) (14:29): A supplementary question arising from the answer: who conducted that independent review, and was that independent review addressing concerns that Dr Ben Grave, a senior oral surgeon, was pushed out of his position as a visiting medical officer at the unit without even an interview?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): The independent review, as I said, was undertaken by a senior officer, a corporate services officer, at the Department of Human Services. I understand that her name is Ms Melissa Kaharevic. Certainly, the request that I made focused on the selection process, which involved Dr Grave, and I look forward to those issues being addressed in the review. As I said, it was received earlier today in my office and I look forward to considering it.

AUSTRALIAN CRANIOFACIAL UNIT

The Hon. K.J. MAHER (Leader of the Opposition) (14:31): Supplementary arising from the original answer: is the minister aware of whether that review considered the position of Dr Ben Grave, and is the minister aware of any legal action in relation to that matter as well?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:31): Let's put it this way: if it doesn't address the concerns in relation to Dr Grave, it hasn't answered the questions I raised, so I certainly expect it to. I am advised that SA Health has had contact from Dr Grave's legal representatives.

AUSTRALIAN CRANIOFACIAL UNIT

The Hon. K.J. MAHER (Leader of the Opposition) (14:31): Further supplementary arising from the original answer: in relation to the Australian Craniofacial Unit, is the government completely committed to the Australian Craniofacial Unit being a multidisciplinary service?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:31): Yes, we are. The Australian Craniofacial Unit continues to be a multidisciplinary team, with access to all disciplines

within health, both at the Women's and Children's Hospital and the Royal Adelaide Hospital, and it continues to be guided by the manifesto written by Dr David. It continues to provide high-quality service under the new leadership of Dr Mark Moore.

AUSTRALIAN CRANIOFACIAL UNIT

The Hon. K.J. MAHER (Leader of the Opposition) (14:32): Supplementary: given the original question asked as to what action has been taken over the last two weeks, apart from an independent review about, as I think the minister has informed the chamber, a specific recruitment process, what actual action has the minister or his department taken in relation to Professor David's concerns over the last two weeks?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:32): Considering that the nub of Professor David's concerns related to the appointment process, it was certainly important for myself and the government to be assured that due process had been undertaken. I look forward to reading the independent review. I have certainly had discussions, too, with SA Health to assure myself that the Australian Craniofacial Unit is continuing to develop as a multidisciplinary unit with a, shall we say, whole-of-life approach. It is very important, in Professor David's vision, which the Australian Craniofacial Unit continues to live by, that people can be given cradle to the grave care.

AUSTRALIAN CRANIOFACIAL UNIT

The Hon. K.J. MAHER (Leader of the Opposition) (14:33): Final supplementary: given the high esteem in which South Australian of the Year, Professor David David AC, is held, will the government, if Professor David is amenable, re-engage him in an advisory capacity to ensure the unit maintains its world renowned status and follows the succession plan that he left?

The PRESIDENT: That is not a supplementary arising out of the original, but I will allow it because it is a line of questioning and the minister seems to wish to answer it.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:34): I never wish to divert from standing orders, but if that is your wish I would just indicate that the government is committed to continuing to engage Professor David and the broader clinical expertise in South Australia, whether they are within the Public Service or beyond. Whether or not particular clinicians are engaged on a remunerated consultancy basis is not something I will decide off the top of my head in the middle of parliament.

SA HEALTH

The Hon. K.J. MAHER (Leader of the Opposition) (14:34): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about health contracts.

Leave granted.

The Hon. K.J. MAHER: In a forum of the parliament yesterday and then again on ABC radio this morning, the new chief executive of the health department made a stunning revelation that he signed a tender to go to the government when he was the chief executive officer of the private health provider Silver Chain, and then the former chief executive officer of the private company Silver Chain who signed the tender document into government, in his new role as chief executive of the health department, signed that contract through to the Minister for Health. So, in effect, he signed it into government, came into government and then weeks later signed it over to the minister to approve the very same person.

The PRESIDENT: It's not a debate, Leader of the Opposition; get to your question.

The Hon. K.J. MAHER: My questions to the minister are:

1. Did the minister think it appropriate, when he approved this contract, that the briefing was signed by the same person who signed it into government when he was working in the private sector?

2. Does the minister believe that the chief executive has acted in line with his contractual responsibilities that he signed when he became the chief executive in doing so?

The PRESIDENT: Minister.

Members interjecting:

The PRESIDENT: Order! Let the—

Members interjecting:

The PRESIDENT: Leader of the Opposition, silence. Allow the minister to answer your question.

Members interjecting:

The PRESIDENT: It's not the time for commentary, Leader of the Opposition. It is not time for commentary. Listen to the minister.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:36): Mr President—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Don't defy me, Leader of the Opposition. Do not defy me.

The Hon. S.G. WADE: —I would explicitly not accept the implication in the Leader of the Opposition's question about Dr McGowan's involvement in the specific contract that is the subject of the question. I'm happy to take that—

Members interjecting:

The PRESIDENT: Order! I can't hear the minister.

Members interjecting:

The PRESIDENT: Leader of the Opposition, silence. Let the minister answer.

The Hon. S.G. WADE: My simple point is that RDNS Silver Chain has both Western Australian and South Australian operations, and I will take on notice whether or not Dr McGowan was involved in the—

Members interjecting:

The PRESIDENT: Leader of the Opposition, let the minister answer.

The Hon. S.G. WADE: —submission. Mr McGowan is the former chief executive of Silver Chain, of which—

Members interjecting:

The PRESIDENT: Leader of the Opposition, you have ample time to ask other questions.

The Hon. S.G. WADE: Mr McGowan is the former chief executive of Silver Chain, of which RDNS is a wholly-owned subsidiary. SA Health has been in commercial discussions regarding the provision of community care services by RDNS. The agreement for RDNS to provide community care services was approved through the appropriate procurement process. As is the usual process, a recommendation from the procurement panel was briefed through to SA chief executive Chris McGowan for his approval.

Upon receiving the procurement panel's brief and recommendations, Mr McGowan discussed the agreement with me as the Minister for Health and Wellbeing. While there were no suggested changes to the recommended service provider nor the services to be provided, Mr McGowan—

Members interjecting:

The PRESIDENT: Order! I can't hear the minister.

The Hon. S.G. WADE: Mr McGowan did discuss reducing the duration of the contract from a proposed three-year contract to a one-year contract. This was suggested so as not to tie up SA Health's resources for a long period of time. The Minister for Health and Wellbeing—that's me—agreed with his suggestion and a subsequent submission with a shorter duration was prepared and signed. Mr McGowan sought Crown legal advice and advised that the action was appropriate.

SA HEALTH

The Hon. K.J. MAHER (Leader of the Opposition) (14:38): I have a supplementary for the Minister for Health and Wellbeing—that's him—a supplementary to clarify the answer that he gave. The minister said that he discussed this agreement with the chief executive. Can he inform us when that was discussed? The minister said that some changes were suggested. Can he inform us of what further changes were suggested, or not, in relation to this agreement, and if any of those changes, that his new chief executive suggested to him in the discussion, were acted upon?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:39): I'm not aware of any other suggested changes. Let me be clear as to why the reduction.

The Hon. K.J. Maher: When did you discuss it with him?

The PRESIDENT: You've just asked your question, Leader of the Opposition. Allow the minister to answer, and then I may allow another supplementary.

The Hon. S.G. WADE: The relevance of the duration of the contract was in the context of a new government. Under the former government, we had seen a massive disinvestment in non-hospital-based care, a point that Dr McGowan specifically made in the Budget and Finance Committee yesterday. This government intends to significantly reinvest in out-of-hospital care and to do so in a way which engages a whole range of non-government providers, particularly with—

The Hon. I.K. Hunter: Which benefits his former company is the point you're not addressing.

The PRESIDENT: Order!

The Hon. I.K. Hunter: It benefits his former company, and you let him sign off on it.

The PRESIDENT: Order! Minister, continue.

The Hon. S.G. WADE: So the commitment of the government is to make sure we can reinvest in preventative and out-of-hospital care to provide better services to South Australians. To commit ourselves to three-year contracts with rights of renewal was, in the context of a new government, not the best approach. I agreed with the chief executive that to reduce the duration of the contract—

The Hon. I.K. Hunter: You're dancing around it; give us a straight answer. Did you know?

The PRESIDENT: Order, order!

The Hon. S.G. WADE: —to one year gave the government the opportunity to set its own priorities.

SA HEALTH

The Hon. K.J. MAHER (Leader of the Opposition) (14:41): For the sake of clarity, I will repeat the first part of the supplementary question. When did the minister have these discussions with his chief executive about this contract and about possible changes to this contract?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:41): I will take that on notice.

SA HEALTH

The Hon. K.J. MAHER (Leader of the Opposition) (14:41): Further supplementary, and I will try to make this as simple as possible for the minister. When the minister received the briefing and when he was discussing this, as he said he did, with his chief executive, that a contract be awarded to Silver Chain, did the minister at all think to himself, 'Wait a minute; this is the bloke who used to head the company; is there a conflict?'? Did the minister himself consider: is there a conflict?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:41): From the very first time that this issue was raised with me by Dr McGowan he made it clear that this was a matter that needed to be considered in the context of probity. That is explicitly why—

The Hon. K.J. Maher: Did you as minister think there could be a conflict?

The PRESIDENT: Order! Let him answer your question, Leader of the Opposition.

The Hon. S.G. WADE: That is explicitly why Crown law advice was sought.

SA HEALTH

The Hon. K.J. MAHER (Leader of the Opposition) (14:42): Supplementary: did you as minister turn your mind to whether there was a conflict or not?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:42): The chief executive highlighted potential conflicts of interest—

The Hon. K.J. MAHER: Point of order, Mr President.

The PRESIDENT: Sit down, minister. I'll listen to the point of order. What's the point of order?

The Hon. K.J. MAHER: The question asked nothing, nothing at all, about the chief executive. The question was only about what the minister thought. It had nothing to do with the chief executive, Mr President.

The PRESIDENT: Leader of the Opposition, be seated. I am not upholding your point of order. The minister has latitude and is attempting to answer your question. Minister.

The Hon. S.G. WADE: The chief executive raised these issues of conflict of interest, and we discussed them.

SA HEALTH

The Hon. K.J. MAHER (Leader of the Opposition) (14:42): Further supplementary arising from the original answer: so the minister thought it was appropriate that his chief executive be involved and be involved to the extent of discussing changes about a tender that he put in when he was in the private sector? The minister thought that was appropriate, did he?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:43): Considering that the RDNS has been a part of the South Australian community—

Members interjecting:

The PRESIDENT: Order! I cannot hear the minister.

The Hon. S.G. WADE: Considering that the RDNS, which is now called RDNS Silver Chain, has been part of the healthcare network provision in South Australia for decades—I wouldn't be surprised if it's more than a century—if the Leader of the Opposition is suggesting that because one of the current employees of SA Health has formerly worked for that organisation, that organisation can have nothing to do with SA Health services, he and I differ. The point of the matter is that people move in and out of government all the time. In doing so, they need to manage their conflicts of interest.

SA HEALTH

The Hon. K.J. MAHER (Leader of the Opposition) (14:44): Supplementary arising from the original answer and the question that was asked: did you think it was appropriate?

The PRESIDENT: Leader of the Opposition, you have asked that question. The minister has given the answer. The Hon. Ms Scriven.

Members interjecting:

The PRESIDENT: Leader of the Opposition, show courtesy to one of your own front bench.

The Hon. T.J. Stephens interjecting:

The PRESIDENT: Hon. Mr Stephens, don't encourage the Leader of the Opposition. Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, you are showing gross disrespect to the Hon. Ms Scriven.

NORTHERN ADELAIDE LOCAL HEALTH NETWORK

The Hon. C.M. SCRIVEN (14:44): My question is to the Minister for Health and Wellbeing. Will the minister confirm that no-one in the state government completed so much as a two-minute Google check before signing Mr Ron Pearson's appointment as chief executive of the Northern Adelaide Local Health Network?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:45): I'm not in a position to confirm that.

The PRESIDENT: It's going to be a long bow to have a supplementary, but I will listen to it.

NORTHERN ADELAIDE LOCAL HEALTH NETWORK

The Hon. C.M. SCRIVEN (14:45): A supplementary arising from that very brief answer: was the minister informed of allegations and investigations regarding Mr Pearson's role in New Zealand before he was appointed to be the NALHN CEO?

The PRESIDENT: The Hon. Ms Scriven, that's a totally new question. You might want to consider it later on in this question time. I'm not going to allow it.

NORTHERN ADELAIDE LOCAL HEALTH NETWORK

The Hon. I.K. HUNTER (14:45): A supplementary arising from the very brief answer: why is the minister not in a position to answer that question? Doesn't he know?

The PRESIDENT: I will allow that question.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:45): The question, as I understood it, was whether I was in a position to advise the council whether anybody in government had done a Google search? I'm sorry; I haven't asked everybody in government whether they have done a Google search.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Stephens, you have the call.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Stephens, the chamber awaits your question.

REGIONAL TOURISM

The Hon. T.J. STEPHENS (14:46): Thanks, Mr President. When the chooks calm down, I can get on with it. My question is to the Minister for Tourism. Can the minister please update the chamber on his recent week of tourism workshops and industry engagement in the Flinders Ranges, the outback and Eyre Peninsula regions?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:46): I thank the honourable member for his ongoing interest in the Flinders Ranges, the outback and Eyre Peninsula. It was a privilege doing what I love most: getting back into South Australia's regions. I had a week of travelling through the Flinders. I went to Marree, Coober Pedy, Southern Flinders Ranges, Upper Spencer Gulf and Eyre Peninsula. It was a rigorous program of seven tourism industry workshops, site visits and meetings with small and large operators in trade, tourism and investment.

I was excited by the new range of new activities and offerings throughout these regions, all encouraging visitation and contributing to South Australia's regional economy, which, of course, from a tourism perspective, is now at $6.7 billion in visitor expenditure. Our 2020 target of $8 billion is projecting that 44 per cent of that will come from the regions. It is important that the government continues to engage with regional South Australia as we already have been.

We had a great turnout at the regional workshops. Several consistent themes arose across them. I am heartened to see that the regional visitor strategy has really been effective in capturing those things. The themes included, for the members' benefit, getting visitors to stay another day and showcasing our national parks with new access and investment opportunities.

The Hon. Mr Hunter was the minister in the previous government, and I think he had a bit of a passion for some nature-based tourism, and the new government is taking it to even higher levels. Other key themes were acknowledging that tourism is a long-term career path and making the most of our rich Indigenous history and culture. I think that's something that South Australia really needs to focus on.

Roads and blackspots was also a theme. Of course, this current government is addressing the blackspot funding and trying to solve some of the spots from an information point of view and a public safety point of view. Unfortunately, the previous government did not do so.

Some of the other highlights were in Hawker. I would recommend Mr Geoff Morgan's Panorama in Hawker to anybody. Of particular interest, I went to William Creek with Trevor Wright and had a look at the beautiful Painted Hills at Anna Creek Station, which is something now, with that property leaving the Kidman empire and going to the Williams family, that they are going to open up for some tourism opportunities. I would suggest to all members in this chamber, if you can get to the Painted Hills of Anna Creek Station, you should. It is truly a world-class destination.

Another thing was Faye's underground home in Coober Pedy, which was particularly interesting. A trailblazing female miner and two of her friends developed a mine and had a particular influence on Coober Pedy's development. Another interesting place I went to was the Arkaba Station. I was able to experience a sort of safari. I have seen millions of galahs and millions of kangaroos over my journey. Sometimes I see people acting like galahs in here. But this African safari experience, looking at our South Australian wildlife, was truly exceptional. It took it to another level. It really made me realise that on our doorstep we have even more natural assets than I realised, and to showcase them the way Brendon Bevan does is truly spectacular.

Of course, we went over to Eyre Peninsula and through Whyalla and down through Eyre Peninsula. I was pleased to see Andrew Puglisi and his mussel operation now having mussels cooked in a bag. They now have a shelf life of over nine months and they can now export them to the world, whereas live mussels did not have that shelf life before. I think that provides some really good opportunities.

I went to Ceduna to the art gallery where the incredibly talented Indigenous artists are selling their products to the world and promoting South Australia's Indigenous culture. That, again, was spectacular, the quality of the work. I found that, the Arkaba Station and the Painted Hills the three exceptional things that I saw during that trip.

We had a lot of people engage with us. Every operator was passionate about what they do, trying to make a difference for South Australia, to grow the economy and employ people in local regions, and this government is proud of the work that we are doing to support those regional people. They will continue to grow their businesses and we acknowledge everybody in regional South Australia who makes tourism the industry that it is and grows our regional economies.

REGIONAL TOURISM

The Hon. T.J. STEPHENS (14:51): Supplementary question: minister, you mentioned that you visited Whyalla. How was the mood with tourism operators in Whyalla, given the difficulties that they have been through over the last couple of years?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:51): I thank the honourable member for his supplementary question. It was a mixed reception. There have been some difficulties, there is no question of that, especially with the problems with Arrium. There were some operators being a little more optimistic, but certainly those who entertained the corporate part of OneSteel were still feeling somewhat shaken from it all. But I think they are optimistic that Whyalla has turned a corner and some opportunities are there. It was a little bit tough.

I saw the Hon. Frank Pangallo's good friend, Tom Antonio, up there. He sends his best wishes back down to his friend in the chamber here. As people know, Tom is always up-beat. He was excited about everything, and maybe at that forum Tom started his mayoral campaign, too. He took the floor away from me for a few moments while he wanted to talk up his own achievements for the community.

I think Whyalla is still struggling but there are some really good opportunities and I think there are now people starting to look at the opportunities in the hinterland around Whyalla. So while it is still a little bit nervous—but even the aged-care providers there are saying that they want to make sure that they have tourism offerings regionally for when people come to visit their ageing parents and relatives, so that tourism is about the whole community. I think that is one thing that these tourism workshops demonstrated, that the whole community is interested in growing tourism in regional South Australia.

NUCLEAR WASTE

The Hon. M.C. PARNELL (14:52): I seek leave to make a brief explanation before asking a question of the Treasurer about nuclear waste financial incentives.

Leave granted.

The Hon. M.C. PARNELL: The federal government has increased the financial incentive for one of two communities in South Australia to be home to a national nuclear waste dump. The two South Australian communities that have been selected to potentially house the waste dump are at Hawker and Kimba. The $31 million community development package was announced by federal Minister for Resources Matt Canavan last week. The previous offer was $10 million.

In announcing the so-called enhanced package, Senator Canavan said that $20 million would be made available to deliver long-term infrastructure projects in the host communities. I note that the offer has already been rejected by Aboriginal community members. One of the Adnyamathanha traditional owners, Regina McKenzie, has described the offer as nothing more than a bribe ahead of the community vote on 20 August, and this is in spite of the fact that the offer includes up to $3 million over three years for Indigenous skills training and cultural heritage protection. My questions of the Treasurer are:

1. Does the minister agree that the commonwealth is seeking to bribe struggling South Australian regional communities and Indigenous communities to encourage them to host unwanted and long-lived intermediate level nuclear waste from Lucas Heights in New South Wales?

2. What discussions has he or his department had with minister Canavan or with federal officials about this proposed $20 million infrastructure fund, given that all of these funds would be spent in South Australia?

The Hon. R.I. LUCAS (Treasurer) (14:54): In relation to the second question, I have had no discussions with minister Canavan. In relation to whether there have been any discussions at officer level, I would need to take that on notice and take advice. I have certainly not been briefed that there have been any, but I will take that question on notice.

In relation to the first question, no, I don't see the issue being characterised fairly as bribery. The Hon. Mr Parnell travelled far and wide, I seem to recall, through France and Finland on an extensive overseas investigation, with other members of parliament, including myself. He will be familiar with the experience in some of those communities in France, in particular, and in Finland where the respective governments provided financial contributions, whether by way of grant or infrastructure development, to those particular communities. I must confess, I can't remember the exact detail as to whether they were conveyed directly by the federal government or whether they went via the equivalent to local government in those particular communities. The honourable member will recall the examples to which I refer.

It is a common practice that governments have provided benefits through community infrastructure. I think even one particular establishment that the honourable member may have dined at may well have been as a result of a benefit that the commonwealth government or a government had actually provided to a local tourism or hospitality establishment, and it was able to provide tourism and hospitality services in that particular community in some part as a result of a financial benefit that had been provided as part of that particular package.

So I don't think it would be fairly characterised as bribery; that has connotations of illegality and unlawfulness. I am sure the honourable member, as a lawyer, would be aware of the connotations to which he seeks to infer by the use of that particular pejorative word.

The Hon. M.C. Parnell: I didn't make the word up.

The Hon. R.I. LUCAS: No, I know you didn't make the word up. The word exists, but the member used the word. So I don't think that would be a fair characterisation. Certainly, the experience that he would have seen in other jurisdictions and other countries around the world—whilst I am not aware of the actual detail of this particular package, it would nevertheless be consistent with the general approach that governments around the world have done to say, 'Hey, if the community votes for this particular facility to be provided in their community, what is in it for the community?' in terms of taking that particular facility on and providing that service to either the South Australian community or, in this case, to the Australian community.

As I said, in relation to the other part of the question, we will take it on notice and see whether there have been any discussions about the detail of the particular offer that might have been made.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. R.P. WORTLEY (14:58): My question is to the Assistant Minister to the Premier. Did the Assistant Minister to the Premier meet with selected members of the Indian community this past Sunday at an Indian restaurant on Henley Beach Road?

The Hon. J.S. LEE (14:58): Yes, I did.

The Hon. R.P. WORTLEY: Supplementary.

Members interjecting:

The PRESIDENT: I am interested; I am not necessarily going to allow it.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. R.P. WORTLEY (14:58): Did the assistant minister introduce Dr Sridhar Nannapaneni as a new member of the SAMEAC board?

The PRESIDENT: It doesn't arise out of the answer. It can be another question.

The Hon. R.P. WORTLEY: This is in relation to the content of the function and the meeting.

The PRESIDENT: I appreciate your concern, Hon. Mr Wortley, but the question was whether the assistant minister went to a particular function, and the minister answered yes. You didn't ask what they did at the function, and that was an option. When the next opportunity arises, feel free to ask that question. The Hon. Ms Lee, you have the next question.

DISABILITY EMPLOYMENT

The Hon. J.S. LEE (14:59): My question is to the Minister for Human Services about the Disability Employment Forum. Can the minister please inform the chamber about the recent Disability Employment Forum and outline the opportunities available for employment and career development for people with disability?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:59): I thank the honourable member for her excellent question. Employment is one of the most significant issues facing Australians with a disability. The Australian Bureau of Statistics 2015 Survey of Disability, Ageing and Carers identified that some 53 per cent of working-age people with disability participated in the workforce, compared with 83 per cent of people with no reported disability. Australia ranks 21st out of 29 in the OECD countries for participation of people with disability in employment. Forty-five per cent of people with disability in Australia live on or below the poverty line, with a weekly median income of $465, which is less than half that of people with no reported disability ($950).

The data dashboard compiled by the South Australian Office for the Public Sector indicates that, in 2017, employees with disability comprised only 1.4 per cent of the public sector workforce. Figures for local government and the private sector aren't available. Although the primary responsibility for the provision of targeted income support and employment initiatives lies with the commonwealth government, state and local governments are major employers and can lead by example in providing employment and achieving workplace equality for people with disability.

In South Australia, the Department of Human Services, through the Disability Policy Unit, continues to support the introduction of disability access and inclusion plans by state government agencies, which aligns with the National Disability Strategy 2010-2020, with outcome areas including strategies and actions to improve employment for people with disability. It's a key component of the recently passed Disability Inclusion Act, which requires overarching disability inclusion plans.

I was pleased that the Disability Policy Unit hosted a forum on 13 July to prepare public sector agencies and local governments to comply with the act and the requirement to develop their disability action inclusion plans, including strategies to improve employment outcomes for people with disability. Speakers included representatives from the South Australian Office for the Public Sector, the Victorian public service commission and Job Access.

I had the privilege of opening the forum, and there was a welcome from Mr Richard Bruggemann, who is well-known as a professorial fellow and a long-time employee of the state government and a very experienced person in terms of driving disability policy. Data was outlined by Mr Frank Turner, who, again, is a long-term employee of the department. Ms Erma Ranieri spoke as the Commissioner for Public Sector Employment.

There was a range of people who attended. I was pleased to see that local government and state government were well represented. I think it was a very useful forum to expose some of the opportunities that state and local government have in providing opportunities for people with a disability. I look forward to further forums as we roll out the access and inclusion requirements under the new legislation.

DISABILITY EMPLOYMENT

The Hon. C.M. SCRIVEN (15:03): Given the stated importance from the minister for jobs in this area, does the minister support the state government's decision to cut funding to career services, given that those services assist people into jobs to do with disability and those people may be those who are not eligible for assistance provided under federal programs?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:03): I am not familiar with career services. I am assuming that falls under the responsibilities of my colleague the minister for employment, so I will take that question on notice.

NON-VIABLE FARMING LAND

The Hon. J.A. DARLEY (15:03): I seek leave to make a brief explanation before asking the Minister for Trade, Tourism and Investment, representing the Minister for Planning, a question regarding non-viable farming land.

Leave granted.

The Hon. J.A. DARLEY: When the Planning, Development and Infrastructure Act was proposed in 2016, the environment and food production areas were established with the intention to protect our vital food and agricultural areas in this state. Protecting these areas protects our food security, economic growth and local jobs.

However, a number of issues have now made broadacre farms that are used for cropping or grazing non-viable in the peri-urban areas within certain areas of the EFPAs, such as in the Barossa region. These issues include land area of properties being too small to enable viable operations, access restrictions to land, limited access to irrigation water, and restrictions on the operation of some farming practices for properties adjacent to housing or sensitive crops.

Owners of these properties find that they are stuck between a rock and a hard place, as their land has become non-viable for farming and there is little value in the land for anything else, especially as the land cannot be subdivided for residential or other purposes. There is also very little potential for the land to be subdivided for agricultural purposes because of the lack of access to underground water. Essentially, their livelihood has been severely damaged and the value of their land has dramatically declined. Given the above, my questions to the minister are:

1. What consideration has been given to landowners in this position?

2. Has any consideration been given to providing a reasonable and equitable exit strategy for these owners?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:05): I thank the honourable member for his question. I think the best solution would be for me to take that on notice and refer it to the minister in the other chamber and bring back a reply.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. R.P. WORTLEY (15:06): Did the Assistant Minister to the Premier, at the function she hosted on Sunday—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.P. WORTLEY: —introduce Dr Sridhar Nannapaneni as the new—

Members interjecting:

The PRESIDENT: Order! Can the members on the government benches be quiet. I cannot hear the member ask his question.

The Hon. R.P. WORTLEY: There is only one assistant minister.

The Hon. R.I. LUCAS: Point of order: the member might be a new member perhaps, but he needs to seek leave to make an explanation prior to directing a question to a person, and it would be useful for the house to know to whom he is directing his question.

Members interjecting:

The Hon. R.P. WORTLEY: I think the Leader of the Government ought to be pulled into order.

The PRESIDENT: I am not engaging in a conversation. The Hon. Mr Wortley, you didn't direct where your question was going; that is fair. Before I can make a ruling whether leave is required, I need to hear your question.

The Hon. R.P. WORTLEY: That would be right.

The PRESIDENT: Who is the question being delivered to?

The Hon. R.P. WORTLEY: The question was to the minister assisting the Premier. There is only one minister assisting the Premier, and that would be the Hon. Ms Jing Lee.

The PRESIDENT: Thank you.

The Hon. R.P. WORTLEY: Did the assistant minister, at the function she hosted on Sunday at an Indian restaurant, introduce Dr Sridhar Nannapaneni as a new member of the SAMEAC board? Did any of the people present express their concern about the lack of consultation in appointing Dr Nannapaneni? Thirdly, did you indicate that it was too late for consultation, as he had already been appointed, but that he or you would look after them with grants?

The Hon. J.S. LEE (15:07): I thank the honourable member for his questions. First of all, I would like to clarify that the function was actually not hosted by myself. The members of the Indian community were invited by Dr Sridhar Nannapaneni himself as a new SAMEAC member. It was an invitation by Dr Nannapaneni so that he could conduct his own consultation and stakeholder engagement in his own right. I think it is a great initiative.

The Indian community members attending the event have praised how wonderful it is that for the first time for a long time they were actually able to have different community leaders coming together united in one voice to meet a new SAMEAC member. That has never happened before, not with the previous appointee that the previous government had. I wonder what the question was all about. I think it is a great stakeholder engagement process. There will be more to come in the future.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. R.P. WORTLEY (15:09): Supplementary: did any person at that function indicate and express their concern at the lack of consultation on the appointment? Secondly, was it stated that it's too late for public consultation, he had already been appointed, and that they would be looked after by either him or yourself with grants? They are the questions: yes or no?

The Hon. J.S. LEE (15:10): No and no.

MENTAL HEALTH AND SUICIDE PREVENTION

The Hon. J.S.L. DAWKINS (15:10): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding mental health and suicide.

Leave granted.

The Hon. J.S.L. DAWKINS: Members of the council will know of my long support for suicide prevention for all South Australians and of my current work as the Premier's Advocate for Suicide Prevention. Some will also be aware of my long association with the Newcastle-based Everymind, formerly the Hunter Institute of Mental Health, and its highly regarded Mindframe program. Will the minister update the council on initiatives to reduce the stigma related to mental health and suicide?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:10): I thank the honourable member for his question and acknowledge his long-term work on suicide prevention amongst South Australians. The former Labor government was not committed to comprehensive suicide prevention because they failed to adequately plan and fund mental health services. The Marshall Liberal government, on the other hand, has made a strong commitment to change in that area. The government is committed to redressing the imbalance and working with the community and with key stakeholders in their efforts.

In that regard, I would particularly like to pay tribute to the efforts of the mental health commissioner. Earlier today and yesterday, there were two fora to promote the importance of language in relation to mental illness and suicide. Last night, over 80 media professionals, communications leaders, lecturers and students attended the Walking through a Mindfield forum. I understand there may have been some members of the chamber there: the Hon. Tammy Franks, I understand, and the Hon. John Dawkins were also present.

This morning, I had the pleasure of launching the Mind Your Words forum specifically for members of parliament, both electorate and ministerial, at Parliament House. Both forums were organised by the SA Mental Health Commission and featured presentations by Mindframe to encourage responsible, accurate and sensitive representations of mental illness and suicide in the Australian media.

The Mental Health Commission is undertaking these fora and many other events and projects as it implements the SA Mental Health Strategic Plan 2017-2022. A core strategy of the plan is to strengthen mental health and wellbeing through prevention and early intervention as well as to improve awareness and reduce stigma.

Mental illness is very common, with 45 per cent of Australians experiencing a diagnosable mental illness in their life. The way we speak and write about mental illness and suicide impacts us all and it impacts our communities. Words have the power to reduce stigma and promote empowerment for those experiencing mental ill health. The use of emphatic and non-judgemental language makes it safer to talk openly about mental health and encourages people to get support early. Rather than hiding mental illness or feeling ashamed, people will hear the message that recovery is not only possible, but likely. That's why forums such as these are important. The forum for media professionals attracted almost 100 attendees for the Mindframe presentation.

I would like to thank all of the media professionals who were involved, including university lecturers and students. This morning's forum for MPs and staff was a bipartisan event and attracted MPs and staff from across the state. In that context, I thank two members from the other place: Sam Duluk, the member for Waite, and Mr Blair Boyer, the member for Wright, and from this place the Hon. John Darley, who jointly hosted this important event.

The forum addressed the use of language in relation to mental illness, in speeches, media releases, interaction with constituents and social media posts. MPs and staff also received advice on self-care, which is particularly important today because we know that mental health is as important as our physical health. I encourage all of us, our staff and all South Australians to take care of their mental health and wellbeing so they can cope with daily challenges, build healthy relationships and work productively. I encourage all members and staff to utilise the resources currently available on the SA Mental Health website in relation to language and self-care.

COMMUNITY SWIMMING POOLS

The Hon. F. PANGALLO (15:14): I seek leave to make a brief explanation before asking a question of the Minister for Human Services, the Hon. Michelle Lensink, about the future of community swimming pools.

Leave granted.

The Hon. F. PANGALLO: Last week, I received a call from a distressed constituent, Joanne Dalton, who runs the SwimSafe Swim School at the Strathmont Centre at Oakden, telling me that, as a result of an audit by SafeWork SA, the pool will be decommissioned and her lease would not be extended beyond 31 January 2019. Unless Mrs Dalton finds an alternative venue, it could mean the closure of her 40-year-old swim school, which employs 25 staff, provides water safety lessons to 700 children each week, and over the course of its history has taught many thousands of children vital survival skills.

As a matter of interest, in 2016-17, South Australia recorded 15 deaths by drowning (or 5 per cent of the Australian total). The pool is, of course, used by others in the community, including hydrotherapy programs for the elderly and disabled. My question to the minister is:

1. Considering the many people reliant on this facility, is the government going to assist them finding or providing an alternative, or consider a further extension to SwimSafe school to the end of term 1, 2019, which is 12 April, to enable Mrs Dalton to fulfil the school's commitments?

2. What other pools are to be decommissioned because of SafeWork SA audits?

3. Will the government release the audit compiled by Recreation SA on all swim centres around the state?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:16): I thank the honourable member for his question. In relation to any audits and those matters, I will have to take those particular questions on notice and refer them to one of my colleagues in another place for a response. I assume the honourable member is referring to the particular pool at Strathmont Centre, about which I also received correspondence from Mrs Dalton, and I thank her for her letter.

The Strathmont Centre, if honourable members are not aware, is a site located at Oakden, which is currently still known as the Strathmont Centre but is the former Intellectual Disability Services Council congregate accommodation service. There is now one individual still residing there, and steps are being taken to relocate him to more suitable accommodation, given that we no longer support (and have not supported for some decades) institutions as appropriate places for people with disabilities to be accommodated.

The pool has remained on site since and is not available to the public. However, it has been made available to organisations, including the one to which the honourable member has referred. My department advises me that any of the pool users have had short-term contracts, given the situation of Strathmont Centre being in the process of decommissioning, but also because the pool itself is ageing and is not suitable for use in the long term.

The letter I received referred to an audit that had been undertaken—that is correct, I agree with that—and some works were done, but additional works would be required to continue to make the pool usable into the future. My department has also undertaken to work with the existing users to try to find alternatives for them.

They were providing six-month contracts. They provided notice to all of the current users with more than six months' notice in order to facilitate that process, and I am sure they will continue to work with all of the users to assist them as this particular pool is not to be used in the long term.

COMMUNITY SWIMMING POOLS

The Hon. F. PANGALLO (15:19): I have a supplementary arising from that: given there is just one resident at the Strathmont Centre, does the government now intend to sell off the property to developers?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:19): No decisions have been made about the Strathmont Centre at this stage.

NATIONAL DISABILITY INSURANCE AGENCY

The Hon. E.S. BOURKE (15:19): My question is to the Minister for Health and Wellbeing. Does the minister agree with SA Health's chief executive Dr McGowan's comments on Monday that the state government will only lobby the National Disability Insurance Agency and not the commonwealth government when it comes to the NDIS funding, and what is the minister's view on this?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:19): I certainly take the view that this government should be lobbying the federal government. That is why when I met with the federal Minister for Health Greg Hunt last week I specifically raised that matter. That is also why I put it on the COAG agenda for 2 August.

With all due respect to Mr McGowan I think there is more than one way to advocate for South Australians with mental health issues. I can understand why he wants to lobby the NDIA because I am hearing significant issues in the way the NDIA is understanding its mandate and delivering its services. I also believe the federal government should be held accountable for its continuity of care obligations, and I will continue to do so.

NATIONAL DISABILITY INSURANCE AGENCY

The Hon. K.J. MAHER (Leader of the Opposition) (15:20): Supplementary arising from the answer: given the different views that the minister and his chief executive have, will the minister undertake to the chamber that he will discuss this issue and pull his chief executive into line?

Members interjecting:

The PRESIDENT: Order! Let the minister speak.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:21): I find it hardly surprising that my lead bureaucrat would see bureaucratic opportunities to pursue change. I find it hardly surprising that myself, as a politician, sees political opportunities to pursue change.

WRIGHT ELECTORATE OFFICE

The Hon. D.G.E. HOOD (15:21): I seek leave to provide a brief explanation before asking the Treasurer a question about electorate offices.

Leave granted.

The Hon. D.G.E. HOOD: We have heard a number of allegations, both in the media and in this place, about the electorate office of the member for Wright and how he has somehow been allegedly disadvantaged. Would the Treasurer update the chamber on the status of the office for the member?

The Hon. R.I. LUCAS (Treasurer) (15:22): I thank the honourable member for his question. As I outlined when the question was asked some time ago in this chamber on this particular issue, the solution was in the hands of the former treasurer when he was advised in I think April of last year by bureaucrats within the Treasury department that a number of electorates, as a result of the redistribution, would not have electorate offices within them and that it would be sensible to start the planning for trying to find electorate offices in these particular electorates.

For whatever reason, and I guess the question can only be directed to the former treasurer, the former treasurer did not approve that particular recommendation. As a result of that, members like the member for Wright, the member for Hurtle Vale and others, were left disadvantaged because

it was really only when a new government was elected that we were able to commence the task of trying to find electorate offices for these particular disadvantaged members.

The member for Wright, for some bizarre reason, felt that he owned the office that was not in his electorate but in the Golden Grove shopping centre which was actually in the electorate of King, and seemed to think he had some God-given right to possess, own and inhabit that particular office. Whilst the member for Wright was a former ministerial staffer and adviser, he didn't realise that he was no longer—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —in the position to make decisions. He was no longer in the position to make these particular decisions.

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order, Mr Hunter! Order!

The Hon. R.I. LUCAS: The member for Wright—

Members interjecting:

The PRESIDENT: Order, Mr Hunter! I can't hear the Treasurer. That includes you, Hon. Mr Ridgway.

The Hon. R.I. LUCAS: The arrogance of the member for Wright, because he happened to be a former ministerial staffer, to think that he had the God-given right to say, 'I'm going to go into somebody else's electorate and I'm going to take possession of the electorate and that particular member, who happens to be the elected member for King, can go off and find another particular office.' That's the sort of arrogance, sadly, which resulted in the former government and former ministers being turfed out of office because the people of South Australia were unprepared to accept that sort of arrogance.

The new government set about the task which should have been set about by the former treasurer when he was asked to do so in April of last year. We have found a very good office in the suburb of Salisbury for the member for Wright. For some reason, the member for Wright seems to have a preference not to be in the suburb of Salisbury. He would prefer to be in the leafier areas of his electorate, closer to Golden Grove. For some reason, he has some aversion to having an electorate office in the area of Salisbury in his electorate. We looked at another electorate office in the area of Salisbury and we offered that as a particular option, and he had an aversion to that particular offering.

We agreed, okay, it was not on as a big a road or a main road as the honourable member wanted, and we did not pursue that particular option. But, he continued to want to have an office not in his electorate but a temporary office in a neighbouring electorate, in the Golden Grove shopping centre. I don't know what the member has against the constituents of Salisbury, but I can assure him they deserve representation as much as the constituents in the other leafier sections of his particular electorate.

It is a very good electorate office, and he should be very grateful that the new government and the new Treasurer set about the task of finding him an appropriate office in his electorate. He will have an office as soon as we are able to do so, and he will be able to represent his constituents in the electorate of Wright in the manner to which they are entitled.

WRIGHT ELECTORATE OFFICE

The Hon. T.A. FRANKS (15:27): Supplementary: is the Treasurer aware that the suburb of Salisbury East is indeed a very different suburb from the suburb of Salisbury and, in fact, Mr Boyer's electorate office is in Salisbury East, the far leafier part of Salisbury? Clearly, he just misled the house.

The Hon. R.I. LUCAS (Treasurer) (15:27): I am aware that the electorate office is in the suburb of Salisbury East.

WRIGHT ELECTORATE OFFICE

The Hon. K.J. MAHER (Leader of the Opposition) (15:27): Supplementary: is the Treasurer able to outline what consultation was taken with the member for Wright about the location of his electorate office? Is the Treasurer aware of whether the member was informed about where his electorate office would be and the lease had been signed, rather than the media informing the member for Wright that the government had done this without telling him?

The Hon. R.I. LUCAS (Treasurer) (15:27): I am, and much of what the Leader of the Opposition has just said is wrong, factually incorrect. There have been extensive discussions with the member for Wright about potential offices. There was, as I said, extensive discussion about another office at the Salisbury end of his particular electorate, and, as I explained earlier, we did not proceed with that. He continued to want a temporary office in the Golden Grove shopping centre or another particular option at the other end of the electorate, which we did look at and explored in terms of a temporary office, but eventually it was leased to another prospective tenant.

There were extensive discussions in relation to this particular issue. The member for Wright was consulted at every step of the way by the appropriate officers within Electorate Services in Treasury about this particular office. He had meetings with representatives of the landlord, he had meetings with members of the Electorate Services team within Treasury and he had extensive discussions. He had extensive correspondence both with Electorate Services within Treasury and indeed the occasional letter with myself.

Mr President, Electorate Services rang and left a message, but it went to voicemail, for the member for Wright on the same morning that a press announcement was made in relation to the successful establishment, or the successful finding, of a new electorate office for the member for Wright. We are going to set about the task, over the coming weeks and months, of renovating it to the standard the member for Wright would wish so that he can represent his electorate.

WRIGHT ELECTORATE OFFICE

The Hon. K.J. MAHER (Leader of the Opposition) (15:29): Further supplementary: did the Treasurer or, to his knowledge, anyone from his office inform the media that this lease had been signed before the member was informed?

The Hon. R.I. LUCAS (Treasurer) (15:30): I don't know whether the Leader of the Opposition is hard of hearing. I have already indicated that on the same morning—

Members interjecting:

The Hon. R.I. LUCAS: I don't believe the lease has actually been signed yet. I will check that, but there is an agreement to proceed—

The Hon. K.J. Maher interjecting:

The PRESIDENT: You have asked your question, Leader of the Opposition. Let the Treasurer answer.

The Hon. K.J. Maher interjecting:

The Hon. R.I. LUCAS: I am about to give you every detail, if you like.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, just be quiet for a moment.

The Hon. R.I. LUCAS: If you would like to be quiet for a millisecond, I will give you the answer to your question. If the leader could actually stay silent, sit still for a millisecond, breathe deeply, I will give him the answer to the question he has put. On the same morning that the media were advised, a voicemail, a number of attempts by Electorate Services to contact the member for Wright were made—

The Hon. I.K. Hunter: Because he hasn't got an office.

The Hon. R.I. LUCAS: Telephone? Have you ever heard of a telephone?

The Hon. I.K. Hunter: He hasn't got an office to ring.

Members interjecting:

The Hon. R.I. LUCAS: Have you ever heard of a mobile phone? You have not heard of a mobile phone? At the same time, on the same morning, an attempt was made to speak to the member for Wright. A voicemail message, I understand, was left with the member for Wright to indicate that the government was proceeding.

Prior to that, contrary to the claims the member for Wright has made that he wasn't consulted, he was consulted all along the way. In fact, he expressed concern that he didn't really want his electorate office in the suburb of Salisbury East. He didn't want his office there. He wanted still to have a temporary office in somebody else's electorate in the leafy suburb at the Golden Grove shopping centre.

Members interjecting:

The Hon. R.I. LUCAS: Let me just conclude by saying to the former ministers, Mr Hunter and Mr Maher, they are no longer in government. It is a new government and the new government makes the decisions, not former ministerial staffers.

Members interjecting:

The PRESIDENT: Order! The time for questions without notice has expired.

Ministerial Statement

CROSSMAN, MR G.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:32): I table a copy of a ministerial statement on the retirement of MFS chief officer, Mr Greg Crossman, on behalf of the Minister for Police, Emergency Services and Correctional Services from another place.

Bills

SOUTH AUSTRALIAN PRODUCTIVITY COMMISSION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 June 2018.)

The Hon. J.A. DARLEY (15:33): This bill will establish a productivity commission, which will look at improving South Australia's economy by improving productivity. I understand this was an election commitment by the government to establish a productivity commission for the betterment of South Australia.

Whilst I put my support for a productivity commission on the record, I have some concerns which are partially addressed by the opposition amendments and also by amendments I have filed. Currently, the government's bill only allows the commission to look at matters which are referred to them by the relevant minister. This could lead to the government pushing their own agenda without the commission being able to independently look at matters which they believe are of merit. The opposition has suggested allowing either house of parliament to refer matters to the commission, and I am supportive of this.

Furthermore, I have filed amendments which would allow the commission to investigate matters of competitive neutrality on their own initiative. This clause is similar to that which exists in the federal Productivity Commission Act whereby a person can complain to the commission if they believe there is an issue regarding competitive neutrality. I have also filed an amendment which would oblige the government to provide a response to the commission's reports. That is to say that the government must indicate whether they agree with the recommendations or not and what they will be doing about it, if anything. My final amendment would cause a review of the act to be undertaken three years after commencement to see if improvements or modifications to the act need to be made. I support the bill and look forward to progressing it in the chamber.

The Hon. T.T. NGO (15:35): I rise to offer some thoughts on this bill and to reiterate some of the concerns that my Labor colleagues have raised in the other place. We are all aware that the establishment of a state-based productivity commission was a long-held policy of the state's Liberals while they were in opposition. While it is admirable that they are holding themselves to account on this promise—and I also acknowledge that states like New South Wales and Queensland have a similar body—I still have some concerns about its effectiveness. The most obvious concern I would raise is that we are looking at potentially adding another level of bureaucracy whose advice could largely end up being ignored for one reason or another.

A perfect example of this, and one I want to focus on in my contribution here, is the federal Liberal government's response to the national Productivity Commission's report into the distribution of GST to the states which was released recently. The Productivity Commission's recommendations saw South Australia standing to lose what our Treasurer, the Hon. Rob Lucas, said would be around $500 million a year. The formula favoured by the Productivity Commission in this instance was in the Treasurer's words 'disastrous'. State Labor has long supported the maintenance of the current system of GST distribution.

I would argue that the report provided by the Productivity Commission did not consider all the economic evidence and devalued the notion of horizontal fiscal equalisation (HFE). Disappointingly, it recommended that the objective of the HFE system should be refocused to provide the states with the fiscal capacity to provide services and associated infrastructure of a reasonable, rather than the same, standard.

A complete lack of focus was taken by the Productivity Commission on the wasteful spending of the Western Australians during their mining boom. I have talked about this issue in this place previously. The Western Australian government, having run a budget in structural deficit for many years, having wasted the mining royalties on unproductive spending instead of investing in real productivity growth, is now left with an almost $40 billion debt with their terms of trade only now starting to head back in their favour but still below the record levels of the boom years.

A breakdown of tax figures covering the mining boom from 2003-04 until 2014-15 shows that a record number of communities saw their average income at least double in Western Australia. Furthermore, over the four years to 2015-16, WA's per capita gross state product averaged almost $97,500. That is almost $30,000 per head or 44 per cent above the average for all states and territories.

There has not been another occasion in Australia's history where one state has been so much richer than the rest of the country as WA had been since the early 2000s. In essence, the system of HFE and the subsequent carve-up in GST worked exactly as it should have; therefore, any recommendations provided by the Productivity Commission should have reflected this.

It was that very activity in Western Australia's mining industry that led to high interest rates and high national currency, which has plagued South Australia's traditional export industries, particularly manufacturing. This has hurt our gross state product over a number of years. This phenomenon, termed by economists as 'Dutch disease', should have also been understood and recognised by the Productivity Commission.

In my opinion, the Productivity Commission in this instance, in reporting on GST distribution, did not come to the government with prudent economic advice. It took unnecessary account of the political will of certain sections of the country, namely, Western Australia. Ultimately, the federal government did not take up the recommendations which, from South Australia's perspective, seemed to be a good thing.

However, they performed a complete political stitch-up, keeping their constituencies in every state as happy as possible at the expense of good public policy. Disappointingly, the federal government has unnecessarily poured an extra $5.2 billion into the GST carve-up over the next eight years. The majority of these funds are effectively bailing out Western Australia after its previous Liberal government's poor economic management. All this is at the cost of the federal government's own budget. More worryingly in the long term, the federal government will continue putting extra funds into the system to establish a new floor rate of 70c per dollar of GST below which no state's relativity can fall from 2022-23. This will rise to 75c from 2024-25.

In my opinion, all this will do is ensure that if any state is ever again the recipient of the rivers of gold that Western Australia were, it will waste even more money than they did during their boom. The $5.2 billion over the next eight years could be further distributed across the nation and spent more wisely, perhaps used to pay off federal government debt or even to assist in restoring the federal Liberal government's cuts to health and education.

In short, regardless of the Productivity Commission's input into this process, the federal government's policy response on GST distribution has become an example of good politics at the expense of good policy. This is why I am sceptical when Liberal members here and in the other place proclaim how the establishment of a state-based productivity commission, not to mention Infrastructure SA, somehow proves that this incoming Liberal state government is committed to implementing good policy. They say this as they continue to cut and criticise or make their sounds of duplicity about many of the programs and projects that we implemented whilst in government.

The establishment of a productivity commission will only be a good thing for this state if politicians ultimately have the courage to make the right call and back their commission when they should, or refuse its recommendations when they are not in the interest of South Australians. As a parliament, we should be asking ourselves whether the remit of the productivity commission, as set out in this bill, is really no different from how Treasury should be conducting its work. Are we simply adding another level of bureaucracy, where we will inevitably be led to the same outcomes, regardless? Would the state be better off actually exploiting its economic talent, or employing people with such talent, within Treasury?

Treasury officers can provide policy advice to the treasurer of the day in a much more constructive environment. I say this because we have already seen how government can cower in response to a set of unpopular recommendations made public by a productivity commission. It will be interesting to see whether this government is prepared to have some of its signature policies reviewed by this body.

The Hon. Frank Pangallo has already stated publicly that the government's rate capping proposal could have been reviewed or overseen by this new state-based productivity commission. There is also the infamous GlobeLink, which in all likelihood, if referred to a productivity commission, would be determined to be too expensive, inadequate, unnecessary and ultimately uneconomic.

However, the government has made a political decision to appease its Hills constituencies. Far be it for the Liberal Party, then, to pretend they are somehow the sole bearers of good policy process and outcome. As an opposition, we will not let this government hide behind a productivity commission. The government takes sole responsibility for all the decisions it makes during its time in power. With that, I conclude my contribution to the second reading stage of this bill.

The Hon. T.A. FRANKS (15:48): I rise on behalf of the Greens to indicate our support for the second reading of the South Australian Productivity Commission Bill 2018. This bill, of course, aims to establish the South Australian productivity commission, an independent body that will be fully and publicly accountable for the advice it provides and the actions it recommends. The aim is for the commission to act as an advisory body to the executive, in this case the Marshall government. The commission will make recommendations to that government to remove existing regulatory barriers and directly support productivity growth, unlocking new economic opportunities and creating new jobs in South Australia.

One of the economic opportunities that I believe the productivity commission should be considering as one of its first ports of call is the medicinal cannabis industry, shown in Israel and elsewhere to be something that would be an economic boon not only for growers and manufacturers but also for those patients who are seeking that medication and moving away from our reliance on opioids and other far more disturbing drugs in our community. That would be something that, as a member of this place, I would like to see referred to the productivity commission.

I also believe there is a range of amendments, and certainly there have been discussions in the corridors, about ensuring that the productivity is not a tool of government to wield as a stick but is to serve the people of South Australia. The Greens will be looking with great interest and with support not just at this bill but to ensure that this bill is that voice, that the parliament has some

oversight and relationship, not just the executive. With those few words, I indicate that we will be supporting the second reading. We look forward to the committee debate.

The Hon. K.J. MAHER (Leader of the Opposition) (15:50): I indicate that I will be the lead speaker and have conduct of this legislation on behalf of the opposition in this place. The Liberal election commitment was to introduce the SA Productivity Commission Bill within 30 days. I note that it was on 8 May this year—that is 50 days after forming government—that the Premier advised the other place that the South Australian productivity commission, as well as the proposed Infrastructure SA, would be established by legislation. A ministerial statement claimed the Premier sought out members immediately after forming government, and on Thursday 7 June the Premier introduced the South Australian Productivity Commission Bill 2018 into the House of Assembly. This is clearly 50 days late from the stated 30-day commitment.

The bill we have before us establishes the South Australian productivity commission. It establishes the objects of that commission. It establishes the membership, that is, the commissioners. It talks about the inquiries, the staffing and the operations of the productivity commission. It is a brief bill, a simple bill. I will talk about the bill itself and the structure and how it has been drafted a little later.

I think it is probably an opportune time to talk about the need for such an agency. Along with Infrastructure SA, this replicates an effort at a federal level. It is also, as my colleague the Hon. Tung Ngo pointed out, an example of the government not quite knowing how to proceed with policy development, having been out of government for so long. The Economic Development Board is to be replaced with an economic advisory council. When we look at how the government is informing itself of economic policy, of which this is a part, the new economic advisory agency we understand is set to cost about half a million dollars a year, yet we know nothing of it. We have what seems to be a rebranded, slimmed down Economic Development Board to be established as that agency.

Within government, there is a Department of Treasury and Finance and a Department of the Premier and Cabinet, the two central agents of government usually charged with policy development coordination. In the case of the Department of Treasury and Finance, I understand it is responsible for economic and fiscal policy development, but some of these functions look like being outsourced largely to other bodies.

Also in this state there is the regulatory agency of the Essential Services Commission of South Australia. We already know that it is an act that enables the responsible minister, the treasurer, to direct it to establish inquiries, exactly the same ability that this bill confers on the minister responsible. Indeed, the Essential Services Commission of South Australia already plays a large part of this role. I understand that they believe they could play the role that is being outsourced under this function and have made such representations in the past. The former Labor government used the Essential Services Commission of South Australia for this exact purpose.

Through FOIs, we know that the Essential Services Commission of South Australia has already advised the new Treasurer that it is ready, willing and able to play this new role, but it appears that advice has been ignored. We have four potential economic suitors for the government: the watered down EBD, the economic advisory agency, the Essential Services Commission of South Australia and, within government itself, the Department of Treasury and Finance and the Department of the Premier and Cabinet. They are all being ignored by the establishment of this outsourcing policy agency.

Questions that spring to mind are: why is the government ignoring these agencies and bodies and why is the government fixated on its own productivity commission? I think there are reasons that will become apparent when we look at the history of the federal Productivity Commission. The commonwealth Productivity Commission was created as an independent authority in April 1998 by the Productivity Commission Act of the same year. It was an initiative of the Howard government at the time. It followed the collapse of a number of other economic agencies at the commonwealth level in 1996 into one entity—agencies such as the industry commission, the bureau of industry economics and the economic planning advisory commission.

Under the Hawke-Keating federal governments, fiscal, monetary and economic policy agendas were largely developed within government, usually by the commonwealth Treasury through the prime minister and cabinet, with other industry-facing departments and agencies often being involved. There was an inherent trust in the Public Service then to be capable of developing policy reforms and working with the treasurers, prime ministers and other ministers to do so. The economic reforms during that period were significant and far reaching and are largely responsible for the resilience of the Australian economy over the last 20 years.

The Australian Labor Party's newly-elected national president, Wayne Swan, wrote a year ago of the remarkable agenda of macro and micro-economic policy reform that was delivered during these years, and the conversion of one of the most heavily protected economies in the western world at the time under a former Labor federal government.

Fast forward to the mid-nineties and we see the effects of some of these major macro-economic policy reforms: the floating of the dollar, the deregulation of the banks, new capital gains and fringe benefits taxes, enterprise bargaining, the removal of import tariffs and quotas and national competition policy. This is only a small handful of the reforms achieved by the Hawke-Keating governments but they are the last of the reforms that lead us to the establishment of the Productivity Commission in 1998 at a federal level.

One of its purposes is to receive and deal with competitive neutrality complaints. This was one branch of the sweeping competition policy reform agenda. It sought to look at ways to do away with the layers of red tape that choke businesses, and any ways that disincentivise innovation and artificially kept prices high. It was most pertinent in relation to government enterprises, making sure the enterprises they had inherently within government did not suffocate competition or lead to inefficiencies.

Competitive neutrality has now been baked into government enterprises across Australian jurisdictions. It is an impressive reform agenda from that era, one that I think most commentators agree has not been seen since and is unlikely to be seen in the current federal government. This was all done without a productivity commission at a federal level. At a state level, we have achieved much. We have built Techport and re-established the defence industry in this state. We have started and grown a plan for the accelerated development that saw SA as the most prospective mining resources jurisdiction in Australia before the GFC and fifth in the world.

We have reformed our WorkCover regime, massively reducing costs to employers of over $200 million a year. We have reformed our state tax regime and instituted savings in payroll tax and land tax. SA is one of the most competitive places to do business, according to many agencies and reports, particularly recent KPMG reports. The *Financial Review* rates us as the third lowest taxing jurisdiction in Australia per capita.

There have been dozens of industry reviews and reforms completed in South Australia. We have established a 30-Year Plan for Greater Adelaide, planning reforms, the 30-year integrated transport land use plan to guide and prioritise infrastructure development, successfully delivered PPPs and established an unsolicited proposal framework. There has been an independent water pricing regime, a huge amount of economic reform, without relying on a productivity commission. Indeed, the structure of robust Public Service agencies and targeted additional expertise through the Economic Development Board has allowed these economic reform policies to be developed and implemented.

So it draws us to the question: what is the need of the new Liberal government for a productivity commission? What is the government seeking to achieve by its establishment? The Liberals, for a very long time, have defined themselves mostly by what they oppose. The now Premier opposed small business payroll tax cuts when first introduced by the former treasurer, the member for West Torrens. The new Liberal government is now making a virtue of copying them.

The Premier labelled infrastructure development as a 'false economy'. The Future Jobs Fund, industry assistance and industry attraction are to be ended and ended proudly by this new Liberal government. This new Liberal government boasts that it will not be providing direct assistance or giving help to industries or major employers. Yet, when the Premier was asked whether they would support Liberty OneSteel at Whyalla, there was a resounding yes.

Further, the new government, according to the Premier and Minister for Transport, has an aggressive deregulation agenda, yet some of the very first bills that this government introduced have been to oppose additional regulation in various areas. The Liberal government, after 16 years in opposition, really do not know what they stand for. The increased regulation, in pursuing an aggressive deregulation agenda, has meant that there is a confused and incoherent policy agenda.

They need to be seen to have an economic agenda, yet they do not trust the Public Service to advise them. We have seen a clean out in public sector ranks, with Cabinet Office particularly, of experienced, qualified and competent chief executives across a range of areas. We are seeing some of the regrets the new government has in terms of infrastructure delivery and transport projects that have been 'set in stone'—set in stone for delivery, after having sacked executives who have a record of delivering, and then not being able to meet their own 'set in stone' promises, which I understand caused great frustration to cabinet colleagues when one of their own uses phrases like 'set in stone' and embarrasses all of them.

The solution the Liberal government seems to have come up with is to appoint an agency to tell them what to do, and that is largely what we are talking about in this bill. Some political commentators like to say productivity commissions are desirable so they can test the policies a government would not otherwise be game to do. Those sort of comments that you hear occasionally ring the first alarm bells.

But, I think the concerns are more fine grained than the implications of such a sweeping statement. The commonwealth Productivity Commission has a chequered history. I think at times it has been an agent for positive change, but it has also been an agent for absolutely disastrous economic policies, and particularly disastrous economic policies for South Australia. Frank and fearless advice to be accepted or rejected by a productivity commission is one argument, but it is not as simple as that.

Many times the work of the Productivity Commission, commentators have reflected, has represented the whims of its political masters, and there lies one of the extraordinary risks of such a body, and I am happy to give some examples. Positive outcomes from Productivity Commission inquiries have included things such as the consumer policy framework released in 2008, about better industry regulation to protect consumers and to establish a consistent set of regulatory arrangements across industries to enshrine the rights of consumers purchasing goods and services.

Other good outcomes from the federal Productivity Commission have included important changes that have been acted on, such as paid maternity leave, paternity leave and parental leave. The final inquiry report into this was sent to government on 28 February 2009 and was publicly released on 12 May 2009. The then Australian government asked the Productivity Commission to undertake an inquiry into paid maternity, paternity and parental leave. The inquiry concentrated on support for parents of newborn children up to the age of two years. It considered the economic, productivity and social costs and benefits of providing paid maternity, paternity and parental leave.

It assessed the current extent of employer provided such leave. It identified the models that could be used to provide such leave against a number of criteria. These included cost-effectiveness, impacts on business, labour market consequences, work-family preferences of parents, child and parental welfare, and interactions with the social security and family assistance schemes. It assessed the impacts and applicability of the various models across the full range of employment forms, such as self-employed, people such as farmers and shift workers. It assessed the efficiency and effectiveness of government policies that would facilitate the provision and take-up of these models. As part of the 2009-10 federal budget, the Australian government announced its intention to introduce a paid parental leave scheme. The scheme being introduced was closely based on the proposal in the commission's final report.

Another area was about the performance of the public and private hospital system released in 2009. The study was commissioned at a time when there was a new national healthcare agreement and COAG had agreed to introduce a nationally consistent approach to activity-based funding in public hospitals, with the government looking to move towards a nationally consistent reporting regime for public and private hospitals. That was in response to a call, I think, at the time from the government to end the blame game in health. By injecting many billions more in funding to

the commonwealth-state health agreement, it helped to rebalance the funding roles between the state and the commonwealth.

The inquiry conducted by the commission was tasked with assessing the relative performance of public and private hospitals, with particular regard to the cost of performing clinically similar procedures; the rate of hospital-acquired infections; the rates of informed financial consent and out-of-pocket expenses for privately insured patients within the public system, and also in private hospitals; and it also gave advice to the government on the most appropriate indexation factors to the Medicare levy surcharge thresholds.

The commission found in this inquiry that at a national level public and private hospitals had similar average costs. However, a significant difference was found in the composition of those costs: general hospital costs were higher in public hospitals; medical and diagnostic costs were higher in private hospitals; and capital costs were higher in public hospitals. The commission identified potential improvements such as consistent national reporting of costs and infections for both public and private hospitals.

The commission also found that the most appropriate indexation factor for the Medicare levy surcharge income thresholds is average weekly ordinary time earnings. The commission's inquiry provided the evidence base for the structure and details of the funding agreement between the then Australian government and the states and territories. This saw many more billions of dollars flow from the federal government into South Australia for health care.

It is worth noting, though, how quickly this work was undone and undermined by the slashing of funding by the then new Abbott government in its very first budget in 2014. Under the current South Australian minister, the Hon. Stephen Wade, in this place, it appears we have signed up to another health agreement that again disadvantages this state.

They annul a positive: the strengthening of economic relations between Australia and New Zealand. In 2013, Australia and New Zealand marked the 30th anniversary of the Closer Economic Relations forum. In the lead-up to this milestone, prime ministers Gillard and Key requested both the Australian and New Zealand productivity commissions to together scope further initiatives that would strengthen the trans-Tasman economic relationship and improve economic wellbeing in both countries.

The study looked forward to what more could be achieved as both countries pursue their shared aspiration in the Asian century. The study identified more than 30 initiatives to promote beneficial integration and to address regulatory barriers to services and trades and commercial presence and some of the remaining impediments to integrations, goods, capital and labour markets.

In relation to barriers to effective climate change adaptation, a report was released by the government in 2012. The commission in this area was tasked with assessing the regulatory and policy barriers to the effective adaptation that inhibited the effective and unavoidable effects of climate change.

The commission examined the costs and benefits of options to address those barriers and assess the role of markets and non-market mechanisms in facilitating different approaches in relation to government intervention. The commission found that Australia's climate is changing and will continue to do so for the foreseeable future, with the Australian experience most likely being changes in the frequency, location and timing of extreme weather events. The report found that governments at all levels should embed consideration of climate change in their risk mitigation management practices and ensure flexibility and regulatory and policy settings to allow households, businesses and communities to manage the risks of climate change.

The report also found a range of policy reforms that would help households, businesses and governments deal with the current climate variability and extreme weather events, such as reducing perverse incentives in tax; transfer and regulatory arrangements that impede the mobility of labour and capital; increasing the quality and availability of natural hazard mapping; clarifying the roles, responsibilities and legal liability of local governments and improving their capacity to manage climate risks; reviewing emergency management arrangements in a public and consultative manner to better prepare for natural disasters and limit resultant losses; and reducing tax and regulatory distortions in insurance markets.

The report also recommended further actions to reduce barriers to adaptation to future climate change trends such as designing more flexible land use planning regulation; aligning land use planning with better regulation; developing a work program to consider climate change in the building code; and conducting public reviews sponsored by the Council of Australian Governments to develop adaptive responses for existing settlements that face significant climate change risks.

However, the federal Productivity Commission has been used for damaging policy developments—very specifically, damaging policy developments against South Australia's interests. One that we are all familiar with at this time is the inquiry into horizontal fiscal equalisation.

In 2017, the Liberal federal government ordered the Productivity Commission to report into horizontal fiscal equalisation. The main factor in relation to the instigation of this inquiry was the noises made by Western Australia because of their GST pool remaining low due to lags involved in the equalisation process after the mining boom. All of those years of receiving relatively high GST under HFE for the mining boom has now reduced it, and Western Australians wanted changes that could leave South Australia much, much worse off.

In 2018, a draft report was released. The draft findings were absolutely terrible for South Australia. The Productivity Commission recommended a revised objective for horizontal fiscal equalisation where it should aim to provide states with the fiscal capacity to provide a reasonable level of services instead of the same level of services. According to the Under Treasurer, David Reynolds, who gave evidence at a forum of this parliament, this could cost South Australia up to $2 billion a year in GST revenue. The federal Productivity Commission's draft recommendations could cost South Australia up to $2 billion a year. The draft report overview, at page 2, stated:

> The Australian Government should articulate a revised objective for HFE. While equity should remain at the heart of HFE, it should aim to provide States with the fiscal capacity to provide a reasonable level of services.
>
> −Equalisation should no longer be to the highest state, but instead the average or the second highest State — still providing States a high level of fiscal capacity, but not distorted by the extreme swings of one State.

So we see the federal Productivity Commission being used in a way that will have absolutely detrimental benefits to South Australia. As the Under Treasurer said, it could cost us up to $2 billion a year—$10 billion over a decade—in forgone revenue because of the recommendations of a Productivity Commission instructed by a Liberal government.

One thing that many South Australians will be aware of is the Productivity Commission's involvement and their report into Australia's automotive manufacturing industry. It was commissioned by the Tony Abbott Liberal government in October 2013. Most people have no doubt, particularly those in South Australia and Victoria where the effects were most critical, that the reason this report was instigated was to kill off Australia's automotive manufacturing industry.

In the lead-up to the 2013 federal election, Holden presented a new business case to the then federal Labor government, an update on a March 2012 deal where Holden agreed to build the next generation of Commodore and Cruze in Australia from 2016 until 2022. The federal government, the Victorian government and the South Australian government agreed to provide $275 million in assistance.

When the Abbott government was elected, instead of pushing ahead with this deal, they engaged in the audit of automotive manufacturing in Australia via the Productivity Commission inquiry with the express purpose of killing off this industry due to an ideological bent that you should not provide assistance to industry, regardless of the devastation it could have on workers and on families.

Before the report was published, in December 2013 General Motors announced that Holden would cease manufacturing in Australia by the end of 2017. On 10 February 2014, Toyota announced that it would also cease manufacturing in Australia by the end of 2017. The federal Liberal government had fulfilled its objective of killing off Australia's original automotive manufacturing industry.

For the record, when the final report was released, the Productivity Commission's report into the Australian automotive manufacturing industry recommended no longer providing industry-specific assistance to automotive manufacturing firms as the economy-wide costs of such assistance

outweighs the benefits. That is of very little solace to the South Australian companies and employers who had relied on automotive manufacturing for over half a century in this state.

I note that as I have been speaking there are some members who have been interjecting, 'Look at the employment rate.' I would challenge them to talk to some of the families who now do not have work and see how much comfort that gives them. There was the resultant closing of the automotive manufacturing industry for original automotive manufacturing as a result of the federal Productivity Commission's recommendations into this area.

In terms of workplace relations and the workplace relations framework, the Productivity Commission inquiry in 2015 into workplace relations recommended aligning Sunday penalty rates for hospitality, entertainment, retail, restaurant and cafe workers with those on a Saturday. We know how dramatically what they have done has—and I will conclude very shortly, Mr President, with this.

The PRESIDENT: No, you take as long as you wish, Leader of the Opposition.

The Hon. K.J. MAHER: We know the devastating effects the reduction in penalty rates that have been instituted recently have had on South Australians. Many South Australians have relied on the income that penalty rates provide to make ends meet. I have talked to many people, including many workers and particularly the trade unions which represent many workers, and some of these workers are amongst the very lowest paid in South Australia who are no longer receiving penalty rates. Let's be clear, this is a result of the Productivity Commission's review into this, fulfilling an ideological obsession of the Liberal Party to see those who are some of the lowest paid get paid even less because of their ideological bent against organised labour, but particularly against some of the many wins that have been won for workers, including penalty rates.

It is clear that the federal Productivity Commission has been used as a weapon against South Australia's interest many times through horizontal fiscal equalisation, advocating taking away SA's GST share to the tune of $2 billion a year; in respect of automotive industry assistance, removing government assistance for Holden which saw the closure and collapse of that industry last year; and through penalty rates. They are taking away penalty rates from thousands of South Australians who are amongst some of the lowest paid in this state. The federal Productivity Commission and the inquiries the federal Liberal government has set them have been used to weaponise policy against South Australia's interests.

As to the bill before us, the South Australian bill, its objects seem pretty well plagiarised from section 8 of the policy guidelines of the commonwealth bill. There are some glaring omissions, for example regarding employment in regions. Also, the commonwealth requirements for a variety of viewpoints to be used and for at least two different economic models to be used, again, are not required in the South Australian bill. The membership, not representative, is at the sole discretion of the government on recommendation from cabinet and the minister who refers it to cabinet.

There is nothing about employment whatsoever, full time or part time. There are no requirements in the bill about those who are going to be members of the Productivity Commission about potential conflicts. There are no requirements or specifications about remuneration, no termination requirements. There are no quorum requirements, except a majority of current appointees, yet this is specified in the commonwealth act. So if there was one appointee, they would be able to constitute a majority for the quorum.

Inquiries are at the discretion of the minister, with no requirements for inquiries or hearings, unlike the commonwealth which has time lines factored in. The tabling of reports is 90 days. It is more than three times longer than the requirements under the commonwealth. So as weaponised as the commonwealth Productivity Commission has been used against the interests of South Australia, they have far more detail and far more safeguards in place than the South Australian bill.

Given that, this bill requires amendments in the view of the opposition. We think there needs to be substantially more transparency around the commissioners and there is a role for parliament to play here, given the outcomes from Productivity Commission inquiries federally, the ones I have mentioned in terms of the auto industry, HFE and penalty rates used federally. But also with the paid paternity, maternity and parental leave and some of the positive outcomes, we think there is absolutely a role for parliament to play in the appointments.

Those appointed to the commission should be subject to the same arrangements as MPs around conducting their work and other pecuniary interests. The exclusive relationship between the minister and the commission should be broadened to include a role for parliament. As legislators, we are the ones creating this body and we firmly believe that we have a role to play in what it does; not just create it and leave it up to the minister of the day to do whatever they please with it.

Already, the Premier has made it clear in the committee stage that he envisages draft reports being made. These should be mandated and they should be made public at the time of their production. The commission should be required to seek a diversity of economic models or opinions, the same as the commonwealth commission. The commissioners should have similar representative skill and experience sets to bring to the commission, as set out in the commonwealth act.

The chair of the productivity commission should subject himself or herself to parliamentary scrutiny each year, similar to that faced by the Auditor-General of the state. There should be a thorough annual report provided to the parliament, like so many other agencies are required to do. As I said, reports should be tabled much more quickly than is currently envisaged: in 30 days, like the commonwealth, rather than 90 days that for some reason this act gives leniency to the government of the day.

There should be minimum quorum requirements, in effect, to ensure that the government appoints sufficient members to comprise the commission and to ensure that a diversity of skills and experience is always present on the commission. This is a list that some of the amendments that have been filed by the opposition go towards. With that, I commend to the chamber the amendments that have been filed and look forward to some full discussions about this in the committee stage.

Debate adjourned on motion of Hon. D.W. Ridgway.

Personal Explanation

AUSTRALIAN CRANIOFACIAL UNIT

The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:27): I seek leave to make a personal explanation.

Leave granted.

The Hon. S.G. WADE: Following a meeting with Professor David, I sought both further information from SA Health and an independent review of the visiting medical specialist process. The Women's and Children's Health Network engaged a senior corporate services officer in the Department for Health and Wellbeing to review the process. This officer was, until recently, an officer of the Department of Human Services.

Bills

FARM DEBT MEDIATION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 July 2018.)

The Hon. J.A. DARLEY (16:28): I rise in support of the bill. The bill will establish a formal framework for mediation in cases where foreclosure is imminent on farm properties. I understand that, under the bill, before a bank or financial institution can foreclose on a property, they must give notice to the owner and provide them with the opportunity to request mediation. If a request for mediation is made by the owner, a prohibition certificate may be issued, which prevents any action being taken until mediation has occurred.

The Office of the Small Business Commissioner will assist in setting up the mediation. If the owner requests that mediation occur but refuses to participate, the creditor can request the Small Business Commissioner to issue an exemption certificate so that action to foreclose can proceed. Given some of the harrowing stories that were presented as part of the federal government's inquiry into the banking system, I do not think there is one person who can say that the banks acted honourably and with respect in all circumstances.

It is clear that there was unconscionable conduct, with some families suddenly losing their homes and livelihoods without even an opportunity to rectify matters. This is disgusting behaviour, and this bill will provide oversight from an independent arbitrator to ensure that these practices do not occur again. I support the bill and congratulate the government on moving this bill to increase consumer protection.

The Hon. C.M. SCRIVEN (16:30): I rise to respond to this bill on behalf of the opposition. Members are aware that I am the only member of this council who lives in a regional area, namely, the Limestone Coast. I have a number of friends who are farmers, and of course primary production is a vital part of the local economy. Primary production is a vital part of the state's economy, and under the previous state government South Australia's gross revenue for food and wine reached a record high of almost $20 billion in 2016-17.

However, farming is a challenging industry, subject to the vagaries of weather, international markets and unpredictable commodity prices. There can be many reasons why financial difficulties arise, from natural disasters and changes in international conditions to personal circumstances, such as sickness, death, divorce or the need to contribute to the costs of residential aged care. We have also seen the impact of changing farm sizes that may have reduced productivity, requiring changes to business practices. We want to do all we can to ensure farmers are given every opportunity to resolve financial problems when they arise, because we are talking about their livelihoods.

However, often we are talking not only about a person's business but, to a large extent, also about their heritage, their identity and their legacy. Many farming families have held their land for generations and have made careful succession plans to ensure their children can continue the family's enterprise. My friend Adrian was one of such a family. His parents had run a successful farm that had been established more than a hundred years before his birth. Two of his brothers had studied agriculture and his sister had studied business, with a particular focus on farming and regional issues. His parents were still fit and active and they worked hard seven days a week, as farmers must do.

But as my friend was making plans to return to the farm after his studies, the world changed for him and his family. Drought, multiple years of poor yields and some family issues combined to create a financial catastrophe. The financial institution with which his family dealt was unsupportive, shall we say, at the least, and the outcome was that they lost their farm. A number of their neighbours suffered the same consequence. That outcome was devastating. The family lost not only their business but also their home and their community. They were forced to move to Adelaide to get work. There were too many other farmers in stretched situations for them to find work in the area in which they had lived all their life.

Of course, that is just one story. There are many like it over many, many years in different circumstances. I spoke to Adrian's parents recently. It has been many years since they lost the farm, but they still feel their loss very keenly. One of the strongest resentments they have is the feeling they experienced of almost total powerlessness. Their dealings with the financial institution were not equal: there was no ability to negotiate from any equal bargaining position.

Our primary producers need every opportunity to succeed, and farm debt mediation provides support when times of crisis come. This bill provides some certainty to farmers and gives them guidelines and protection. This bill is about mandating the opportunity for farmers to have disputes referred to mediation before the creditors can foreclose. Perhaps mandatory mediation, such as that proposed by this bill, may have made a difference to Adrian's family by ensuring that some independent mediation was available. When minister Ridgway introduced this bill, he outlined how it is proposed to work. The key points are:

- Once the farmer has been served with a notice that a creditor proposes to take enforcement action against them under a farm mortgage, they have 21 days from the date the notice was given to notify the creditor that they request mediation;
- A farmer who is liable for debt may request mediation;
- A creditor who receives requests for mediation from the farmer may, by notice given to the farmer, agree or refuse to participate in mediation;

- If the creditor refuses to participate in mediation with the farmer, the farmer can apply to the Small Business Commissioner for a prohibition certificate, preventing the creditor from taking enforcement action against the farmer for up to six months; and
- The Small Business Commissioner must make arrangements to facilitate the resolution of a farm debt dispute by mediation as soon as notice is received that a farmer and a creditor have agreed to participate in mediation. These are all steps that increase the chances of a farmer being able to negotiate a positive outcome.

We are advised that the Small Business Commissioner supports this bill. He has advised the shadow minister for regional development that the bill provides uniformity and that there are 'more points for reset'.

New South Wales, Victoria and Queensland all have mandatory farm debt mediation in place, and this bill, we are told, has been modelled on these other jurisdictions. It is certainly worth noting that after farm debt mediation was introduced in Victoria, 96 per cent of cases reached a satisfactory outcome. Any measures that provide greater certainty and control for farmers and a greater ability to negotiate with creditors are welcome, and the opposition will be supporting this bill.

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

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (INVESTIGATION POWERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 3 July 2018.)

The Hon. M.C. PARNELL (16:35): The establishment of the office of the Independent Commissioner Against Corruption five years ago was a very long time coming. For years, the now opposition maintained the position that such a body was unnecessary. However, once the ICAC was established, I think we collectively knew that we would need to learn from experience and that further amendment to the legislation would be required. Various reforms were made in 2014 and 2016, and now we are back again.

This time, the primary objective of the reforms is to allow for the commissioner to hold public hearings in certain circumstances, particularly in relation to maladministration and misconduct. The Greens are supportive generally of providing the commissioner with this power. However, with increased power and responsibility comes the need for increased accountability. That is why the Greens have a number of amendments, which we have placed on file and which we will get to in detail later on.

There are a number of submissions that we have received in relation to this legislation that I want to refer to very briefly. The first one is not a formal submission, but it is, I think, a relevant document. It is the five-year review of the office of ICAC and the Office for Public Integrity. That requirement for a five-year review is set out in the legislation. The minister gave the job of writing the review to, of all people, the reviewer; it makes sense. The reviewer, the Hon. Kevin Duggan, prepared this report, which was tabled—I do not know if it has been tabled; I assume it has been tabled—in parliament, but it covers the period up to 24 November 2017.

In that report, the reviewer outlines the fact that in the original legislation there was no complaints mechanism available to people who were dissatisfied with the processes that ICAC or the OPI followed. He points out that the legislation has been amended to fix that up. He also points out—and goes into some detail—that this issue of being able to hold public hearings is something that does exist in other jurisdictions. To quote one paragraph from his report, he said:

> I recommend that the Act be amended so as to provide that the default position in the case of hearings into misconduct or maladministration in public administration, is that they be held in private. However, it is my view that the Commissioner should be given a discretion to hold a hearing or part of a hearing in public.
>
> I think the legislation should set out the grounds upon which the discretion is to be exercised.

He notes:

> It is significant that in Victoria, Queensland, Western Australian and now New South Wales, the discretion whether to order a public hearing is to be exercised by reference to criteria which is set out in the relevant legislation.

So the person charged with overseeing ICAC and the Office for Public Integrity thinks that the discretion to allow public hearings is a good idea.

The second submission is from the Law Society of South Australia, which I will refer to briefly, and I thank them. They have a number of queries in relation to the legislation. Their submission goes for some nine pages and they have recommended a number of things that parliament should look at in more detail. I think we will need to come back to their submission when we get into the committee stage and start to look at the bill in more detail.

I mentioned earlier that the Greens' view is that with increased power and responsibility should come increased accountability. We know that it is an ongoing process. I mentioned before that there was not much in the original legislation. It was changed in 2016 to give the reviewer the ability to take complaints directly. But the question that has concerned me is: how does that work in practice? Unless you are a lawyer or a member of parliament, it is actually incredibly difficult to find out how you go about lodging a complaint about ICAC or the Office for Public Integrity.

It is easy enough to lodge a complaint or make a report to ICAC, but it is very difficult to work out how you make a complaint about ICAC. Also, there are no records, to my knowledge, that have been published about how many people have made complaints about ICAC and what happens to those complaints. I suspect that many of them will go nowhere, and that is not a criticism of the reviewer because the role of the reviewer is not to be an appeal body or a second bite of the cherry. It is not the reviewer's job to second-guess every decision of the commissioner or the Office for Public Integrity, but there is an important role to be played in relation to the processes that are followed and how the commissioner's extensive powers are used, especially their coercive powers. I have drafted a number of amendments that go to that point.

I forwarded my amendments—they were filed, so all members of parliament get them—specifically to the Attorney-General's advisor and also to the shadow attorney-general. Somewhat flippantly, perhaps, I included in my email a line from a popular action series on television:

> Your mission (should you choose to accept it) is to put yourself in the shoes of a member of the public, visit the ICAC website and find out how to make a complaint about ICAC…

In the event that there are other people listening to this or reading the *Hansard* later who might want to take up the challenge, there is a spoiler alert coming: I am going to tell you how to do it. It is possible because the link is there but it is well buried. It is not on the front page. You either have to go through the fine print at the bottom of the web page and find the site map and then you have to scroll down about three pages—and even then it is not clear where the link is—or you can go to the drop-down menu on the home page. You then have to go to the 'About Us' page. Then you have to look for another button called 'Accountability' and once you have clicked on that button you will eventually get a link to the independent reviewer's web page. Once you are on that page, you will then find another link called 'Making a Complaint'. I am pretty computer savvy but it was well enough hidden that I absolutely struggled to find how to go about making a complaint, if I wanted to—which I do not—about ICAC.

I also sent a copy of my amendments to the reviewer, the Hon. Kevin Duggan. I am very grateful to him that on very short notice he did find time to send me back some feedback. I will go into his response in more detail when we get to the clauses to which they relate in committee, but I think it is probably fair enough for me to say now that he was generally either supportive or neutral as to what I was trying to achieve, but he did think that some of the amendments were unnecessary because he thought they were already being implemented. We can explore whether that is, in fact, the case.

There were other amendments that he was, I think, quite reasonably nervous about, that he thought might result in an unreasonable expectation on the part of the community as to what the reviewer was actually able to do, given the provisions of schedule 4 of the act. I think there is, perhaps in the reviewer's mind, a fear of the floodgates argument coming true, but I am sure that is something we can deal with.

The final thing I want to say in relation to this bill is that, in spite of the fact that the Greens are generally supportive of giving the commissioner the power to hold some hearings in public, I understand that there will be at some point a motion to send this bill to the parliamentary Crime and Public Integrity Policy Committee for review and for report back to parliament. I want to put on the record that, if such a motion were to be moved, I think that is an excellent idea.

Members with whom I have discussed these matters over the years would not find it unusual that my position has always been that, in complex pieces of legislation, we should be sending more rather than fewer of these bills to committees where we can hear directly from experts. I am a big fan of scrutiny of bills committees. If we do not have a general committee to scrutinise bills, we should at least take the opportunity of the specialist committees that we have, and occasionally we will set up select committees.

However, in this case, there is a ready-made committee that already has responsibility for ICAC and the Office for Public Integrity, so I think it does make sense to send it to that committee. I do not sit on that committee, but I would urge those members who do to get the commissioner and the reviewer in to ask them about the bill. I would also appreciate if they could be asked about the amendments that have been filed, including mine, to get their views on it.

I think the Law Society should be invited in. It has made a nine-page submission and it has concerns about aspects of it, so let's get them in. There might even be some room, bearing in mind that I would anticipate a fairly short hearing, for some critics out there who probably deserve to be heard. Members who read InDaily may have seen a week or so ago an opinion piece from a local young solicitor with the heading, 'Why aren't alarm bells sounding over ICAC changes?' I do not know this particular lawyer—I did ring him up and we had a bit of a chat on the phone; I have not met him—but he raises some interesting points. It may well be that he would be someone who would appreciate the opportunity to explain why he feels there are concerns about the bill.

I think that sending this to a committee is a very good idea, and I think it could ultimately save time for this chamber when we come back after the winter break, because it may be that some of the amendments can be supported by consensus—we will perhaps have some answers there. There may be other amendments that need to be abandoned, and there will be yet others that we have not even thought of that will come out of the evidence and findings of the committee.

I have not discussed this with the government. My experience of governments—well, of the other persuasion—is that generally they are not fans of sending things to committees, especially if they think they either have the numbers or are close to having the numbers to get it through without that, but I think this is too important. I do not think that there is urgency involved. We have been talking about legislating for open hearings of ICAC for at least four years. I do not think another month or two will make much difference.

I hope that, if it does end up going to the committee, it will look at it quickly, that it will not drag its feet, and I would expect that we will be back here in this chamber going through the bill again very soon after the winter break. That would at least be my hope. Whilst I know there is no motion before the chamber, word in the corridor is that this might be a move that is forthcoming, and I am anticipating now that that is something I would welcome. I think it would make a lot of sense. Apart from that, as I say the Greens are generally supportive of the thrust of the bill, and we look forward to its more detailed consideration, I hope after the winter break.

The Hon. K.J. MAHER (Leader of the Opposition) (16:49): People will be happy to know that I will not speak for nearly as long on this bill as I did on the last one. I rise today to say, as we indicated in the other place, that Labor does not oppose the bill that is before the council. In fact, we have had time as an opposition to look at a whole range of policy positions. We have had time to consult, review and reflect on positions and, as a general and broad principle, the Labor opposition is in favour of open hearings of ICAC for matters related to potential issues of serious or systemic misconduct and maladministration in public administration. However, we have had the benefit of being able to consult with legal practitioners and other bodies about some of the concerns that have been raised and about the possibility of some of the protections that could be included for those who are appearing in public at such hearings.

I think the Hon. Mark Parnell talked about the role of a committee potentially looking at this, and that is something that we are supportive of. We think a committee should examine the bill and look at whether changes are needed. As the Hon. Mark Parnell said, it might be that the reasons that people have thought about amendments may come to pass and there may be good reasons for it in a committee hearing; or it may well be that the amendments that people are foreshadowing or thinking of or have indeed filed, the committee will be able to explain why they may not be needed. I think that is probably a sensible idea.

Occasionally, we pass amendments in this chamber and then use the time between the chambers when it goes back down to the house to reflect further and see if those amendments are necessary. The Crime and Public Integrity Committee is a specialist standing committee that was in fact created at the same time as the original ICAC bill passed this parliament for that exact purpose. It was created for the exact purpose of inquiring into how the act works, the nature and effect of the act and how the commission works in practice. That is the actual role of this committee.

What we would support and what we foreshadow moving is an amendment at the end of the second reading stage for this bill to be referred to the Crime and Public Integrity Committee. I can also foreshadow that we do not want to see this bill held up. We think it is important that this parliament, after much debate on open hearings of ICAC, actually gets on with the legislation and passes it. We do not want to see this bill held up. That is not at all the intention of referring something to a committee. To that end, I can foreshadow that, with an amendment to move to have the Crime and Public Integrity Committee examine this bill, we will also be seeking to move that it be an instruction to that committee that it report no later than Tuesday 4 September.

In fact, it would be that the investigation of the bill by that committee would happen over the winter break, and on the very first day that this parliament returns the committee will be required to report so that we can get on with debating any amendments. I think we will all be in a much more informed and better position to consider any potential amendments—with some already having been filed—with the benefit of having had a committee examine the bill before us but also any potential amendments. It might be that the advocates of the bill and the commission itself may see fit that it is appropriate that some amendments to what is already there succeed.

If it is a very short inquiry by the Crime and Public Integrity Committee, with an instruction to report back on the first day after the winter break on 4 September, it will enable most of us, and particularly crossbenchers, to have a very thorough consideration of this bill and the issues surrounding this bill.

As I said, if it succeeds and the bill is referred to this committee, I flag that I will also be moving that the committee reports back on the very first day of sitting, so there is no way this bill is held up; it is just the winter break and no longer that the committee considers this bill. I think that will put everyone in a much better place to consider the nature and effect of not only the bill but of any potential amendments.

With the benefit of having discussed this with members of the legal fraternity and bodies representing them, the opposition has some amendments that, if not referred to the committee, it will consider filing. We think it is a much better option to have issues that would otherwise be filed considered by this committee over the short winter break, to come back and report on the first day of sitting and then we can get on with the business of passing this bill swiftly. I move:

That all words after 'that' be deleted, and insert:

the bill be withdrawn and referred to the Crime and Public Integrity Committee.

I flag that, should that succeed, I will move that standing orders be so far suspended to enable instruction to the committee, the effect being that the committee reports back by Tuesday 4 September, which is the first day of sitting after the winter break.

The PRESIDENT: My understanding, for the benefit of members, is that we will come to that issue at the conclusion of the second reading debate.

The Hon. K.J. MAHER: Yes.

The Hon. D.G.E. HOOD (16:57): I rise in support of this government bill. It is yet another clear indication of the Marshall Liberal government's intention to govern South Australia with openness and transparency. I reflect on the comments of the two previous speakers and welcome their thoughtful input into the debate. My strong opinion on this proposed legislation should be no surprise to members in this place, given that I introduced a very similar bill in the last parliamentary session seeking to provide the Independent Commissioner Against Corruption with the powers he had been requesting for a number of years.

Unfortunately, my personal attempts, and those of the then Liberal opposition, to achieve this were repeatedly blocked by the former government, which evidently did not see value in it being kept and this bill passing. I am therefore very pleased and proud that the Liberal team is now in a better position to extend and clarify the commissioner's powers through this well overdue reform.

When the ICAC was eventually established by the former government, albeit following years of resistance from them, it did not allow for public hearings to be held, despite similar entities in other jurisdictions having this ability. In fact, South Australia's ICAC is notorious for sometimes being labelled as the most secret agency of its kind in Australia. It is, of course, a label they have sought for some time to rid themselves of by allowing the commissioner to hold inquiries of misconduct and maladministration in public.

I understand that, whilst the commissioner was initially supportive of the clandestine approach, his views changed significantly following ICAC's investigation into the sale of state government land at Gillman, through which he determined Renewal SA had engaged in maladministration, with its practices resulting in significant mismanagement of public resources. In his report on this particular matter, published on 14 October 2015, the commissioner stated:

> My experience in conducting this inquiry has caused me to consider whether I should recommend to Parliament an additional measure with respect to such investigations. That is, whether I should have the power to conduct an inquiry into potential maladministration in public administration in public if such a public inquiry was in the public interest.
>
> In my opinion, the ICAC should be given that discretion.

These views of the commissioner need to be taken seriously and given due consideration as we endeavour to improve current practice. It is vital that our ICAC is provided with the tools necessary to fulfil its mandate effectively, efficiently and with the government of the day's full cooperation and support.

Of course, the regretful and shameful scandal concerning the former Oakden Older Persons Mental Health Service no doubt remains the most powerful impetus for change. The detestable treatment of elderly South Australians at the hands of trusted carers, along with the former state government's neglectful role in enabling this to occur for far too long without any meaningful intervention—indeed, for more than a decade, as we have come to understand it—is inexcusable.

The Oakden case was naturally what prompted me to introduce the Liberal's bill, which did not pass last year. When I met with Commissioner Lander personally at this time, he reiterated his unequivocal support for this proposed legislation. This was reflective of his public comments in response to the concerning revelations involving the facility. He stated:

> …I have consistently said there are very good reasons to provide me with the discretion to conduct maladministration investigations in public. My views have not changed. However, this is ultimately a matter for Parliament, which I note still does not have an appetite for it.

A large contingent of the previous parliament certainly did support his views but regrettably not the majority.

It is worth noting that this bill before us is congruent with the commissioner's appeal in the sense that, although it provides for the discretion to hold public hearings in relation to potential serious or systemic misconduct or maladministration in public administration, it does not affect investigations into allegations of corruption.

In these instances, the ICAC will continue to ascertain whether there is sufficient evidence to suggest cases should be referred to the Director of Public Prosecutions or the police. Further, the bill seeks to clarify and consolidate the commissioner's powers by enumerating these in a schedule

to the ICAC Act, as opposed to the agency operating and exercising powers in reference to the Ombudsman Act and the Royal Commissions Act.

The current scheme is unnecessarily convoluted, and I understand a lot of time was spent on legal argument during the Oakden inquiry in relation to uncertainties regarding the precise powers of the ICAC. It is clear that this can be remedied quite simply, and I am sure members would agree we cannot afford to endure any more costly delays that can easily be avoided whenever a government's actions come under scrutiny.

The effective operation of the Independent Commissioner Against Corruption is fundamental in maintaining public integrity. The ICAC's independence and the fact that it is not subject to the direction of any person in relation to any matters enables it to be in a unique position to execute its functions without fear or favour. More than ever, recent events have convincingly revealed the need for swift reform to ensure it can perform its mandate optimally. The Marshall Liberal government will not relent until our laws serve to facilitate this.

Indeed, the measures in this bill constitute an important part of the Liberal team's policy commitments prior to the last election, and it intends to deliver on its promises. It is certainly an important aspect of our transparency and accountability agenda to be implemented across government. It is therefore our sincere hope that all members in this place will support the passage of this bill in the best interests of South Australians.

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

PUBLIC FINANCE AND AUDIT (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 July 2018.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:04): I indicate that the Labor opposition is generally supportive of this bill and its endeavours to improve the timeliness and effectiveness of reporting by the Auditor-General. Currently, a report of the Auditor-General must be tabled on the next sitting day and can only be published when the report is tabled. This bill will make a change to allow the Auditor-General to publish a report after it has been delivered to the President of the Legislative Council and the Speaker of the House of Assembly, removing the requirement for tabling prior to publication. The practical effect of the amendment is the Auditor-General will be able to publish a report regardless of whether the parliament is sitting or not. I understand this amendment is based on a key concern of the Auditor-General expressed in his 2017 annual report.

This bill also proposes a number of simplification measures. The first simplification measure will allow the Auditor-General to annex documents to his report. This will significantly reduce the burden of publishing them in his annual report, which can often be in excess of 3,000 pages with relevant annexures. I understand the annexures will be available to parliament on a website determined by the Auditor-General.

The second simplification measure will require the Auditor-General to publish on a website audited financial statements of public authorities and the financial statements of the administrative unit established to assist the Auditor-General. The third simplification measure will allow the treasurer to delegate his power under the Public Finance and Audit Act to open, close and maintain deposit, specialist deposit and impressed accounts. These changes are uncontroversial and the opposition's view is that they should improve timeliness and efficiency reports of the Auditor-General.

The Auditor-General has further requested the bill adopt terminology regarding an audit that is consistent with current auditing standards in Australia and New Zealand. The term 'efficiency and economy' in the context of undertaking an audit has been refined in auditing standards in other audits acts across Australia and New Zealand as 'efficiency, economy and/or effectiveness'.

The Hon. R.I. LUCAS (Treasurer) (17:06): I thank the honourable member for his indication of support on behalf of the Labor opposition. I am advised that no other members wish to speak and that there is broad support for the passage of the second reading. We thank members for their indications of support.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:09): I move:

That this bill be now read a third time.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (CHILDREN AND VULNERABLE ADULTS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 21 June 2018.)

The Hon. K.J. MAHER (Leader of the Opposition) (17:10): I rise today to indicate Labor's support for the Criminal Law Consolidation (Children and Vulnerable Adults) Amendment Bill 2018. The bill makes amendments to criminal neglect in section 14 of the Criminal Law Consolidation Act 1935 to remedy past problems regarding the prosecution of offenders for the criminal neglect offence.

It is worth noting that this bill is the same as the bill that was introduced by the Labor government during the last parliament, and we welcome the Liberal government reintroducing this Labor initiative. The Attorney-General, in her second reading explanation, asserted that this bill will address problems experienced by police and the Director of Public Prosecutions arising from the definition of 'serious harm' in the current legislation as it applies to children who are the victims of the offending. Section 14 of the Criminal Law Consolidation Act 1935 currently defines 'serious harm' as:

(a) harm that endangers, or is likely to endanger, a person's life; or

(b) harm that consists of, or is likely to result in, loss of, or serious and protracted impairment of, a part of the body or a physical or mental function; or

(c) harm that consists of, or is likely to result in, serious disfigurement;

I understand that the limited definition of serious harm has proved problematic in establishing the offence. In practice, this has meant instances of serious neglect or serious harm have been unable to be prosecuted in a way that holds a parent or carer responsible for the maltreatment and harm caused to a child. The bill looks to address this gap by replacing the 'serious harm' provision with 'harm', which would improve the chances of successful prosecution of neglectful and abusive parents or carers. For example, where a child has healed rapidly from serious trauma, such as a broken arm or leg, prosecution of the offender has been difficult to occur in a way that reflects the true harm done to the child.

The bill also proposes to delete the word 'unlawful' from section 14. I am advised that this has the effect of extending the offence of criminal neglect so it will no longer be limited to death and serious harm resulting from an unlawful act but will now apply to death or any harm resulting from such an act. The bill also proposes a replacement to section 14(3)(a) to allow offences referred to in this bill to be procedurally easier to prosecute and to establish harm was caused without needing to establish that the defendant was or ought to have been aware that there was an appreciable risk that harm would be caused to the victim. With those words, I once again indicate Labor's support for what was once a Labor bill.

The Hon. D.G.E. HOOD (17:13): I rise to speak in support of this important bill, which was developed in consultation with our police force, the Director of Public Prosecutions and justice and child protection agencies in an endeavour to protect both children and vulnerable adults from harm and neglect through addressing shortfalls in current legislation.

As members would be aware, it is identical to the bill that was introduced last year by the former government and supported by the then opposition (now government), which unfortunately

lapsed due to the dissolution of the previous parliament. I have always been strongly in favour of the proposed measures and I was therefore hopeful that it would receive swift passage at that time. Nevertheless, I am now thankful that the Marshall Liberal government is prioritising its reintroduction in the best interests of all South Australians.

This bill amends the offence of criminal neglect in section 14 of the Criminal Law Consolidation Act, which attributes criminal liability to carers of children under the age of 16 and people aged 16 or over who are significantly impaired through physical disability, cognitive impairment, illness or infirmity, at whose hands the child or adult dies or is seriously harmed as a result of an unlawful act. The proposed changes before us are designed to better capture behaviour that is considered neglectful and which can prove difficult to prosecute if it is not deemed to constitute serious harm as per the current definition.

It has been determined that one of the primary reasons this issue must be addressed is the fact that children have a tendency to recover from many forms of physical injury or maltreatment without perceivable long-lasting or permanent injury, in some cases, whereas the same trauma suffered by adults is generally likely to have more severe consequences, I am told. Certain injuries that would amount to serious harm when sustained by an adult may therefore not give rise to the same result when sustained by a child. The term 'serious harm' will be substituted with the word 'harm' to mitigate this concern and ensure injuries inflicted upon children, in particular, are capable of being captured, notwithstanding their greater capacity to heal.

The definition of harm is aptly broadened to include the physical or mental harm of the victim, including detriment to their physical, mental or emotional wellbeing or their development. This bill also amends section 14 of the act so that it applies to any act, whether it be lawful or unlawful, ensuring that guardians or carers can be prosecuted for cruelty or a sustained course of abuse or neglect, in addition to specific offences under the current law. This will effectively negate the need for clear evidence of a specific offence, which requirement is presently undermining the ability for punitive action to be taken against suspected abusive or neglectful caregivers and is ultimately impeding the adequate protection of both children and vulnerable adults.

The bill increases the penalty for neglect that causes harm to a maximum of 15 years imprisonment and increases the penalty for neglect that causes death to a maximum sentence of life imprisonment. It is indeed a shame that we have a need to consider strengthening these types of laws. However, as we have unfortunately witnessed in recent years, the instances of serious abuse and neglect concerning both children and vulnerable adults within our community are unfortunately a stark reality.

Members will recall what was referred to as the so-called house of horrors in Parafield Gardens, which was the 'home' to no less than 21 children, who suffered through starvation and malnutrition and were subject to the most depraved and incomprehensible torture whilst subsisting in abhorrent conditions. A few years later, in 2011, a young boy who was near death and weighed just eight kilograms, despite being four years of age, was discovered by police.

We are also never likely to forget the tragic case of little Chloe Valentine, who died of horrific injuries in 2012 from repeatedly falling off a motorcycle she was forced to ride by her mother and her mother's partner, who failed to seek timely medical attention when Chloe was knocked unconscious through these activities. More recently, just a few months ago, two young girls were found living in squalid conditions in our north-eastern suburbs, whilst their mother was passing in and out of consciousness, allegedly high on some sort of illicit substance.

Of course, revelations concerning the reprehensible treatment of elderly patients at the former Oakden Older Persons Mental Health Service were also extremely disturbing, with many families still coming to terms with what their loved ones were subjected to after being placed in the care of those whom they trusted implicitly.

Although these examples may represent the most extreme cases of harm and neglect, they are just a few that we, the public, have been made aware of, and there are, no doubt, countless other instances that remain unreported or undetected. This bill will deal with such matters. I believe and appreciate that most well-adjusted adults would feel an innate sense of responsibility to ensure that those dependent upon them are provided with the care and nurture they deserve. As legislators,

however, we must be mindful of the small minority who fail to act in accordance with this fundamental expectation. Our laws must consequently convey that those found guilty of the mistreatment of children or vulnerable adults will be brought to account and will not escape some sort of correction.

The Marshall Liberal government trusts that the strengthening of our existing legislation will act as a deterrent to any unacceptable conduct. It is certainly my hope that this bill receives multipartisan support, as it appears to have done, given the contributions of others today. I support the bill and commend it to the council.

The Hon. R.I. LUCAS (Treasurer) (17:19): I thank the Hon. Mr Hood and the Hon. Mr Maher for their contributions to the second reading of the bill and for acknowledging, in their contributions, that this is a piece of legislation that is being supported by all members of this chamber, and indeed all members of parliament. I think this is indicative of many pieces of legislation that go through the houses of parliament and which perhaps do not attract much public attention because everyone supports them and there is little criticism directed towards what is hopefully going to be good law and good legislative change. On behalf of the Attorney-General and the government, I thank honourable members for their contributions and their indications of support for the bill.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (17:22): I move:

That this bill be now read a third time.

Bill read a third time and passed.

FAIR TRADING (GIFT CARDS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 7 June 2018.)

The Hon. F. PANGALLO (17:23): I rise to speak in support of the Fair Trading (Gift Cards) Amendment Bill 2018, which amends the Fair Trading Act 1987 to require any gift cards sold in South Australia to have a minimum three-year expiry date. This bill is common-sense consumer protection and a bill that should have been introduced before this time, given the popularity of gift cards and the tendency of many of us to store and forget them until it is too late. Consumers deserve the power to choose when and how they spend gift cards, rather than being forced to spend them within a relatively short time frame to beat the forced expiry date.

Streamlining gift card expiry dates is a relatively simple manoeuvre, though it provides significant certainty to consumers and, consequently, the economy generally. We cannot allow revenue to be lost over something as simple as consumers running out of time to spend a gift card. It is abundantly clear the current system fails to reasonably balance the needs of everyday consumers and businesses. I agree with the minister that consumer economics is a two-way street as the purchase of a gift card still involves expectations that the seller will provide the consumer with goods and services. An efficient consumer economy is not one plagued by confusion regarding the plethora of different gift card terms and conditions that businesses apply.

Additionally, the current system has allowed business practices to adopt an undue degree of informality, as some businesses have accepted gift cards while others have not. The last thing consumers need is a situation where businesses decide whether or not to play by their own rules as this creates a disorderly consumer market undermining the relevance of consumer contract law. While I acknowledge the consumer market's diversity, the needs of everyday consumers are equally diverse and this parliament needs to apply a rules-based approach to this economic and financial diversity.

I also commend the minister for promising targeted consultation to reduce any potential disruption this bill may create. In this case, the government has demonstrated its willingness to adopt an approach of consumer protection, emphasising cooperation with businesses, rather than attacking them. This arguably explains why the minister has anticipated the bill's negative financial effect to be minor.

I note the minister's statement that the current system's reliance on the Australian Consumer Law to limit compensation opportunities to unfair contract situations is excessively restrictive. I would like to add, the bill stands to reduce the frequency of legal disputes arising from gift card terms and conditions as fair and uniform provisions will prevent consumers, tribunals and civil courts from having to determine which particular terms and conditions of gift cards are unfair. In this respect, the bill will provide considerable legal certainty to both consumers and businesses.

Further, it would be commendable for South Australia to adhere to the recommendations of the consumer group Choice and allow the examples set by recent and successful New South Wales reforms. I commend the minister for alerting the national Consumer Affairs Forum of the proposed gift cards reforms and hope the move ultimately encourages the federal government to follow through with uniform national laws for gift card expiry dates.

Moreover, I agree with the minister that consumers deserve to receive what they paid for without being forced to make purchases that do not reflect their needs or desires. Consumers can be placed at a financial loss if they cannot spend their gift cards, for simple reasons such as the lack of time or the seller's failure to present appealing goods or services. In this respect, the bill is likely to help consumers hold businesses accountable for the quality of the goods and services they provide. This stands to bolster both consumer confidence and market competition. As the minister has noted, the negative financial effect on stakeholders is anticipated to be minor.

Ultimately, the bill stands only to modernise our economy by preventing the validity of gift cards being subject to the whims of individual businesses. I therefore strongly encourage this council to pass the bill as there is little within it to raise concern.

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

STATUTES AMENDMENT (NATIONAL ENERGY LAWS) (RULES) BILL

Second Reading

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (17:29): I move:

That this bill be now read a second time.

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

Leave granted.

Today's electricity market is quite different from the one that operated when Australia's National Electricity Market was established in 1998. The Government recognises the need for a National Electricity Market that can adapt and respond to challenges, in the face of evolving technologies and the need to meet our climate change objectives, whilst ensuring the affordability, security and reliability of the system.

At an extraordinary meeting of COAG Energy Ministers on 7 October 2016, Ministers agreed to an independent review of the National Electricity Market to take stock of the national electricity system, its security and reliability, and to provide advice on a coordinated, national reform blueprint. Dr Alan Finkel AO, Australian Chief Scientist, was appointed to lead the Review.

In delivering his Final Report in July last year, Dr Finkel emphasised the importance of good strong governance and ensuring there is a coordinated approach from energy market bodies to the rapidly changing National Electricity Market.

A key recommendation of the Review was the establishment of the Energy Security Board, comprised of the AEMC, AEMO and AER, with an independent Chair and Deputy Chair.

This Board is responsible for the implementation of the national reform blueprint, as articulated in the final report, as well as providing whole-of-system oversight of the security and reliability of the NEM. It will be integral to improving long term planning, with clear strategic direction provided by the COAG Energy Council, referred to in the Energy Laws as the Ministerial Council on Energy (MCE).

Importantly, the Board is able to draw on the expertise and experience of each of the market bodies, as well as those of the Chair and Deputy Chair, providing for a strategic, collaborative and coordinated approach to issues as they arise.

In recognition of the need for the Board to commence its role as soon as practicable, it was established as a non-statutory authority. Importantly, its role will be reviewed after three years.

At the COAG Energy Council meeting in Brisbane on 14 July 2017, Ministers agreed that there was a need to provide a mechanism to allow for the timely implementation of the Board's recommendations.

The *Statutes Amendment (National Energy Laws) (Rules) Bill 2018*, establishes a mechanism by which a recommendation of the Energy Security Board to make a Rule, once it has the unanimous support of the MCE, can be made by the South Australian Minister under the National Electricity Law, National Gas Law or National Energy Retail Law, as appropriate.

In order for the Minister to make such a Rule, the Bill prescribes several statutory requirements which any Rule being proposed by the ESB must meet.

Firstly, the Rule must be in connection with energy security and reliability or long-term planning of the NEM, or in the case of Rules under the National Gas Law, may also be in relation to investment in, and operation and use of, natural gas services.

Secondly, the Board must be satisfied that the Rule meets the relevant legislative objective. This ensures the same rule making test, which the AEMC applies in its making of Rules, is applied to a Rule made by the Minister, through this process.

Finally, the Rule must have been the subject of consultation, in accordance with any MCE requirements. The process for undertaking consultation will be outlined in the *'Ministerial Rule Making Consultation Guide'*, issued to the Energy Security Board by the MCE and made public, which forms part of the Energy Security Board's Operating Protocols.

Once recommended by the Energy Security Board, a Rule must receive the unanimous support of Ministers, then the MCE can recommend that the same Rule be made by the South Australian Minister.

Once made by the Minister, the Rule becomes indistinguishable from all other Rules over which the AEMC has jurisdiction. For the avoidance of doubt, this is expressly allowed for by the Bill.

The Rule making power can be used by the Minister on multiple occasions but only for as long as the Energy Security Board is in existence. Should the decision be made at the three-year review to abolish the Board, the Minister's power to make Rules, as provided for by this Bill, would also cease to exist.

This Bill also makes two further amendments across each of the Energy Laws, unrelated to the Energy Security Board. For timeliness, they have been included here.

The first of these is in response to a recommendation of the Finkel Review, that the recommendations of the *Review of Governance Arrangements for Australian Energy Markets*-known as the Vertigan Review-to expedite the current Rule-making process be implemented by the end of this year.

As part of the Vertigan Review, the Australian Energy Market Commission acknowledged it would be more likely to utilise the expedited Rule change process were the publication timeline increased from six to eight weeks. This Bill makes that change where rule change requests are considered to be non-controversial.

A minor amendment to the definition of National Gas Rules under the National Gas Law is also contained in this Bill to correct a minor drafting issue.

The COAG Energy Council remains committed to ensuring the focus remains the security and reliability of the national energy system, and that this is in inherent in every decision we make.

The Energy Security Board has been established to ensure a collaborative and coordinated approach to governance by drawing on the expertise of each of the market bodies, under the leadership of the independent Chair and Deputy Chair, enabling the Board to provide whole-of-system strategic advice, including where appropriate, the recommendation to implement that advice through a Rule change.

By providing the South Australian Minister with a Rule making power under each of the Energy Laws, this ensures that should a Rule change be recommended by the Energy Security Board, and approved by the MCE, it will be made in a timely manner but only if it has met the statutory requirements contained in this Bill.

We look forward to reviewing the Energy Security Board in three years' time, and to quote the words of Dr Finkel: 'we will know that we have been successful if, in three years from now, electricity is no longer a topic of discussion in the general community'.

I commend this 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 *National Electricity Law*

4—Amendment of section 2—Definitions

Definitions are inserted for the purposes of the measure, including a definition of the *Energy Security Board*.

5—Insertion of section 28YA

New section 28YA is inserted:

28YA—Disclosure of information to Energy Security Board

The AER is authorised to disclose information to the Energy Security Board.

6—Amendment of section 54C—Disclosure required or permitted by law etc

The Energy Security Board is added to the list of bodies that AEMO is authorised to disclose information to.

7—Insertion of heading to Part 7 Division 2 Subdivision 1

This amendment is consequential.

8—Insertion of Part 7 Division 2 Subdivision 2

A new Subdivision 2 is inserted into Part 7 Division 2:

Subdivision 2—Rules made by Minister from time to time

90F—South Australian Minister may make Rules on recommendation MCE and Energy Security Board

The South Australian Minister is authorised to make Rules on the recommendation of the MCE and the Energy Security Board. The Rules must be in connection with energy security and reliability of the NEM or long-term planning for the NEM and consistent with the national electricity objective. The Energy Security Board is required to conduct public consultation on any Rules.

9—Amendment of section 96—Publication of non-controversial or urgent final Rule determination

The period within which a final Rule determination in respect of a Rule made under this section (being a non controversial or urgent Rule) must be published (by the AEMC) is lengthened to 8 weeks (from 6 weeks).

10—Insertion of section 108B

New section 108B is inserted:

108B—Subsequent rule making by AEMC

New section 108B clarifies that the new Ministerial Rule making power does not affect the power of the AEMC to make Rules for the purposes of the *National Electricity Law*.

11—Amendment of Schedule 3—Savings and transitional

A transitional provision is inserted in connection with the amendment to section 96.

Part 3—Amendment of *National Energy Retail Law*

12—Amendment of section 2—Interpretation

Except where otherwise stated below, the amendments to the *National Energy Retail Law* set out in the measure are substantially the same as the amendments to the *National Electricity Law* under the measure (with modifications where necessary in the context of the *National Energy Retail Law*).

13—Insertion of section 8A

The *National Energy Retail Law* does not currently have a Schedule of 'savings and transitional' provisions. This clause reflects the proposed insertion of the new Schedule.

14—Insertion of section 210A

15—Amendment of heading to Part 10 Division 3

16—Insertion of heading to Part 10 Division 3 Subdivision 1

17—Insertion of Part 10 Division 3 Subdivision 2

Subdivision 2—Rules made by Minister from time to time

238B—South Australian Minister may make Rules on recommendation of MCE and Energy Security Board

The Minister's power to make Rules under this section differs from the equivalent provision in the *National Electricity Law* in that the Minister can only make Rules for any purpose that is necessary or consequential as a result of the making of a National Electricity Rule by the Minister under section 90F of the *National Electricity Law* or a National Gas Rule by the Minister under section 294G of the *National Gas Law*.

18—Amendment of section 239—Subsequent rule making by AEMC

19—Amendment of section 252—Publication of non-controversial or urgent final Rule determination

20—Insertion of Schedule 1

Part 4—Amendment of *National Gas Law*

21—Amendment of section 2—Definitions

Except where otherwise stated below, the amendments to the *National Gas Law* set out in the measure are substantially the same as the amendments to the *National Electricity Law* under the measure (with modifications where necessary in the context of the *National Gas Law*).

22—Amendment of section 91GC—Disclosure required or permitted by law etc

23—Amendment of heading to Chapter 9 Part 2

24—Insertion of heading to Chapter 9 Part 2 Division 1

25—Insertion of Chapter 9 Part 2 Division 2

Division 2—Rules made by Minister from time to time

294G—South Australian Minister may make Rules on recommendation of MCE and Energy Security Board

The Minister's power to make Rules under this section differs from the equivalent provision in the *National Electricity Law* in that the Energy Security Board can recommended that the Minister make Rules in connection with long term planning in relation to investment in, and operation and use of, natural gas services (in addition to Rules in connection with energy security and reliability of the NEM or long-term planning for the NEM).

26—Amendment of section 304—Publication of non-controversial or urgent final Rule determination

27—Insertion of section 320A

28—Insertion of section 326A

29—Amendment of Schedule 3—Savings and transitional

Debate adjourned on motion of Hon. J.E. Hanson.

JUDICIAL CONDUCT COMMISSIONER (MISCELLANEOUS) AMENDMENT BILL

Second Reading

The Hon. R.I. LUCAS (Treasurer) (17:30): I move:

That this bill be now read a second time.

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

Leave granted.

Mr President, the Bill I introduce today makes miscellaneous amendments to the *Judicial Conduct Commissioner Act 2015*.

The Judicial Conduct Commissioner Act was passed by Parliament on 29 October 2015 and received Royal Assent on 5 November 2015. Since that date, the Governor has appointed the Independent Commissioner Against Corruption, the Hon Bruce Lander QC, as the first Judicial Conduct Commissioner with the approval of the Parliamentary Statutory Officers Committee.

The amendments contained in this Bill were requested by the Commissioner. They operate to clarify some aspects of the Act and improve the efficiency of the judicial complaints process.

The Bill allows the Commissioner to investigate if further information enlivens a complaint that would otherwise have been dismissed, and also allows the Commissioner to summarily dismiss complaints that could be dismissed under section 17. This would occur without the need to conduct a preliminary examination or to give notice of the complaint to the judicial officer concerned or to the jurisdictional head. This Government is reducing the administrative burden placed on the Commissioner.

The Bill provides that the identity of the complainant need not be provided to the judge concerned or to the relevant jurisdictional head unless the complainant consents to the disclosure or the Commissioner is of the opinion that the disclosure of the complainant's identity is necessary in order to ensure a proper response to the complaint is filed.

This is essential to facilitate complaints to be made to the Commissioner, especially coupled with an amendment to make it clear that any acts of victimisation from a judge towards a complainant can itself be the subject of a complaint. Lawyers should not be dissuaded from making complaints due to fears of retaliation when they next appear before that judge.

The definition of 'relevant jurisdictional head' where the person the subject of the complaint is themselves a jurisdictional head has been amended to refer to the Chief Justice of the Supreme Court, meaning that complaints about a jurisdictional head are referred to the Chief Justice.

The Bill also makes several minor points of clarification, including:

1. Requiring a copy of the report of the Judicial Conduct Panel be provided to the Commissioner;

2. Providing that where the Commissioner is also the Independent Commissioner Against Corruption (as is currently the case), a person employed under section 12 of the *Independent Commissioner Against Corruption Act 2012* and directed to perform duties under the Judicial Conduct Commissioner Act or a person seconded to assist the Commissioner be included as a 'member of the Commissioner's staff'; and

3. Making it clear that that the Commissioner has the explicit power to consider conduct that occurs prior to the commencement of the Judicial Conduct Commissioner Act.

Finally, the Bill makes an amendment to address the circularity of the current section 33, which provided that a person must not, except as authorised, publish information relating to a complaint if the publication was prohibited. The section has been amended to clarify that information cannot be published unless authorised by the Commissioner.

The provisions in this Bill have the purpose of clarifying the Commissioner's powers and assisting him in the discharge of his statutory duties.

Mr President, 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 *Judicial Conduct Commissioner Act 2015*

4—Amendment of section 4—Interpretation

This clause makes a minor change to the definition of *relevant jurisdictional head* to make it clear that, where a complaint relates to a jurisdictional head, the Chief Justice of the Supreme Court is the only relevant jurisdictional head for the purposes of the complaint. The clause also clarifies that acts of victimisation by a judicial officer may be the subject of a complaint under the Act.

5—Amendment of section 5—Application of Act

This clause clarifies that the principal Act can apply to conduct occurring before its commencement.

6—Amendment of section 10—Staff

This clause ensures that section 10 properly reflects the position in relation to staff under the *Independent Commissioner Against Corruption Act 2012* by referring to staff of the Independent Commissioner Against Corruption (and not just staff of the OPI).

7—Amendment of section 12—Making of complaints

This clause allows the Commissioner to determine not to give any notices under subsection (3) in relation to a complaint until the Commissioner has determined whether the complaint is one that must be dismissed under section 17(1).

8—Amendment of section 13—Preliminary examination of complaints

This clause allows the Commissioner to dismiss a complaint before conducting a preliminary examination if the Commissioner determines that the complaint is one that must be dismissed under section 17(1). In addition, if the Commissioner exercises this power to dismiss a complaint, the Commissioner is not required to give any notification in relation to the complaint to the judicial officer who is the subject of the complaint or to the relevant jurisdictional head.

9—Amendment of section 16—Discretionary dismissal of complaint

This clause amends section 16 to ensure consistency of wording and to allow for discretionary dismissal of a complaint where the Commissioner has previously considered the subject matter of the complaint or the Commissioner has determined that the subject matter of the complaint could not, if substantiated, warrant the taking of any action. Currently these are grounds for mandatory dismissal under section 17(1)(g).

10—Amendment of section 17—Mandatory dismissal of complaint

This clause deletes section 17(1)(g) (consequentially to the amendments to section 16) and provides that, if the Commissioner dismisses a complaint under this section, the Commissioner is not required to give any notification in relation to the complaint to the judicial officer who is the subject of the complaint or to the relevant jurisdictional head.

11—Amendment of section 18—Referral of complaint to relevant jurisdictional head

This is consequential to clauses 8 and 9.

12—Amendment of section 25—Report by panel

This amendment requires the report of a judicial conduct panel to be provided to the Commissioner.

13—Amendment of section 27—Commissioner's annual report

This is consequential to clauses 8 and 9.

14—Amendment of section 30—Immunity from liability

This amendment ensures that the immunity from liability under section 30 extends to persons exercising, or purportedly exercising, powers or functions under the Act in accordance with a staffing arrangement established under section 10.

15—Amendment of section 32—Confidentiality, disclosure of information and publication of reports

This amendment requires that a notification required to be given by the Commissioner under the Act to a judicial officer or jurisdictional head must not disclose the identity of any complainant except in certain circumstances.

16—Amendment of section 33—Publication of information and evidence

Currently section 33 allows the Commissioner to prohibit the publishing of information or evidence relating to a complaint but then allows publication of material the subject of a prohibition in accordance with a specific authorisation by the Commissioner or a court. Under the proposed amendment, publication would only ever be allowed in accordance with a specific authorisation by the Commissioner or a court (so there would be no need for any initial prohibition by the Commissioner).

Debate adjourned on motion of Hon. I. Pnevmatikos.

INFRASTRUCTURE SA BILL

Introduction and First Reading

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

At 17:35 the council adjourned until Wednesday 25 July 2018 at 14:15.

Answers to Questions

GRANT PROGRAMS

36 The Hon. C.M. SCRIVEN (19 June 2018). Have there been any changes to any grants programs in the Department of Human Services since 17 March 2018 and if so, what were they?

The Hon. J.M.A. LENSINK (Minister for Human Services): The Department of Human Services has advised:

The former Labor government's Fund My Community program will no longer be offered by the Department of Human Services. The $1 million will still be allocated in grant funding through a different process.

HUMAN SERVICES STAKEHOLDERS

37 The Hon. C.M. SCRIVEN (19 June 2018). Which human services stakeholders has the minister personally met with between 18 March and 13 June 2018?

The Hon. J.M.A. LENSINK (Minister for Human Services): The Office of the Minister for Human Services has advised:

The minister has had meetings with the following stakeholders:

- Carers SA
- Community Housing Council of SA
- Principal Community Visitor
- Shelter SA
- Community Centres SA
- South Australian Council of Social Service (SACOSS)
- Hutt Street Centre
- The Guardian for Children and Young People
- Save the Children
- The former Commissioner for Aboriginal Engagement
- Mission Australia
- Domestic Violence providers
- Homelessness and Housing providers
- National Disability Services
- Disability Stakeholders
- Youth and Youth Justice Stakeholders

This list does not include stakeholders the minister has met with at events.

HUMAN SERVICES STAKEHOLDERS

38 The Hon. C.M. SCRIVEN (19 June 2018). Which Department of Human Services sites has the minister personally visited between 18 March and 13 June 2018?

The Hon. J.M.A. LENSINK (Minister for Human Services): Advised:

Between 18 March and 13 June 2018, I have visited the Riverside Centre and the Adelaide Youth Training Centre campus.

GRANT PROGRAMS

39 The Hon. C.M. SCRIVEN (20 June 2018). In dollar terms, what is the cost of the Assets Condition Inspection program as undertaken by RTC Facilities Maintenance (SA) Pty Ltd (RTC) to the Department of Human Services? What are the year on year costs of the Assets Condition Inspection program through RTC and what is the final anticipated costs of the program to the department pending the completion of the program?

The Hon. J.M.A. LENSINK (Minister for Human Services): The Department of Human Services has advised:

The total cost to the South Australian Housing Authority for the Asset Condition Inspection program is $4.4 million over three financial years. Costs per annum will be dependent on the number of inspections undertaken, with an estimated $1.9 million cost for 2018-19.

POLICE CHECKS

40 The Hon. C.M. SCRIVEN (20 June 2018). Does the minister hold a current and valid working with children check? If so, when was this check sought, and what was the waiting time from application to attainment of the police check?

The Hon. J.M.A. LENSINK (Minister for Human Services): Advised:

As previously placed on public record I hold a current child-related employment screening. I applied for the screening check on 26 March 2018, the clearance was issued on 27 March 2018. I had previously been issued with a 3-year child-related employment screening which had expired.

HUMAN SERVICES DEPARTMENT

41 The Hon. C.M. SCRIVEN (20 June 2018). Since 17 March 2018 what has been or will be the total cost spent on marketing, advertising, stationery and other costs due to the renaming and rebranding of the Department of Communities and Social Inclusion to the Department of Human Services?

The Hon. J.M.A. LENSINK (Minister for Human Services): The Department of Human Services has advised:

On 17 May 2018, the Department for Communities and Social Inclusion was renamed the Department of Human Services. The cost to rename and rebrand the department was $48,868 (excluding GST) which included updates to signage, stationery, print collateral, and internet and intranet systems.

The majority of graphic design and digital communication changes were undertaken in-house by the department, including development of its new visual style and logo. There were no advertising costs associated with the renaming or rebranding of the department.

HUMAN SERVICES DEPARTMENT

42 The Hon. C.M. SCRIVEN (20 June 2018). Since 17 March 2018 what consultancies have been engaged by the Department of Human Services, for what projects and at what cost?

The Hon. J.M.A. LENSINK (Minister for Human Services): The Department of Human Services has advised:

The information requested is publicly available on the SA Tenders and Contracts website.

GRANT PROGRAMS

43 The Hon. C.M. SCRIVEN (20 June 2018). Since 17 March 2018 what grants have been awarded by the Department of Human Services, to what organisations and service providers and for what amounts?

The Hon. J.M.A. LENSINK (Minister for Human Services): The Department of Human Services has advised:

The information requested is publicly available on the Department of Human Services website.

GLOBELINK

In reply to **the Hon. I. PNEVMATIKOS** (29 May 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Minister for Transport, Infrastructure and Local Government has provided the following advice:

The commitment to engage with the community has been delivered. The opportunity for any member of the public to have their say on shaping the future of freight transport in South Australia is available online at www.saglobelink.com.au/.

Given the scale and importance of this initiative, it will be important to bring a diverse range of industry skills and capabilities into the process.

On 28 June 2018 the Department of Planning, Transport and Infrastructure released a request for tender for a managing planner to project manage the development of the master plan and business case for GlobeLink, meeting the 100-day commitment. Tenders close on 9 August 2018.

PORT RIVER DREDGING

In reply to **the Hon. F. PANGALLO** (29 May 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Minister for Transport, Infrastructure and Local Government has advised:

In response to a request for further information from the Environment Protection Authority (EPA) associated with the assessment of the dredge application, Flinders Ports provided further information related to the methodology and costs associated with land-based dredge spoil.

The EPA itself also sought further independent review of the material provided by Flinders Ports. I refer the honourable member to documents available on the EPA website in response to his question. Mockinya Consulting report Attachment 5: https://www.epa.sa.gov.au/files/13468_mockinya_consulting_report_flinders_port.pdf

Flinders Ports Pty Ltd Outer Harbor Channel Widening Project Response to EPA RFI#3 Attachment 4 https://www.epa.sa.gov.au/files/13467_flinders_port_additional_info.pdf. I also refer the honourable member to the EPA website for further information on the application and the assessment process. This website is located at www.epa.sa.gov.au.

PORT RIVER DREDGING

In reply to **the Hon. F. PANGALLO** (29 May 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Minister for Transport, Infrastructure and Local Government has advised:

1. The decision taken regarding the widening of the Outer Harbour shipping channel has been informed following a rigorous assessment process which commenced in June 2017.

The application has been independently assessed by the State Commission Assessment Panel (SCAP). The application was publicly notified and was referred to the Port Adelaide Enfield Council and relevant state agencies, including the Environment Protection Authority (EPA) and Department of Environment and Water (DEW).

A suite of conditions has been settled having regard to issues raised, and following the receipt of the technical advice from agencies, which ensures that the development will be undertaken in an appropriate manner with any impacts properly managed. These conditions include one compelling Flinders Ports, prior to the commencement of any works, to incorporate measures within its dredge management plan that minimise the risk of Pacific oyster mortality syndrome (POMS) spreading. These measures must satisfy the requirements of Primary Industries and Regions SA (PIRSA) Biosecurity SA and South Australian Research and Development Institute (SARDI) Aquatic Sciences. The approval of the overall dredge management plan resides with the Environment Protection Authority.

I refer you to the EPA website to view a copy of the decision notification form approving of the development signed by the minister on 28 May 2018:

http://www.saplanningportal.sa.gov.au/__data/assets/pdf_file/0013/462100/Decision_Notification_Form.pdf

Flinders Ports will also be required to apply to the EPA for a dredging licence under the *Environment Protection Act 1993*. The EPA dredging licence application and assessment process provides an opportunity for community comment and submissions.

2. All political donations are disclosed on the Australian Electoral Commission website. These are a matter for the respective state division of the party.

CYBERSECURITY

In reply to **the Hon. I.K. HUNTER** (7 June 2018).

The Hon. S.G. WADE (Minister for Health and Wellbeing): I have been advised:

In relation to the possible data breach in the PageUp recruitment system, SA Health is satisfied that the incident has been contained and is being independently investigated.

The PageUp company has engaged multiple independent security vendors to assist in understanding the scope, impact and consequence of the incident. They have also engaged the Australian Cyber Security Centre (ACSC) and the Australian Federal Police. PageUp has also notified the Office of the Australian Information Commissioner (OAIC). In a joint statement from OAIC, ACSC and IDCare, it was stated that no Australian information may actually have been stolen.

While the investigation is ongoing, there is currently no evidence that any SA Health job applicants have had their data breached. As part of the communication strategy for incident handling, a notice has been placed on SA Health's career website keeping employees and applicants informed of developments with the PageUp incident. If needed, these notices can serve as supporting documentation if a person wishes to apply for a commonwealth victims' certificate. Response to the incident has been centrally coordinated by CERT Australia, which is the Australian Government's national Computer Emergency Response Team (CERT).

As part of its own response to the potential breach SA Health is engaging with CERT Australia. Along with SA government's chief information security officer, SA Health is regularly briefed by the Joint Cyber Security Centre under CERT Australia and PageUp.

CYBERSECURITY

In reply to **the Hon. J.E. HANSON** (7 June 2018).

The Hon. S.G. WADE (Minister for Health and Wellbeing): I have been advised:

In relation to the possible data breach in the PageUp recruitment system, SA Health is satisfied that the incident has been contained and is being independently investigated.

The PageUp company has engaged multiple independent security vendors to assist in understanding the scope, impact and consequence of the incident. They have also engaged the Australian Cyber Security Centre (ACSC) and the Australian Federal Police. PageUp has also notified the Office of the Australian Information Commissioner (OAIC). In a joint statement from OAIC, ACSC and IDCare, it was stated that no Australian information may actually have been stolen.

While the investigation is ongoing, there is currently no evidence that any SA Health job applicants have had their data breached. As part of the communication strategy for incident handling, a notice has been placed on SA Health's career website keeping employees and applicants informed of developments with the PageUp incident. If needed, these notices can serve as supporting documentation if a person wishes to apply for a commonwealth victims' certificate. Response to the incident has been centrally coordinated by CERT Australia, which is the Australian Government's national Computer Emergency Response Team (CERT).

As part of its own response to the potential breach SA Health is engaging with CERT Australia. Along with SA government's chief information security officer, SA Health is regularly briefed by the Joint Cyber Security Centre under CERT Australia and PageUp.

PAGEUP SERVICES

In reply to **the Hon. T.A. FRANKS** (19 June 2018).

The Hon. R.I. LUCAS (Treasurer): I have been advised of the following:

1. SA Health, SA Water and ReturnToWorkSA use PageUp services to manage applications for government positions, and were advised of the PageUp security incident.

2. Yes, individuals affected have been notified. On Friday, 15 June, RTWSA distributed notifications to 4,500 affected individuals. On Friday, 22 June, SA Water distributed notifications to 44,581 affected individuals. On Wednesday, 27 June, SA Health distributed to 192,072 affected individuals.

3. While the investigation is ongoing, there is currently no evidence that any SA Health job applicants have had their data breached.

While the investigation is ongoing, there is currently no evidence that any SA Water and ReturnToWorkSA job applicants had their data breached. No other SA government departments have been impacted.

MOUNT GAMBIER ROUNDHOUSE

In reply to **the Hon. M.C. PARNELL** (20 June 2018).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Minister for Transport, Infrastructure and Local Government has advised:

The demolition of 'The Roundhouse' in Mount Gambier has been postponed, given that the Chair of the SA Heritage Council has, under delegation, provisionally entered it into the South Australian Heritage Register under section 17 (2) (b) of the *Heritage Places Act 1993* following a nomination from the National Trust.

STATE RECORDS OF SOUTH AUSTRALIA

In reply to **the Hon. M.C. PARNELL** (5 July 2018).

The Hon. R.I. LUCAS (Treasurer): I have been advised of the following:

1. Open access records that form part of the state's archival collection are available at no cost to members of the public through State Records' research centre.

2. Open access records that form part of the state's archival collection are available at no cost to members of the public through State Records' research centre.

3. The $9.25 fee covers the costs associated with the record being made available via State Records systems, including importing into those systems and rendering the image into an accessible format.