LEGISLATIVE COUNCIL

Thursday, 26 July 2018

The PRESIDENT (Hon. A.L. McLachlan) took the chair at 11:30 and read prayers.

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

Parliamentary Procedure

SITTINGS AND BUSINESS

The Hon. R.I. LUCAS (Treasurer) (11:31): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, question time, notices of motion and orders of the day, private business, to be taken into consideration at 2.15pm.

Motion carried.

Bills

LATE PAYMENT OF GOVERNMENT DEBTS (INTEREST) (AUTOMATIC PAYMENT OF INTEREST) AMENDMENT BILL

Introduction and First Reading

The Hon. R.I. LUCAS (Treasurer) (11:32): Obtained leave and introduced a bill for an act to amend the Late Payment of Government Debts (Interest) Act 2013. Read a first time.

Second Reading

The Hon. R.I. LUCAS (Treasurer) (11:33): I move:

That this bill be now read a second time.

Businesses complain about the late payment of bills by South Australian government departments. While invoice payment performance is generally at an acceptable level there is still substantial opportunity for improvement. The late payment of invoices can cause cash flow issues for businesses and negatively impact on their ability to meet financial commitments.

As part of the 2018 state election the government committed to make interest automatically payable to businesses for any undisputed invoice paid 60 days late where certain criteria are met, and to create greater accountability and transparency through the public reporting of invoice payment performance. The Late Payment of Government Debts (Interest) Act 2013 is limited in its application to small business, and requires an unnecessary and costly bureaucratic process in order for late payment interest to be claimed. As a result, there have been almost no interest claims submitted under the act since it was first introduced.

The purpose of introducing this bill is to expand the act to cover all businesses trading in the public sector and enable the automatic payment of interest on overdue accounts where certain criteria are met. The untimely payment of invoices where it occurs is as much a cultural issue as it is a systems issue. Therefore, enacting this bill will send a strong message to public authorities that the prompt payment of invoices is an important objective of the government. Establishing a financial penalty which is automatically paid to business will clearly reinforce this message and act to change behaviours over time. The key changes to the existing act as set out in the amendment bill are:

- expanding the scope to cover all businesses trading with the government rather than the current limitation to small business;
- reducing the minimum interest payment threshold from $20 to $10;

- limiting application of the act to invoices with a value of $1 million or less; and
- automating the payment of interest to business such that it occurs at the same time the overdue invoice is paid in accordance with the government's standard 30-day payment terms.

This is going further than the promise made by the government as part of its election commitment which targeted automatic payment for bills that were 60 days overdue.

The act will cover all public authorities as defined under the Public Audit and Finance Act 1987, brought under this definition through notice published in the *Government Gazette*. The Small Business Commissioner will continue to retain a dispute resolution function under the act. The public reporting of bill payment performance is not a feature of this bill; those requirements have already been addressed through the issuing of instructions in Treasurer's Instruction 11.

I might just add that in the draft of the second reading explanation that I have just read there is no reference to a 48-hour payment provision which is included in the bill. It is a time provision which allows the department to pay within a 48-hour period after the due date of payment. I will further explain that either in the reply to the second reading or in the committee stage of the debate. With that, I seek leave to have the detailed explanation of clauses inserted into *Hansard* without my reading them.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

Operation of the measure will commence on a day to be fixed by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Late Payment of Government Debts (Interest) Act 2013*

4—Amendment of long title

This clause amends the long title of the Act to remove a reference to small business.

5—Amendment of section 3—Preliminary

This clause removes definitions that are no longer required as a consequence of other amendments made by the measure.

6—Amendment of section 5—Occurrence of default event

This clause amends section 5, which sets out the circumstances in which a default event occurs for the purposes of the Act. Under the section as amended, a default event will occur only if an invoice sent or claim made by a supplier to a public authority is for an amount that does not exceed $1 million (exclusive of GST).

7—Amendment of section 6—Interest payable if default event occurs

Section 6 is amended by this clause to expand the circumstances in which interest is payable by removing the requirement for a default event in relation to which interest is payable to relate to the supply of goods or services as part of a small business. Currently, a supplier is not entitled to interest if the amount of interest that would otherwise be payable is less than $20. An additional amendment changes this so that the relevant amount is $10 rather than $20.

A further amendment removes the requirement for a supplier entitled to interest to claim the interest by furnishing an invoice in the prescribed form. Instead, a public authority that is required to pay interest under the Act must pay the interest within 48 hours of the authority paying for the goods or services.

8—Amendment of section 7—Disputes

This clause amends section 7 as a consequence of other amendments that mean that the question of whether a supplier is carrying on a small business will no longer be a relevant consideration.

9—Repeal of section 10

Section 10 is redundant and is therefore to be repealed.

Schedule 1—Transitional provision

1—Transitional provision

Under the transitional provision, the Act as amended by the measure will apply only in relation to invoices and claims rendered after the amendments commence.

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

TOBACCO PRODUCTS REGULATION (E-CIGARETTES AND REVIEW) AMENDMENT BILL

Introduction and First Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (11:37): Obtained leave and introduced a bill for an act to amend the Tobacco Products Regulation Act 1997. Read a first time.

Second Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (11:38): I move:

That this bill be now read a second time.

This bill seeks to amend the Tobacco Products Regulation Act 1997 to enhance the operation of the act and address the lack of regulation of electronic cigarettes, commonly known in South Australia as e-cigarettes. E-cigarettes are a rapidly evolving technology whereby a user inhales a heated vapour through a battery-operated device. The regulation of these products requires attention as South Australia is now one of only two Australian jurisdictions that have not regulated these products. Due to this lack of regulation in South Australia, e-cigarettes can be sold to children, sold over the Internet, promoted through advertising and used in areas where smoking is banned.

This bill aligns with the recommendations of the select committee on e-cigarettes that was established in 2015 and delivered its final report to the House of Assembly on 24 February 2016. The select committee concluded in its final report that e-cigarettes should be regulated in the interests of public health, as there is a lack of scientific consensus as to the safety of e-cigarettes. The final report recommended amending the Tobacco Products Regulation Act 1997 to regulate e-cigarettes in broadly the same way that tobacco products are regulated.

The bill includes bans on the following: selling e-cigarette products to children; using e-cigarettes in smoke-free areas under the act; retail sale of e-cigarette products without a licence; indirect sales of e-cigarette products; e-cigarette advertising, promotion, specials and price promotions; retail point-of-sale displays of e-cigarette products; and selling e-cigarettes from temporary outlets, such as sales trays and vending machines.

The title and the objects of the act have been amended to incorporate e-cigarettes. The short title of the act will be amended to the Tobacco and E-Cigarette Products Act 1997 to better reflect the legislation's proposed scope. A bill to regulate e-cigarettes was introduced by the previous government in 2017, but the bill lapsed when parliament was prorogued for the 2018 election. A private members' bill was subsequently introduced on 20 June 2018 in the other place, which replicates the prorogued bill. The government does not support the private members' bill, as it is narrower in scope than the government's bill.

While both bills seek to address e-cigarettes in the same way, the government's bill has a number of enhancements that the private members' bill does not contain. These arose from an independent review of South Australian tobacco legislation commissioned by SA Health in 2017. These include improvements to definitions, the repealing of unnecessary provisions, adding expiations to offences where they currently do not occur, and improving the functions of certain provisions. The government's bill also incorporates some adjustments to maximum penalty and expiation levels according to CPI indexation, as the levels have not been adjusted since 1997 and are out of date.

The bill will improve the functioning of tobacco control legislation in South Australia and it will also be useful for authorised officers to have tobacco legislation that is up to date and appropriate

for their task of achieving compliance with the act. Maintaining a strong legislative framework for tobacco control is essential for reducing the harms caused by tobacco smoking in South Australia. I commend this bill to members and I seek leave to have the explanation of clauses inserted into *Hansard* without my reading them.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Tobacco Products Regulation Act 1997*

4—Amendment of long title

This clause amends the long title of the Act so that it will read 'An Act to regulate tobacco products and e-cigarette products'.

5—Substitution of section 1

The short title of the Act is changed to the *Tobacco and E-Cigarette Products Act 1997*.

6—Amendment of section 3—Objects of Act

This clause amends the objects of the Act to include references to e-cigarettes and e-cigarette products.

7—Amendment of section 4—Interpretation

Several definitions are added to section 4 of the principal Act, including *e-cigarette*, *e-cigarette product*, *e-cigarette advertisement*, which aligns with the current definition of *tobacco advertisement*, and *shisha tobacco* which in turn is included within the definition of *tobacco product*.

8—Repeal of section 4A

Section 4A of the principal Act is repealed.

9—Amendment of section 6—Requirement for licence

This clause will require a licence to carry on the business of selling e-cigarette products by retail or holding oneself out as carrying on such a business.

10—Amendment of section 9—Licence conditions

The clause amends section 9 of the principal Act to allow the conditions of a licence to include conditions in relation to e-cigarette products.

11—Amendment of Heading to Part 3

The clause amends the heading to Part 3 to include a reference to e-cigarette products.

12—Repeal of section 29

Section 29 of the principal Act is repealed.

13—Substitution of section 30

Reference is made in section 30 to e-cigarette products, but apart from this, the status quo is largely retained with minor changes including bringing regulation 4A of the current regulations to the level of the Act, updating terminology and increasing penalties.

14—Amendment of section 36—Products designed to resemble tobacco products

The clause amends the section to include a reference to e-cigarettes.

15—Amendment of section 37—Sale of tobacco products or e-cigarette products by vending machine

The clause inserts a new offence prohibiting the sale of e-cigarettes or e-cigarette products by means of a vending machine. Note that previous subsection (2) has been deleted.

16—Insertion of section 37A

New section 37A makes it an offence to sell e-cigarettes or e-cigarette products by retail from a temporary outlet and for an occupier of premises to cause or permit another person to sell any such products by retail on those premises in contravention of proposed subsection (1). Temporary outlet is defined as a booth, stand, tent or other temporary or mobile structure or enclosure, whether or not part of that booth, stand, tent, structure or enclosure is permanent.

17—Amendment of section 38—Carrying tray etc of tobacco products or e-cigarette products for making of successive retail sales

The clause amends the offence provision in section 38(1) to insert a reference to e-cigarette products.

18—Amendment of section 38A—Sale or supply of tobacco products or e-cigarette products to children

The clause amends the offence provisions in sections 38A(1) and (5) to insert a reference to e-cigarette products, and makes other related consequential amendments.

19—Amendment of section 39—Power to require evidence of age

The clause amends section 39(1) to insert a reference to e-cigarette products.

20—Amendment of section 40—Certain advertising prohibited

The clause amends various provisions in section 40 to extend to e-cigarette products the advertising prohibitions that currently apply to tobacco products.

21—Amendment of section 41—Prohibition of certain sponsorships

The clause amends section 41 to extend to e-cigarette products the prohibition on certain sponsorships that currently apply to tobacco products.

22—Amendment of section 42—Competitions and reward schemes etc

The clause amends section 42(1) to extend to e-cigarette products the restrictions on the promotion of sales by competitions and reward schemes that currently apply in relation to tobacco products.

23—Amendment of section 43—Free samples

The clause amends section 43 to prohibit the offering of free samples of e-cigarettes.

24—Amendment of section 51—Smoking banned in certain public areas—short term bans

The change to section 51(1) will, in enabling gazetted notices of short term smoking bans to include maps, ensure a more user-friendly description of the short term smoking ban areas. Under the amendments to section 51(5), the occupier commits an offence if he or she fails to place signs in a public area setting out the effect of the notice made in relation to the public area under subsection (1).

25—Amendment of section 52—Smoking banned in certain public areas—longer term bans

The change to section 52(1) will, in enabling regulations declaring longer term smoking bans to include maps, ensure a more user-friendly description of the longer term smoking ban areas. Section 52(3)(a) and (b) are deleted and reinserted under section 87(3) (see below). Under new subsection (4) the occupier commits an offence if he or she fails to place signs in a public area setting out the effect of a declaration of a longer term smoking ban made in relation to the public area under the section.

26—Amendment of section 66—Powers of authorised officers

The clause amends section 66 to allow an authorised officer to seize and retain e-cigarette products if the officer reasonably suspects that an offence against the Act has been committed in relation to the products, or that the products may afford evidence of an offence against the Act. Other minor updates and corrections are made to section 66.

27—Amendment of section 69—Powers in relation to seized tobacco and e-cigarette products

This clause makes minor amendments to section 69 removing the Minister's express power to sell forfeited products by public tender but enabling the Minister to direct the manner of disposal of such products. The section will also now apply to e-cigarette products.

28—Repeal of Part 6

Part 6 of the principal Act is repealed.

29—Amendment of section 70A—Confiscation of products from children

The clause amends various provisions in section 70A to allow for the confiscation of e-cigarette products from children in the same manner as tobacco products may currently be confiscated under the provisions of the section.

30—Amendment of section 71—Exemptions

The amendments under this clause delete from section 71 requirements for exemptions under that section to be recommended by the appropriate Minister. The Governor is given power to exempt by proclamation e-cigarette products or a class of e-cigarette products from the operation of the Act subject to conditions set out in the proclamation.

31—Amendment of section 85—Evidence

These amendments are consequential on the amendments to section 37.

32—Insertion of section 86A

New section 86A is a standard immunity provision that removes personal liability from an authorised officer or any other person engaged in the administration of this Act for an honest act or omission in the performance, exercise or discharge, or purported performance, exercise or discharge, of a function, power or duty under the Act and attaches such liability to the Crown instead.

33—Amendment of section 87—Regulations

The regulation-making powers are made consistent with current drafting style and the maximum penalties for the regulations increased. References to e-cigarette products consequential on other amendments in the measure are included.

Schedule 1—Transitional provisions

1—Interpretation

This clause defines *principal Act*, for the purposes of Schedule 1.

2—Licences

The clause provides that licences in force on the commencement of the measure will be taken to authorise the retail sale of e-cigarettes and that existing licence conditions will be taken to include reference to e-cigarette products wherever tobacco products are referred to.

3—References to *Tobacco Products Regulation Act 1997*

This clause provides that a reference in a licence, instrument, contract, agreement or other document to the *Tobacco Products Regulation Act 1997* will, on and from the commencement of the clause, have effect as if it were a reference to the (newly named) *Tobacco and E-Cigarette Products Act 1997*.

Schedule 2—Further amendment of *Tobacco Products Regulation Act 1997*—penalty provisions

Schedule 2 amends the penalty provisions in the principal Act.

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

LOCAL GOVERNMENT (RATE OVERSIGHT) AMENDMENT BILL

Second Reading

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (11:43): 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 it.

Leave granted.

The Local Government (Rate Oversight) Amendment Bill 2018 (the Bill) will amend the *Local Government Act 1999* (the Act) to introduce a rate capping system in South Australia. The Bill will establish much needed oversight on council rates, restraining increases and requiring councils to make a clear and convincing case for an increase above the cap to both their communities and to an independent regulator.

Setting taxes—determining the contribution that our citizens make to the services we provide—is one of the primary responsibilities of government. The taxes we impose have a huge impact on how families live and how businesses operate.

Setting taxes is therefore a great responsibility. All governments must be truly accountable for these critical decisions, and highly responsive to the needs of their citizens.

Local government should be no different. Every year, ratepayers across South Australia make their contribution to the vital services that councils provide to their communities.

On the whole, people are prepared to pay their rates as they recognise and value these services. But the evidence is that councils have not held to their end of the bargain. While councils may claim that they make every

effort to restrain rates increases—the fact is, that over the past decade, council rates have increased at a rate that is three times the level of inflation.

I can think of no other sphere of government that can increase its main tax to this level in disregard of the views of their communities.

Clearly more oversight is needed—and this is exactly what this Bill will deliver. The Bill will cap the amount of revenue that councils can gain through their primary rating tool, general rates. This will require councils to carefully consider the decisions they make around their own operations, and seek efficiencies ahead of greater revenue.

Of course I recognise that, from time to time, councils may have a need to increase their rate revenue above the capped amount. So I emphasise that councils will be able to do this – if they can make the case to the independent regulator that this increase is necessary, and that they have made every effort to engage their community and explain the reasons why an increase is necessary.

I now turn to the key elements of the Bill.

Firstly, the Bill establishes the critical role of the Essential Services Commission of South Australia (ESCOSA) in the rate oversight system. As the independent regulator under the Bill, ESCOSA will be responsible for the administration of the rate oversight system; determining the rate cap; receiving and assessing application from councils for variations to the cap; and undertaking the necessary compliance monitoring and reporting on the effect of the system.

The Bill clearly states the objects of the new Part 1A that the Bill proposes to insert into Chapter 10 of the Act to establish the rate oversight system.

The objects of the rate oversight system are to firstly ensure that the financial contributions ratepayers make to council services are subject to appropriate oversight.

This means that rate increases will be subject to the oversight of the regulator through the application of a cap – and that council requests for increases above this cap will be subject to the appropriate oversight of their communities.

The objects also clarify, that councils must have the financial capacity to perform the duties, functions and powers that are expected of them both by the Act and by their communities.

This reflects the fact that the rate oversight system has two key components – the cap that is set to restrain rate increases, and the ability within the system for councils to apply for individual variations on this cap. If a council feels it needs a greater increase in rates to ensure it financial capacity to deliver for its community, then it can apply for one.

In accordance with these objects, one of the most important elements of the Bill is the clause that enables ESCOSA to determine a primary rate cap. This is the mechanism that will cap the amount of revenue that councils can collect over a capped year from their general rates.

However, the Bill does not simply cap councils' total general rate revenue. One of the chief criticisms of rate capping schemes is that they do not allow councils to manage additional costs that can come from growth in their areas.

To ensure that this is not the case, the Bill proposes that the primary rate cap will apply to a 'base standard rate'. The base standard rate is a nominal single rate level that is calculated each year prior to applying the cap, by dividing a council's total annualised revenue by the number of rateable properties in the council area.

This method of calculation will mean that if the number of rateable properties within a council area increases, this growth will be captured in this council's annual calculation of the cap. While councils may apply for a variation of the cap if growth causes an extraordinary need; they should not need to do so simply to incorporate normal rateable property growth within their capped revenue.

ESCOSA will be able to make a rate cap determination for all councils, for a class of councils, or for a particular council. This will enable ESCOSA to vary the cap if there is a need to recognise differences within varying classes of councils (such as regional differences), or to make a determination for an individual council, should the specific circumstances of that council warrant it.

Additionally, the Bill determines that the primary rate cap applies to councils' general rate revenue. While councils can also receive revenue through the application of separate rates for particular purposes, or through service rates and charges for prescribed services, this revenue is effectively constrained through existing provisions within the Act.

However, the Bill does require councils to inform ESCOSA if they are planning to introduce a separate rate, or a service rate or charge, or change the basis on which rates are assessed against land before they take these actions. This will ensure that councils cannot effectively generate a rate increase above the cap through the establishment of an alternative revenue raising mechanism, or by changes to its rating policy.

Along with the establishment of a rate cap, the Bill recognises that the ability for councils to apply for a variation above the cap is critical to the rate oversight system.

It is a common concern from councils that capping council rates will inevitably lead to a reduction in services available to communities. However, the Bill establishes a process to enable councils that need to increase their rates can do so.

Councils that wish to do this simply need to make a case to ESCOSA that the increase they propose is necessary and show that they have undertaken proper community engagement on the proposed increase, so that their ratepayers understand why they are asking for it.

Councils will also need to show that they have made efficiencies within their organisation, fully considered their spending priorities, and explored alternative funding options before an increase above the cap can be agreed to.

The final key clauses of the Bill are the processes it proposes to ensure that ESCOSA can undertake the monitoring and reporting of the system that is needed, on both compliance with the system (which will be the subject of annual reporting) and on the outcomes of the system —the effect that rate oversight has on councils and their communities, which ESCOSA will report on every two years.

In line with the Government's commitment to a transparent and independent system, all reports received from ESCOSA will be required to be laid before both Houses of Parliament.

Transparency under the system also extends to include requests and directions from the Minister—the Bill proposes that ESCOSA must publish on its website Ministerial requests and directions it receives. A council that applies for a rate cap variations will be required to publish its application on its website, and to also report this fact in the annual business plan that it consults on with its community.

The Bill also proposes an amendment to the Act that will enable the Minister to take action based on a report from ESCOSA, to address any instances of non-compliance.

In summary, this Bill proposes sensible reform. It will restrain increases in council rates, while also providing councils with the tools that they need to continue providing the services and facilities that are important to their ratepayers and communities.

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 *Local Government Act 1999*

4—Amendment of section 3—Objects

A reference to providing for appropriate financial contributions by ratepayers to (local government) services and facilities is included in the objects of the Act.

5—Amendment of section 123—Annual business plans and budgets

A council must ensure that an annual business plan also contains a statement (if relevant) relating to any application for a rate cap variation determination that it has made, or intends to make, or any rate cap variation determination relating to the council made by ESCOSA under Chapter 10 Part 1A.

6—Insertion of Chapter 10 Part 1A

New Part 1A is inserted into Chapter 10:

Part 1A—Rate oversight

187C—Objects of Part

The objects of the Part are set out.

187D—Interpretation

Definitions are prescribed for the purposes of Part 1A. Key definitions in the section are *base standard rate*, *capped standard rate* and *varied rate cap*.

187E—Primary rate cap determinations

ESCOSA may determine that the capped standard rate for a specified financial year must not exceed the base standard rate by more than the primary rate cap specified in the notice (a *primary rate cap determination*).

ESCOSA may make a primary rate cap determination that is to apply to councils generally or a class of councils and the matters that ESCOSA must consider before making such a determination are set out.

Section 187E also provides that ESCOSA may make a primary rate cap determination that is to apply to a particular council in certain circumstances and sets out a list of matters that ESCOSA must consider before making this kind of determination.

A primary rate cap determination must be set by 31 December each year, or by another date set by ESCOSA by notice published in the Gazette.

187F—Rate cap variation determinations

A council the subject of a primary rate cap determination applying to councils generally or a class of councils (but not one that applies to a particular council) may seek a rate cap variation determination from ESCOSA.

A rate cap variation determination specifies a varied rate cap (being a cap that is different from the primary rate cap applying to the council under the primary rate cap determination) for 1 or more specified financial years (up to a maximum of 5 years).

The matters that ESCOSA must consider before making a rate cap variation determination are set out. In particular, one matter that ESCOSA must have regard to is whether requirements given by ESCOSA under section 29 of the *Essential Services Commission Act 2002* relating to the council giving information relevant to the application (if any) have been complied with.

187G—Rate cap variation determination applications

The requirements relating to an application for a rate cap variation determination are set out.

187H—Publication of Ministerial requests and directions

If the Minister makes a request of ESCOSA, or gives ESCOSA a direction, under specified provisions of Part 1A, ESCOSA must publish a copy of the request or direction (as the case requires).

187I—Council must notify ESCOSA of proposed separate rates, service rates or charges

Section 187I provides that a council must not change the basis on which rates are assessed against land under section 148 or declare a separate rate under section 154 of the Act or impose a service rate or an annual service charge under section 155 of the Act, unless the council notifies ESCOSA, in the manner and form determined by ESCOSA, of the proposal before 31 October of the year before the first financial year in which the change, rate or charge is to apply.

187J—Compliance with rate cap determinations

A duty is imposed on councils to comply with primary rate cap determinations and rate cap variation determinations.

Provision is also made that a failure to comply with a primary rate cap determination or a rate cap variation determination does not affect the validity of any rate, charge, interest or fine recoverable under Chapter 10 in respect of the financial year in relation to which the failure occurred.

187K—Administration

ESCOSA's functions relating to monitoring compliance with, and reporting generally on, the scheme set out in Part 1A are provided for.

7—Amendment of section 273—Action on report

This clause includes a report of ESCOSA under Chapter 10 Part 1A of the Act as an additional basis on which the Minister may take action in relation to a council under section 273.

8—Amendment of section 303—Regulations

The power to make regulations of a saving or transitional nature is amended so that such regulations may be made in relation to the amendments proposed by the measure.

9—Review

The Minister must ensure a review of new Chapter 10 Part 1A of the Act is completed by 31 December 2023.

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

SOUTH AUSTRALIAN PRODUCTIVITY COMMISSION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 July 2018.)

The Hon. F. PANGALLO (11:44): I rise to speak about the government's South Australian Productivity Commission Bill. My colleague Connie Bonaros and I are supportive of establishing this important statutory authority. I must say it has been a long time coming. The aims of such a review and advisory body are to help the government drive micro-economic and regulatory reforms by providing good independent policymaking advice that is evidence-based and collated by credible experts in the fields of economics, industry, commerce and the like.

If much of this information is adopted by the government of the day, there is added incentive to lift the economy, create business confidence and boost investment and employment in the city and our regions, as well as reduce regulation and, importantly, lower the cost of living. It could also help renew public trust in the decisions made by government.

It would be hoped that with a productivity commission in place there would not be a repeat of the poor policies and decisions made in areas like health and energy that we experienced with the previous government. Transforming Health, also cynically known as transferring health, is the standout disaster which greatly undermined the public's faith and confidence. Unseen bureaucrats and advisers—no doubt some lacking the expertise required—meddled and bungled their way through so-called reforms to our health system without the proper consultation with those who worked within it and without considering the public interests of South Australians.

The same with the rushed, unsustainable energy policies that led to worsening the statewide blackout in 2016 and giving us the most expensive electricity in the world. The Labor government had to press the panic button and throw almost $1 billion into infrastructure to try to stabilise the situation. As Professor Gary Banks, the first chair of the federal Productivity Commission, said,

> Long experience within the OECD and more widely tells us that 'institutions'—organisations, processes and rules that shape decisions within the public and private sectors—are fundamental to economic success.

The federal Productivity Commission, which was formed in 1998, is the benchmark model we would like introduced in South Australia. It operates within the Treasury department and from the direction of the Treasurer. Importantly, it is independent and transparent and takes a broad view of the economy and the community. Its modus operandi enables it to cover any sector of the economy, industry, environmental and social issues. Among the broad scope of issues, it has tackled national water reform, competition in the financial system, regional economies and even complaints of anticompetitive behaviour in the hearing industry.

While the federal Productivity Commission does not have any executive powers and the government is not obligated to act on its reports, many of its recommendations are often accepted and incorporated in policies. Fortunately for South Australia, however, the federal government has not adopted its most recent report into fiscal equalisation of the GST. It also did not follow up on the recommendations made in other inquiries, though there was a piecemeal attempt at pokies reform under the Gillard Labor government in order to secure a majority government that was then repealed under the Abbott coalition government. Nevertheless, the views and findings of the federal Productivity Commission do command a high degree of respect.

In the South Australian legislation, the object of the state-based commission is like the national body and includes investigating opportunities to improve economic growth and productivity in our economy, achieve a better standard of living, improve efficiencies and services delivered by government and explore ways to stimulate investment, regional development and jobs.

It also takes into consideration the interests of the entire community by inviting public submissions in open inquiries. The bill in its current form dictates that the commission must conduct inquiries directed to it by the minister. It is to report and advise the minister on matters referred to the minister, conduct policy and research in consultation with the minister, but it remains independent and is not subject to direction. It must not be seen to be just another voice of government, spruiking

its policies and agenda, but one that retains authority and veracity, otherwise its credibility will be immeasurably damaged.

The composition of the commission is crucial to its standing and independence. Professor Gary Banks AO, the inaugural and well-respected former chairman of the Productivity Commission, said that statutory appointments of chairmen and commissioners over the years have worked best where those concerned have been people of real world experience, but without representational interests or being political.

The bill before us has a commission chair and four other commissioners to be appointed by the Governor or, to put it bluntly, on the instruction of the government for a period of up to five years. They will require qualifications in specific fields of law, economics, industry, commerce or public administration. Support secretariat staff will be drawn from the Public Service and through external recruiting.

It is understood that the commission's budget will be around $2.5 million per annum, including salaries, and we have been told that it could undertake up to four inquiries a year. The opposition has already indicated it will challenge the method of appointments in a raft of amendments, and it is also keen for either houses of parliament to have a say on the inquiries to be undertaken.

SA-Best is open to these amendments; however, some may have to be tweaked. So, again, it is crucial that the make-up of the commission is not seen as just another job for those politically aligned. It should be apolitical and nonpartisan. We do not want to see a repeat of the situation we have witnessed in Canberra, where recent Treasury appointments and the position of Productivity Commission chair have gone to current and former political staffers of the current Liberal Coalition government.

Treasurer Scott Morrison raised eyebrows when he replaced Treasury secretary, John Fraser, with his own chief of staff, Philip Gaetjens, while finance minister Mathias Cormann's former chief of staff, Simon Atkinson, is taking up the deputy's job. Mr Morrison also appointed Michael Brennan, who once worked for Senator Nick Minchin, to the plum job at the Productivity Commission. While they may be eminently qualified for the positions, their choice does not pass the pub test for being independent and at arm's length from their previous masters. It only serves to give the Labor opposition plenty of ammunition to fire. Again, I refer to some well-heeded advice from Professor Gary Banks:

> Choosing the wrong person to head an inquiry—typically a confidant of a minister, or someone who is known for strong opinions on a topic—can be fatal to the inquiry's public credibility and thus to its value as a vehicle for reform. The minimum requirement for such appointments could be described as 'competence without conflicts'. Desirable additional qualities are integrity, openness of mind and independence of character.

My colleague Connie Bonaros and I look forward to the eventual passage of this bill and the opportunities it will present this great state.

The Hon. R.I. LUCAS (Treasurer) (11:53): In closing the second reading debate, I thank the Hon. Mr Pangallo and others who have spoken at the second reading. As we outlined in the second reading explanation, the government is committed to the passage of the legislation. The government indicated its desire, given we only have four sitting days left, to complete the passage of the productivity commission debate today, but I have just been made aware that the Hon. Mr Pangallo has filed some amendments this morning.

The government is not in a position (and I understand neither is the Labor opposition) to indicate that we are aware of the background to the amendments and what would be the government's position in relation to the proposed amendments. So it does create a bit of a dilemma, and perhaps in our planning discussions that we have on Monday afternoons we might have a bit of discussion about, I guess, what is a process that we might all be able to agree on in relation to these process issues, but I will leave that debate for another time.

It will mean that what I propose—having had a quick discussion with the Leader of the Opposition—is the passage of the bill at the second reading and adjournment, at least at this stage, on motion at clause 1 of the committee stage. But, in all likelihood, I cannot see that there will be any

change and we will have to adjourn it off to next Tuesday so that both the government and the opposition and, maybe, I guess, other crossbench parties too, have an opportunity—

The Hon. T.A. Franks: It comes in at clause 5.

The Hon. R.I. LUCAS: Yes, I know, but there are a range of issues in terms of having to resolve government and other party positions in relation to this issue. If members want to have a debate at clause 1 on general issues, I am quite open to having that, so we will go into clause 1 and if there are general questions at clause 1 in relation to various issues, I am happy to have that discussion and debate, but if all we are going to do next Tuesday is then go back to a clause 1 discussion again there are a range of other things, such as ICAC and other bills, that we need to process today. I am open to that at clause 1, but if I could indicate that general position.

I indicate, however, that a series of amendments have been put on file and, in general terms, certainly the Premier, who has carriage of this, has a very strong view, and I share on behalf the government that strong view with members of the chamber that there are some amendments which, from the government's viewpoint, are incompatible with the smooth operation of a productivity commission in South Australia; some amendments which are completely inconsistent with any other productivity commission arrangement in any other jurisdiction; and some amendments which, frankly, from the government's viewpoint, would make the productivity commission unworkable.

The notion, as has been flagged, that the Legislative Council controlled by non-government parties could on a series of motions refer a continuing stream of inquiries and require the productivity commission to undertake the work of the Legislative Council majority numbers is, as I said, unprecedented in relation to the operation of productivity commissions and would, frankly, mean that any series of motions that non-government parties in the Legislative Council decided they wanted to have inquired into would, in essence, become the required work of the productivity commission.

Various members have already flagged that they would propose areas such as GlobeLink and, as I understand it, some have mentioned shop trading hours. There was another one mentioned but, anyway, a range of issues have already been flagged as the intention of non-government members in the Legislative Council to, in essence, require the work of the productivity commission to conduct inquiries. As I said, there are no other productivity commissions which are subject to the motion of a non-government controlled upper house of parliament in terms of the workload they would undertake.

Parliament and the Legislative Council has untrammelled power in relation to establishing its own inquiries and, in fact, does do so in terms of select committees or reference of issues to standing committees of the parliament. The Legislative Council has considerable power in relation to establishing its own inquiries and controlling those inquiries because, again, in the Legislative Council non-government members, as has been the custom for 30-odd years, have controlled the numbers on upper house committees, consistent with the position that exists on the floor of the chamber and that is something I do not argue against.

The Legislative Council does have its own vehicle through which it can conduct inquiries. The Productivity Commission is a vehicle through which governments have been able to say, 'Hey, these are important issues and we believe a thorough, comprehensive, independent set of eyes being cast across a particular issue or set of issues would be useful from the community's viewpoint.'

As I think the Hon. Mr Pangallo indicated, at the federal level, governments, both Liberal and Labor, have disagreed with recommendations of the Productivity Commission. They are not binding on government. They are independent, academic, economic insights into particular issues, and both federal Labor and Liberal governments have disagreed. Certainly from the state Liberal government's viewpoint, we disagreed with the most recent Productivity Commission recommendations in relation to horizontal fiscal equalisation. They are not binding and neither would the recommendations of the state productivity commission be binding on either the government or on the parliament. Nevertheless, it is a fresh set of eyes on a particular issue or issues, and it is advice to not only the government but generally to the community and the parliament as well.

The second issue, which is inimical to the sensible operation of the productivity commission, in the government's view, is the notion that the non-government members of the Legislative Council would control the appointment process of the productivity commission. The amendments that are

being flagged make it clear that it is not quite the United States Senate confirmation process, although I suppose there would be no reason why the Statutory Authorities Review Committee could not require the attendance of a nomination to appear before the committee, as occurs in the Senate confirmation hearings. The notion that in essence the non-government members would control who could or could not be appointed as productivity commissioners is, as I said, unacceptable to the government.

The Hon. Mr Pangallo has made some criticisms about appointment processes. I think he generously only referred to examples at the federal level, but I am sure he would be aware of many examples of appointment processes at this state level over the last 16 years. What I can say is that the new government, albeit in just its first three or four months, I think through its appointments thus far has demonstrated a much greater willingness than the last government in relation to ultimately trying to make those appointments of chief executives or board appointments on the basis of merit.

Ultimately, I am not naive enough to suggest that there will never be someone appointed who at some stage or another has either been seen to be a supporter, or indeed even a former member, of the same political party as the government, but from my viewpoint it will never be to the extent of the abuses we have seen over the last 16 years. The reappointment processes we have seen recently, where a cavalcade of former Labor members of parliament have not been reappointed or have generously decided to offer their resignations to the incoming government, is a fair indication of the processes that were adopted by the former government.

I think the bona fides of the Premier in particular in relation to the appointment process bears close scrutiny. Certainly, in terms of the sort of people I know he has been contemplating for appointment to the productivity commission and Infrastructure SA, if any of them were to be ultimately appointed, I would be surprised if the Hon. Mr Pangallo, or indeed any other member, would be able to sustain a valid argument against them as being former party staffers or of that particular ilk. The range of persons who have been contemplated have been, in my view, the people who would bring value to the table, whether it be a productivity commissioner or to Infrastructure SA. However, I accept that that can ultimately only be judged when a government is in a position to make an appointment.

As I said, the former Labor government never contemplated, in any circumstances, these sorts of appointments being subject to the final veto right of the opposition members of parliament. For appointing people to economic development boards and a variety of other statutory authority positions, there was never any requirement that the non-government members of the upper house have a veto right over who could be appointed, whether it be Funds SA or any other number of statutory authority-type appointments. For parliament to go down this particular path would be unprecedented, in South Australia anyway, from the government's viewpoint.

There is a range of other amendments that have been canvassed. In relation to the Hon. Mr Darley's amendments, I flag that there are some that I suspect the government will be prepared to have further discussions about with him, although I understand there have been discussions already, in relation to reporting, with the Hon. Mr Darley. I think the Hon. Mr Pangallo has an amendment in relation to reporting and disclosure as well. I think those sorts of areas are ones where there could, hopefully, be productive discussion over the coming days.

The other one I want to flag is that the Hon. Mr Darley has a particular amendment in relation to issues relating to competitive neutrality. At this stage—as a personal response because the government has not yet had a chance to debate it as a government—whilst I understand the issue the honourable member has raised, I think there is, potentially, an alternative mechanism that already exists in the Government Business Enterprises (Competition) Act 1996, which is a piece of legislation that already exists and allows issues of competitive neutrality to be resolved. There might be a way of partially reconciling with what the Hon. Mr Darley is after in relation to issues of competitive neutrality, together with this act and the former act.

We do not really see the Productivity Commission as being a complaints mechanism for competitive neutrality issues. That certainly has not been the traditional role of the Productivity Commission, but there is an existing piece of legislation that, potentially, might mean that a productivity commissioner could, under the terms of the existing act, be appointed as a commissioner

to look at competitive neutrality issues under the terms of the Government Business Enterprises (Competition) Act.

These are really just initial thoughts. Given that it looks like we are going to have to delay our further committee stage deliberations on the bill, we will have a day or two to have further discussions with the honourable member, and indeed other members, in relation to whether there might be a compromise position that could be arrived at over the coming days. With that, as I have said, I thank members for their contribution. I am happy to go into clause 1. If there were general questions at clause 1, I am happy to respond. However, I propose that we report progress and continue the debate on Tuesday.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

Progress reported; committee to sit again.

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (INVESTIGATION POWERS) AMENDMENT BILL

Second Reading

Adjourned debate on the question:

That this bill be now read a second time.

to which the Hon. K.J. Maher moved to leave out all words after 'That' and insert:

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

(Continued from 24 July 2018.)

The Hon. F. PANGALLO (12:11): Normally, SA-Best is very supportive of bills being referred to committees for inquiry. Generally speaking, this is an important parliamentary process in the making of legislation. However, in this instance we do not consider it necessary to refer this bill to committee, especially given the opposition's timing of the proposal of the referral. The bill covers matters that have been widely debated in the public for several years and extensively covered by the ICAC commissioner in his lengthy and damning Oakden report released in February this year.

These are measures which SA-Best has been pushing for and, while I accept there is no ill intent on the part of the opposition, the timing of this proposal is unfortunate. Further, we remain to be convinced of the need for an inquiry. While the commissioner will not pass comment on matters of parliamentary process, I think it is fair to say that he would prefer a speedy passage of this bill, and with that we wholeheartedly concur.

The PRESIDENT: I understand, Treasurer, that you close the debate and then we move to the motion at hand.

The Hon. R.I. LUCAS (Treasurer) (12:13): I thank honourable members for their contributions to the second reading of the ICAC (Investigation Powers) Amendment Bill 2018. The government's position has been put on the public record by the Attorney-General in the last 24 to 48 hours in relation to this bill. It is the government's clear position that this bill has been debated by the parliament over very many months. In fact, the concept or the idea of open hearings in certain circumstances has been debated for a considerably longer period of time.

This issue was discussed and debated and, in our view, also voted on at the last state election. The people of South Australia comprehensively supported an incoming government that was pledged to open up—at least to a certain degree—transparency and accountability in relation to the operations of certain investigations of the ICAC.

The former Labor government, now the opposition, which had fought tooth and nail for many years to oppose that level of transparency, was comprehensively rejected by the people of South Australia. The government is therefore dismayed to see this attempt by the shadow attorney-

general—as we understand it driven by the Leader of the Opposition, the member for Croydon—to, in essence, stymie the wishes of the people of South Australia in relation to transparency of ICAC hearings in those limited circumstances.

It is disappointing that the Labor Party, almost in this last gasp, is attempting to further delay the passage of this legislation. It has had the opportunity to debate this issue for a long period of time. As I said, Labor fought tooth and nail all along the way and then said they were going to adopt a new approach, they were going to be supportive of the principles behind the legislation. However, what we have now seen is another attempt to further delay and find further reasons this particular policy position should not be proceeded with.

Let us be quite clear that the attempt to refer it to a committee of the parliament is an attempt by the Labor Party to try to find reasons for it to be further delayed or indeed even defeated as a result of the committee's investigations. There can be no other purpose, from the government's viewpoint, for that particular policy objective of the member for Croydon and the Leader of the Opposition in this place.

The former government fought tooth and nail to prevent Commissioner Lander from conducting his hearings into the Oakden scandal in public, despite the commissioner specifically requesting that particular option. By opposing those open ICAC hearings into the Oakden scandal the former government put its political interests before the interests of the elderly residents at Oakden, their families and the wider community.

The government does not believe the Labor Party should be allowed to continue to put its own political interests ahead of the interests of the many affected families, whether it be in relation to the Oakden scandal or any other inquiry the ICAC commissioner chooses to pursue. The government will strongly oppose this attempt by the Leader of the Opposition, on behalf of the member for Croydon and leader of the Labor Party in another place, to again try to prevent the transparency and accountability the public demanded at the last election in relation to some of the processes of ICAC.

The PRESIDENT: I put the question that the words proposed to be struck out stand part of the question. If you support the government you vote yes and if you support the Leader of the Opposition's position you vote no.

The council divided on the question:

Ayes 10
Noes 11
Majority 1

AYES

Bonaros, C.	Dawkins, J.S.L.	Hood, D.G.E.
Lee, J.S.	Lensink, J.M.A.	Lucas, R.I. (teller)
Pangallo, F.	Ridgway, D.W.	Stephens, T.J.
Wade, S.G.		

NOES

Bourke, E.S.	Darley, J.A.	Franks, T.A.
Hanson, J.E.	Hunter, I.K.	Maher, K.J. (teller)
Ngo, T.T.	Parnell, M.C.	Pnevmatikos, I.
Scriven, C.M.	Wortley, R.P.	

Question thus negatived.

The PRESIDENT: I therefore put the second question that the words proposed to be inserted be so inserted. This refers to an earlier motion moved by the Leader of the Opposition.

Motion carried.

The Hon. K.J. MAHER (Leader of the Opposition) (12:24): On behalf of honourable members concerned, I move:

That the order of the day be discharged.

Motion carried; bill withdrawn.

Standing Orders Suspension

The Hon. K.J. MAHER (Leader of the Opposition) (12:24): As I foreshadowed, in terms of limiting it to a very short time that it is referred to the committee, I move:

That standing orders be so far suspended as to enable me to move an instruction without notice.

The PRESIDENT: I note there is an absolute majority required. I note there is an absolute majority in the chamber.

Motion carried.

The Hon. K.J. MAHER (Leader of the Opposition) (12:25): I move:

That it be an instruction to the Crime and Public Integrity Policy Committee to report on its inquiry into the Independent Commissioner Against Corruption (Investigation Powers) Amendment Bill no later than Tuesday 4 September 2018 and that that message be sent to the House of Assembly transmitting the foregoing and requesting its concurrence thereto.

Motion carried.

FARM DEBT MEDIATION BILL

Second Reading

Adjourned debate on second reading.

(Continued from 24 July 2018.)

The Hon. F. PANGALLO (12:26): I rise to speak in support of the Farm Debt Mediation Bill 2018. It may have been a wet week in Adelaide, but many of us would not realise that farmers in most parts of regional South Australia are suffering from extremely dry conditions. In fact, farmers throughout Australia are doing it tough, really tough, right now. In many places across the nation, drought conditions are the worst since records began.

May was an exceptionally dry month across the country. The Bureau of Meteorology said that the first three months of 2018 were the driest for more than 30 years averaged across New South Wales, with about 60 per cent of the state now on drought watch. Ninety-nine per cent of New South Wales is in drought, while other parts of the country are in drought, on drought watch or are about to go into drought onset, and half of Queensland is still drought declared.

Australia has always been a continent defined by extremes, and recent decades have seen extraordinary climate events. The situation is so dire that we must do more. As Dorothea Mackellar's poem so poignantly describes, Australia is:

A land of sweeping plains

Of ragged mountain ranges

Of droughts and flooding rains.

The current drought is wreaking havoc across the country, leaving in its wake devastated farming families. Australia's wide brown landscape has been expanding into once verdant farms across the country, with heartbreaking images filtering through on our TV screens via news stories and spreading across social media. Once lush, rich Australian pastoral land is being turned into brown, cracked, desolate dust plains, with livestock languishing in the dry conditions, some of them becoming emaciated and dying from a lack of food.

We feel insulated living in our cities from what is occurring in the bush, but you do not have to travel far out of the city to see what is happening firsthand and hear stories from desperate farmers in our drought-stricken region. While the national spotlight has been on the drought in

New South Wales and Queensland, a similar crisis is unfolding closer to home. ABC rural reporter Lucas Forbes reported this week about the crisis.

His story focused on a farmer at Sutherlands, about one hour and 40 minutes' drive north of Adelaide, who had resorted to feeding his sheep onions due to the lack of feed. The farmer, Grantley Doecke, said he got his onions cheap in bulk because they were rejected for sale due to irregular sizing. While the sheep took a little getting used to it, he has nothing left to offer them. Mr Doecke told the ABC he has never seen the area so dry in his lifetime and knows of others who are struggling to find enough feed for their stock. Mr Doecke also said:

> We had five inches last year and in that period we had two inches [50.8mm] in January, so three inches [76.2mm] for the remainder of the year.
>
> We've had 41mm for the year and not looking like we're getting any more rain anytime soon.

The problem for farmers is not just that there has not been much rain this year but is compounded by the fact that there was hardly any last year either. Other farmers between the Mid North towns of Burra and Sutherlands told the reporter it was now drier than anyone could remember. Worlds End farmer Simon Schmidt said it was drier now than either he or his 78-year-old father could remember. He said the ewes were abandoning their lambs just to survive. These desperate farmers want politicians to visit the area to see how dry it is. I plan to do just that in the winter recess. Some families are at breaking point, unable to afford food and left with no choice but to shoot their stock so the animals do not starve and suffer a slow death.

It was reported this week that New South Wales farmer Les Jones faces that impossible choice. This month he will shoot all 1,200 of his starving sheep and bury them in a mass grave on his barren farm in north-western New South Wales because he cannot afford to feed them. Currently, 10 sheep a day die from starvation on his 670-hectare property, so the most humane option is to shoot them all. In an ordinary year the property is highly productive and can sustain 1,500 merino sheep or 500 Angus cattle, but this is no ordinary year. The farm has been up for sale since 2014 and is valued at $1.5 million on paper even though there is currently not a single blade of green grass. It is impossible to make any money in these conditions. The farm has been in the family for over 60 years, but Mr Jones and his family may walk away with nothing.

This nationwide devastation has been occurring against the backdrop of the royal commission into banks, which in recent times has brought a sharp focus on the way banks unfairly deal with farmers doing it tough. The royal commission into banks, which my federal Centre Alliance colleagues and others long advocated for and yet was fiercely resisted for just as long by the federal coalition government until The Nationals began to make some noise, has unearthed damning and appalling revelations against the big banks.

ANZ Bank admitted it could have shown more empathy for former Landmark financial services customers facing hard times after it bought the Landmark agribusiness loan book in 2010. Third and fourth generation farmers Arthur and Rhonda Cheesman and their son Reuben and his wife Katrina agreed to sell assets when they hit financial difficulties. But the bank rejected their repeated pleas to be allowed to keep their homes on the farms in western Victoria and the equipment and machinery so they could still earn a living. ANZ rejected the Cheesman's proposal put forward by their accountant, cruelly throwing away any chance the family had to retain their home and livelihood, with an ANZ bank manager noting, 'We should be firm here.'

ANZ repeatedly rejected reasonable offers from the Cheesmans to settle their remaining debt, as the bank thought it could get more by forcing the sale of their farming property. Hearing what happened to the Cheesmans makes me sick to my stomach. It is cold comfort to the Cheesmans that ANZ head of lending services and commercial, Ben Steinberg, told the commission that the case made for difficult reading and said he felt sad about the ANZ Bank's refusal to let the struggling Victorian farming family keep a roof over their heads.

Steinberg told the royal commission that ANZ would show more empathy towards its agribusiness customers. That is too late for the Cheesman family. Theirs is just one tragic story. The big banks will have to undergo a complete about turn on how they deal with farming customers, given this example and the many others that have come out of the banking royal commission, which I am sure would never have occurred if not for the royal commission.

After a bruising round of hearings at the royal commission, the National Australia Bank, Australia's largest agribusiness lender, and with some form of business with one in three farmers, announced it was sending former New South Wales Liberal premier and banker, Mike Baird, to the bush to win back the trust of its customers and farmers. Call me cynical, but I hope it does more than end up being just a PR stunt and is a genuine attempt to usher in a new era for relations with farming finance and banking customers in the bush.

National Australia Bank also announced this week proactive measures to help alleviate financial pressures. NAB CEO, Andrew Thorburn, announced the bank will stop charging farmers penalty interest if they fall behind on their repayments due to drought, admitting it had lost touch with some of its customers. You don't say! Thorburn said that NAB would introduce new policies to allow farmers to use much-needed offset accounts against agribusiness loans.

NAB has also hired former deputy prime minister and leader of The Nationals, John Anderson, to advise on a strategy for its rural footprint. At least John has a history in farming, his family having been graziers and landowners at Mullaley in northern New South Wales since the 1840s. Banks need to maintain their regional footprint in order to foster good relationships with their rural farming and regional customers. NAB's review of its regional footprint comes as it has closed about a dozen rural branches over the past year, including the Casterton branch in western Victoria, which the current CEO Andrew Thorburn's great grandfather, W.H. Stevenson, managed.

The closure of regional banking branches is hurting regional communities, even in our own patch, with the NAB announcing plans to close its Burra branch on 29 August 2018. I urge the NAB to halt those plans, and have written to the CEO for that purpose. If the big banks want to restore the mistrust and anger towards them, they need to halt the closure of regional banking branches so that local managers can maintain relationships with farmers and regional customers on their doorstep, on their turf.

Next month, I will be travelling across Eyre Peninsula and the West Coast to attend a range of meetings. I plan to meet with farmers there to hear firsthand their personal experiences with banks. It is simply not good enough for banks to knock on farmers' doors during the good times, encouraging them to increase their home and farming loans to upgrade their farming machinery, etc., and then to be the first to circle overhead, like vultures over a dead corpse, at the first sign of a bad season.

Turning to the bill itself, I first acknowledge the work of the Hon. David Ridgway on this issue, particularly the private members' bill he introduced and carried through this place during the last parliament. Under the new Farm Debt Mediation Bill 2018, creditors will have no alternative but to undertake a mediation administered by the Small Business Commissioner before enforcement action against a farmer under a farm mortgage commences.

The bill also allows for a farmer to request mediation within 21 days from the date written notice was given by a creditor, stating the creditor's intention to take enforcement action against the farmer. A creditor who proposes to take enforcement action against a farmer under a farm mortgage must give written notice to the farmer. A creditor must not take enforcement action until the expiry of the period of 21 days from the day the notice is given. The notice must state that a creditor intends to take enforcement action and that mediation between the farmer and the creditor is available.

A farmer who is given a notice may, within 21 days from the date that the notice was given, notify the creditor that the farmer requests mediation concerning the farm debt involved. A farmer who is liable for debt may request mediation. A creditor who receives a request for mediation from a farmer may, by notice given to the farmer, agree or refuse to participate in mediation in respect of the farm debt involved. If a creditor subsequently refuses to participate in mediation with a 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.

Conversely, the creditor is entitled to apply for an exemption certificate if the farmer is in default under the farm mortgage, no prohibition certificate is enforced against the creditor and certain conditions regarding mediation proceedings have been met. The exemption certificate allows the creditor to begin enforcement proceedings and remains in force for varying periods of time depending upon the steps previously taken under the legislative framework.

The Small Business Commissioner must make arrangements to facilitate the resolution of the farm debt dispute by mediation as soon as the notice is received that a farmer and a creditor have agreed to participate in mediation. A failure by a creditor to agree to reduce or forgive any debt does not demonstrate a lack of good faith on the part of the creditor in participating or attempting to participate in mediation. Once proclaimed, the Office of the Small Business Commissioner will be responsible for the administration of the farm debt mediation scheme.

The bill has been modelled on the Victorian scheme, which has been in place for several years and had a recent review. Notably, an important piece of feedback gained, related to the Victorian scheme, is that farmers involved in that scheme felt more supported and less vulnerable than they otherwise would have had the scheme not been in operation. The considerable mental stress that is understandably experienced by farmers being subject to foreclosure is something to be taken very seriously.

While SA-Best supports the bill, I do raise some concerns about it and make the following comments. The first is in relation to clause 5—Application of Act, which says that if a farmer appoints a controlling trustee or has a petition for their bankruptcy presented to court by a creditor, the act does not apply. Consequently, all a bank has to do to circumvent the act and prevent it from applying it, is to get a judgement that the farmer owes the money and then file a petition for his or her bankruptcy. This will fall within clause 5(2) so that the act will not apply to that farmer.

Similarly, under clause 5(2)(c), if the farmer is an incorporated company and has an external controller such as a liquidator appointed, then the act does not apply. A financier wishing to circumvent the act simply has to serve a statutory demand on the company and, if the farmer does not pay, apply to the court to wind up the company. Once the liquidator is appointed, the act does not apply. It is unclear why the act is being limited in this way and what the justification is for these carve-outs.

The second area I wanted to point out relates to another limitation on the application of the act as set out in clause 8. Mediation is only available to prevent a creditor from taking enforcement action against a farmer under a farm mortgage. This will prevent the bank from appointing a receiver or going in as mortgagee in possession. However, under the loan agreement that underlies the mortgage, the bank would be entitled to issue a summons, get a judgement and bankrupt the farmer, all of which can be done without taking enforcement action under the farm mortgage.

The act and the availability of the mediation process could be extended in situations where the creditor takes any action to recover money owed to it, not simply action taken under the mortgage. Again, the justification for limiting the act to enforcement action under a farm mortgage, rather than allowing the act to apply to any action taken by a creditor to recover money owed to it, is still unclear. As detailed above, this could allow the creditor to circumvent the operation of the act by taking other steps to recover the money without taking action under the farm mortgage.

I have put these concerns to the government and did receive a timely response. Whilst I am satisfied with their response, I wanted to put my concerns on the record and note that there will be a review of legislation after three years of operation of the act. I note that interstate jurisdictions have not experienced adverse creditor behaviour that has warranted any change to their current legislation.

I further note that the New South Wales farm debt mediation legislation commenced in 1994, in Victoria in 2011 and in Queensland in 2016. Both the New South Wales and Victorian legislation have been subject to review and amendments in recent years to 2018 and 2017 respectively, and the relevant clauses causing concern remain unchanged. I commend the bill to the chamber.

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (12:45): I am very happy to rise to sum up the debate. I would like to thank honourable members, the Hon. Clare Scriven, speaking on behalf of the opposition, for her and her party's support, the Hon. Mr Darley for his support and the Hon. Mr Pangallo for his party's support. I know the Greens are supportive, even though they have not spoken. I was aware that Mr Pangallo, through his office, had put some questions to the government, and the Small Business Commissioner responded. I think the Hon. Mr Pangallo has made clear that he has had a detailed response. The act will be reviewed, so I think he is reasonably relaxed with where we are at present with this bill.

As the Hon. Mr Pangallo points out, we are, sadly, in the grip of a pretty tough season in most of South Australia. I have been out in the regions, as members know, and it is brown. It is the end of July; it should be green. It is pretty tough in a lot of areas. It is important that this legislation passes as quickly as possible so that at least the Small Business Commissioner is able to provide support if it is required.

The only comment I will make is that it was the same bill I introduced before the election. It is refreshing to see that, now the former member for Waite, Martin Hamilton-Smith, is no longer in the cabinet, the Labor Party has seen the good sense in supporting this bill. It was a shame, and maybe I am drawing too long a bow, but maybe it was personality issues that led to the former government's position to not support it, but I am very pleased that the Labor Party is supporting the bill. I thank all members for their contributions.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (12:50): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LIMITATION OF ACTIONS (CHILD ABUSE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 June 2018.)

The Hon. J.A. DARLEY (12:51): I am very happy to rise in support of this bill. This bill is very similar to one that I introduced last year, which removed the statute of limitations for those who had suffered child sexual abuse. At the time, the opposition (now the Liberal government) had introduced a similar bill that removed the statute of limitations for victims of child sex abuse perpetrated by state-owned institutions. My 2017 bill was broader than that which was introduced by the honourable member for Bragg and now Attorney-General and allowed for all victims of child sex abuse to make a claim at any time.

I am very glad to see that the government's bill now has the expanded definition, which will see the statute of limitations removed for all victims of child sex abuse rather than just those who have suffered at the hands of a state-owned institution. This was a recommendation of the federal Royal Commission into Institutional Responses to Child Sexual Abuse.

As I said in my second reading, removing the statute of limitations is extremely important because it is often not until a person is an adult that they are fully able to comprehend the magnitude of what has occurred to them. When people prey on children, they manipulate them to believe that what they are doing is not that bad and victims often minimise their own experiences. It often takes decades for a person to be able to psychologically deal with the trauma, let alone the added ordeal of going through court to take action.

By removing the statute of limitations, it removes one barrier that a victim of child sex abuse faces, in that they will no longer have to seek approval from the courts to grant an extension. This is a move that has already been done interstate, in New South Wales, Queensland and Victoria, and I wholeheartedly commend the government for doing the same in South Australia.

Debate adjourned on motion of Hon. T.T. Ngo.

Motions

GENETICALLY MODIFIED CROPS

Adjourned debate on motion of Hon. J.A. Darley:

1. That a select committee of the Legislative Council be established to inquire into and report on the moratorium on the cultivation of genetically modified (GM) crops in South Australia, with specific reference to—

   (a) the benefits and costs of South Australia being GM-free for the state, its industries and people;

   (b) the effect of the moratorium on marketing South Australian products both nationally and internationally including:

      (i) costs and benefits to South Australian industries and markets of remaining GM-free;

      (ii) costs and benefits to South Australian industries and markets from lifting the moratorium on cultivating GM crops in South Australia;

      (iii) current or potential reputational impacts, both positive and negative, on other South Australian food and wine producers, that may result from retaining or lifting the moratorium;

      (iv) consideration of global trends and consumer demands for GM crops/foods versus non-GM crops/foods;

   (c) the difference between GM and non-GM crops in relation to yield, chemical use and other agricultural and environmental factors;

   (d) any long term environmental effects of growing GM crops including soil health;

   (e) the potential for contamination of non-GM or organic crops by GM crops, including:

      (i) consideration of matters relating to the segregation of GM and non-GM crops in the paddock, in storage and during transportation;

      (ii) the potential impacts of crop contamination on non-GM and organic farmers;

      (iii) consideration of GM contamination cases interstate and internationally; and

   (f) any other matters that the committee considers relevant.

2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.

3. That this council permits the select committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to such evidence being presented to the council.

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

(Continued from 4 July 2018.)

The Hon. M.C. PARNELL (12:55): Last year, my Greens bill to extend the moratorium on cultivating genetically-modified crops in South Australia passed this parliament. As a result the moratorium that was previously secured via government regulations is now in legislation and will not expire until September 2025. I was pleased to secure this legislation for South Australia with the support of the then Labor government and Advance SA's the Hon. John Darley. Without this legislation the moratorium would have automatically expired on 1 September 2019. Now any decision to lift the moratorium before 1 September 2025 will require the support of both houses of parliament.

This was an important decision for a few reasons. First, extending the moratorium and keeping South Australia GM-free is good policy; it is Greens policy. Secondly, the Greens have a strong preference for policy decisions to be written into legislation and not left to the discretion of the government of the day to put them into regulations or, indeed, to merely make an announcement—as we have seen recently with the Liberal government's position on a moratorium on fracking in our state's South-East.

Lastly, this was an important decision as we had concerns that, if the Liberal Party won the March 2018 state election, a Liberal state government may well have let the moratorium lapse in September next year. Given their strenuous objection and opposition to my bill last year, that looked like a distinct possibility.

I mentioned that my bill last year received the support of the Labor government—in particular, the former minister for agriculture, food and fisheries the Hon. Leon Bignell—as well as the support of the Hon. John Darley. At the time the Hon. John Darley expressed his view that the matter of the moratorium needed further investigation and that he intended to refer it to be investigated by a parliamentary committee this year. I gave a commitment, during debate on the bill, to support such an inquiry and today I am pleased to indicate that the Greens will be supporting the Hon. John Darley's motion to establish a select committee of the Legislative Council to undertake this important inquiry.

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

Sitting suspended from 12:58 to 14:15.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Government Response to the 81st Report of the Environment, Resources and Development Committee: Strata Titles
Independent Review of the Return to Work Act 2014

Ministerial Statement

RETURN TO WORK ACT REVIEW

The Hon. R.I. LUCAS (Treasurer) (14:16): I seek leave to make a ministerial statement on the independent review of the Return to Work Act 2014.

Leave granted.

The Hon. R.I. LUCAS: The former minister for industrial relations, John Rau, was required, pursuant to section 203(1) of the Return to Work Act 2014 (the act), to cause a review of the act and its administration and operation to be conducted on the expiry of three years from its commencement. Although the act commenced on 1 July 2015 it was part-proclaimed on 4 December 2014 to allow preparatory work to be carried out before the commencement of the Return to Work scheme. Therefore, on 14 November 2017, the former minister for industrial relations appointed the Hon. John Mansfield AM QC to conduct an independent review. Section 203(3) of the act required the review to be completed within six months, with the results of the review to be embodied in a written report.

On 4 June 2018, the report titled 'Independent Review of the Return to Work Act 2014' (the report) was delivered to me. In accordance with section 203(4) of the act I have caused a copy of the report to be laid before both houses of parliament within 12 sitting days after receiving the report. The report addresses the major issues arising in the first years of the act's operation and contains 20 recommendations. In particular, the Hon. John Mansfield AM QC has overall concluded that:

> …the experience in the [return to work] RTW Scheme generally compares favourably to the [workers rehabilitation and compensation] WRC Scheme, notwithstanding that the [return to work] RTW Scheme faces several challenges relating to the achievement of its primary object and the other objectives set out in section 3 of the [return to work] RTW Act.
>
> The statistical data and other information I reviewed indicates that the [return to work] RTW Scheme is still in a transitional phase. There is no warrant for comprehensive change at this point in time. I have not recommended an overhaul of the dispute resolution process, the determination of medical questions or any great expansion or reduction in the benefit package available to workers.

One of the recommendations is that consideration be given to amendments of the act if the decision in Mitchell is upheld by the Supreme Court. Given the time it could take for the Supreme Court decision to be delivered, the government has not taken a position on this recommendation or any of the other recommendations at this stage.

The Marshall Liberal government will consult widely with stakeholders on the recommendations before determining its position. I will return to this place and update the parliament as to the government's position once consultation and other matters, such as the Mitchell case, have concluded.

TREDREA, MR J.

The Hon. R.I. LUCAS (Treasurer) (14:19): I table a copy of a ministerial statement made in another place today by the Premier on the subject of Jonathon 'Jack' Tredrea.

HARRIS, DR R.

The Hon. R.I. LUCAS (Treasurer) (14:19): I table a copy of a ministerial statement made in another place today by the Premier on the subject of Richard 'Harry' Harris, Star of Courage, OAM.

AUSTRALIAN CRANIOFACIAL UNIT

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:19): I seek leave to make a ministerial statement.

Leave granted.

The Hon. S.G. WADE: The statement relates to the Australian Craniofacial Unit. Following a meeting with Professor David David on 9 July, I obtained a briefing on issues raised and a review of the selection process in the Australian Craniofacial Unit. Both the briefing and review raised further questions for me, and I have indicated that I will be seeking further information. In that context, yesterday morning I made contact with the South Australian Salaried Medical Officers Association to inquire as to whether they had any concerns with the selection process.

In response to that contact from me, the association sent me an email yesterday afternoon, which I received late morning today. The email raises serious concerns about the culture and operation of the Australian Craniofacial Unit, recruitment processes and the impact on patients. I have discussed the matter with the Commissioner for Public Sector Employment, who has undertaken to meet with SASMOA and initiate whatever action is necessary. As is appropriate, I have also referred the matter to the Office for Public Integrity. In that context, I do not intend to make any further statement.

Question Time

AUSTRALIAN CRANIOFACIAL UNIT

The Hon. K.J. MAHER (Leader of the Opposition) (14:21): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question regarding the Australian Craniofacial Unit.

Leave granted.

The Hon. K.J. MAHER: The minister made reference to an email that was sent from the South Australian Salaried Medical Officers Association that I understand was received by his office yesterday. The minister in his ministerial statement said that he wouldn't be making any more comment on this matter. I think it is important that we have some of the facts on this matter before the chamber. That email reads, relevantly, and I will quote from the email from SASMOA:

> Reports of what equates to cartel-like behaviour and nepotism by senior management of the Australian Craniofacial Unit which could amount to maladministration and has grave impacts on patient care, including on overseas patients who are not being treated by Australian specialists, which has already resulted in unnecessary deaths. The concerns include—

I am further quoting from the email—

> lack of transparency and failure to follow—

The Hon. J.M.A. LENSINK: Point of order.

The PRESIDENT: Leader of the Opposition, sit down and listen to the point of order.

The Hon. J.M.A. LENSINK: I am concerned that this line of questioning may prejudice other—

The Hon. I.K. Hunter: This is not a point of order

The PRESIDENT: It is not a sub judice—

The Hon. J.M.A. LENSINK: —processes that relate to the Office for Public Integrity.

The PRESIDENT: Minister, I am not aware of it being in front of any formal body at this stage and it wasn't clear from the ministerial statement that it is sub judice, so I am going to allow the Leader of the Opposition to complete his question.

The Hon. K.J. MAHER: Thank you, Mr President. The concerns raised by SASMOA include lack of transparency and failure to follow proper merit-based selection processes in relation to recent recruitment of key roles within the ACFU; allegations of bullying and harassment by members and staff against senior surgeons within the ACFU and the WCH; and changes to the services and standard and model of care provided to the ACFU without any consultation. My questions to the minister are:

1. If his office received this yesterday, why was it only brought to his attention, as he says, late this morning?

2. Have all the concerns raised by SASMOA been addressed by the so-called independent review? If not, which concerns have not been addressed by that review?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:24): The reason the email sent yesterday was not received until today was because of an incorrect email address used by SASMOA. That matter was rectified this morning and the email was received this morning. Beyond that, I refer the member to my ministerial statement.

AUSTRALIAN CRANIOFACIAL UNIT

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): Supplementary in relation to the answer given: what email address was it sent to, and what was the correct email address which the minister claims it needed to be sent to?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:24): I am not in the habit of naming my staff, and I am not going to start now. All I will say is that it was a simple misspelling of a common name and it was soon rectified.

NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking a questions of the Minister for Human Services regarding housing.

Leave granted.

The Hon. K.J. MAHER: Last week saw two Liberal leaders ever so briefly visit remote Aboriginal communities. Premier Steven Marshall flew in and out of the APY lands, and Prime Minister Malcolm Turnbull visited Tennant Creek. The Prime Minister has been reported to have declared, 'The lack of housing is the biggest single issue that has been described in every encounter' with locals. The minister for housing recently made a stunning admission to the chamber that she is yet to find the time to actually go and listen to local Aboriginal people living in remote communities but, as I have advised the chamber, housing remains the biggest issue raised with me in the remote communities I have visited this year.

Given we are now almost one month on from when South Australia's funding for remote Indigenous housing expired, leaving Aboriginal communities with no funding for new housing and no funding for maintenance of housing, my questions are:

1. Did the Premier request a briefing on the status of remote Aboriginal housing and the NPARIH agreement from the minister prior to his trip to the APY lands?

2. Has the Premier debriefed the minister on issues that were raised after his tour of the APY lands and, if so, what did they entail?

3. Has the federal government made any offer whatsoever to the state government for a new funding agreement?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:26): I would like to say that I would like to thank the honourable member for his question, but much of it was factually incorrect. There is funding that continues to be available for remote housing in South Australia even though the agreement has not been signed. When the Leader of the Opposition tries to claim that communities are under threat, I think he is doing all of them a disservice in raising completely unnecessarily alarm, and I think that is quite an irresponsible action for him to take. That funding is available.

In relation to the details of the remote housing agreement, I have said before that I am not going to go through the details of where negotiations are at because I just don't think that that is productive on the public record. We are working towards that goal. We are sincere about it which, I would have to say, the former government wasn't.

I noticed quite recently that the Leader of the Opposition posted on Facebook about this issue, and I had to correct him. I would have to say that some of the responses echo the sorts of sentiments that I hear regularly from members of the public in relation to the crocodile tears that are shed by members of the Labor Party when they raise these issues about, 'You've been here. Why haven't you fixed this?'. A number of people say, 'Well, you had 16 years'—and other uncomplimentary comments, which I will not repeat, about the Labor Party—and, 'These guys have been here four months. Give us all a break.'

So we are working sincerely towards the goal of resolving this. My firm belief is that the commonwealth is sincere and working on its best endeavours. The South Australian government is working on its best endeavours to resolve this issue. If we just do go back, I think I may have referred to some of the correspondence in this place before, but it is worth placing on the record because in one of his Facebook replies the Leader of the Opposition claimed that the former government had been in caretaker mode, which is quite amusing.

I have a letter—it is a draft letter, so I am not sure whether it was actually sent, but it was drafted on behalf of the former minister for social housing, the Hon. Zoe Bettison—and it refers to the expiry—

Members interjecting:

The PRESIDENT: Order! Allow the minister to answer.

Members interjecting:

The PRESIDENT: Order! Minister, continue.

The Hon. J.M.A. LENSINK: The reason that I raise this—I did go back to the department early on in this because it was one of the early matters that I sought to have resolved. As I have said before, I was aware of this matter before Christmas when stakeholders contacted me. One of the early things I asked of the department was whether there was any correspondence from Senator Scullion and the former minister for housing, and this draft reply came back. It would be an indictment on the former government if it was not sent, but I think by convention, too—

The Hon. I.K. Hunter: Now it's a draft reply.

The Hon. J.M.A. LENSINK: —ministers aren't automatically entitled—

The Hon. K.J. Maher: Is it a draft reply to the draft letter?

The Hon. J.M.A. LENSINK: Can I finish?

Members interjecting:

The PRESIDENT: Minister, don't engage with the Leader of the Opposition. Through me.

Members interjecting:

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. Hunter: Not sure if the letter's been sent—oh, now it's a draft reply; my goodness, gracious me.

The Hon. D.W. Ridgway: You won't stop, you won't stop.

The PRESIDENT: Have you two finished?

The Hon. I.K. Hunter: For now.

The Hon. D.W. Ridgway: Yes, see, how rude and arrogant!

The PRESIDENT: You started it, Hon. Mr Ridgway. I have to sit here and listen to your unofficial diatribe, and the Hon. Ian Hunter responding to it. Can the two of you remain silent, and I am going to give the call back to the minister to finish, and if you two could manage to restrain yourself for the remainder of the minister's answer, please. Minister.

The Hon. J.M.A. LENSINK: Thank you, Mr President. As we know from the awful situation that the Minister for Child Protection finds herself in, she can't access the report from the previous government. By some convention, incoming ministers are not automatically entitled to signed copies of correspondence, but I do have this draft letter, which is interesting because it certainly indicates that the former Labor government knew about this issue in May last year. For the Leader of the Opposition to claim in a public space that the reason why they were unable to—

The Hon. K.J. Maher: It expired on your watch; you're in government.

The Hon. J.M.A. LENSINK: —why they were unable to—

The Hon. K.J. Maher: It expired on your watch and you've done nothing.

The PRESIDENT: Leader of the Opposition, please, I would like to hear the minister in silence.

The Hon. J.M.A. LENSINK: Yes, and I would like to be heard in silence: thank you very much for your protection, Mr President. I note that the more the Leader of the Opposition prattles on because he loves the sound of his own voice, the more he wastes his own question time and that of others.

The PRESIDENT: Keep to the point, minister; keep to the issue at hand, minister.

The Hon. J.M.A. LENSINK: I'm sorry, Mr President. So this letter clearly indicates—and I think I have quoted it before, so I will save Hansard having to retype it—that the former government knew about this issue in May/June last year. For the Leader of the Opposition to make some claim about having been in caretaker mode, therefore the former government could not prosecute the agreement, yet had $290 million for a tram to Norwood during the election campaign, is just utterly fanciful. The Labor Party's record on this is shameful, and nobody is buying it.

NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:32): Supplementary arising from the answer: the minister made reference to what she has done as minister in relation to negotiations and what happened preceding her. Given that other states, such as Western Australia and Queensland, have been negotiating for the same amount of time and been unable to reach an agreement, those two states have mounted a vigorous campaign to get what is necessary for remote Indigenous housing. The minister previously told the chamber that she has had one meeting—

The PRESIDENT: It's not a personal explanation.

The Hon. K.J. MAHER: —with minister Scullion. Except for that one meeting, what has the minister actually done herself on this issue?

The PRESIDENT: Hon. Leader of the Opposition, the question was actually fine, the lengthy preamble was not. Please do not do that again. Minister.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:33): Thank you, Mr President. I think I was probably doing more in opposition to raise this issue than the former minister did in government.

Members interjecting:

The PRESIDENT: Minister, through me. Leader of the Opposition, restrain yourself—I know you're passionate about this.

The Hon. K.J. Maher interjecting:

The PRESIDENT: I am sure the Hon. Clare Scriven may ask that question when she gets the chance, when she gets the call. Unofficial questions while you are seated are not appropriate. I would like to hear the minister in silence, replying to your very important question. Minister.

The Hon. J.M.A. LENSINK: Thank you, Mr President. I have been engaged in this process for several months now. I have done a range of things, my department has done a range of things: we have been negotiating with Treasury officials in South Australia; I have discussed this matter with the Treasurer and I have discussed this matter with the Premier. There are a range of us as a team who are engaged in this process, and the proof will be in the pudding. Judge us on our actions not our deeds.

NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING

The Hon. K.J. MAHER (Leader of the Opposition) (14:34): A supplementary arising from the original answer.

The PRESIDENT: I am hopeful.

The Hon. K.J. MAHER: The minister stated in her original answer that funding continues to be provided for remote Indigenous housing. How much funding is being provided since the expiry of the agreement? To what communities has that funding been provided, and what is the budget for remote Indigenous housing over the course of this financial year, of this funding that she speaks about still being available?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:35): I thank the honourable member for the supplementary. The exact details of how much funding—

The Hon. K.J. Maher: You've got no idea. Again, no idea.

The PRESIDENT: Leader of the Opposition, I can't hear.

The Hon. D.W. Ridgway: Chuck him out.

The PRESIDENT: The Hon. Mr Ridgway, I don't need gratuitous advice from you. Minister.

The Hon. J.M.A. LENSINK: The exact amount of funding I would need to double-check but I have specifically asked my officials to assure me that funding is available in the 2018-19 financial year for this program to ensure that we don't run out of—

The Hon. K.J. Maher: You think you would have had an idea by now; the fifth time you've been asked about it and you've still got no idea.

The PRESIDENT: It's getting tiresome, Leader of the Opposition. Minister.

The Hon. J.M.A. LENSINK: —to ensure that we have sufficient funding available for housing in remote communities, and the answer from my department is that they have absolutely no concerns, that there is sufficient funding for this period.

The Hon. K.J. MAHER: Supplementary.

The PRESIDENT: No, the Hon. Mr Hunter caught my eye.

NATIONAL PARTNERSHIP AGREEMENT ON REMOTE INDIGENOUS HOUSING

The Hon. I.K. HUNTER (14:36): Thank you, Mr President. I'll pay for that later. My supplementary question to the minister is: by what mechanism is the commonwealth continuing the funding and making it available to the state without there being a signed agreement?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:36): Perhaps the honourable member's memory of how these things operate has evaporated since he took the opposition benches. We have funding available at state level that we are utilising.

The Hon. I.K. Hunter: So it is not commonwealth funding now?

The Hon. J.M.A. LENSINK: It is not commonwealth funding.

The Hon. I.K. Hunter: It is not commonwealth funding.

The Hon. J.M.A. LENSINK: Correct.

The PRESIDENT: Minister, through me. Leader of the Opposition, do you wish another supplementary?

The Hon. K.J. Maher: No, no; she's provided nothing.

The PRESIDENT: The Hon. Ms Scriven.

Members interjecting:

The PRESIDENT: Can the minister and the opposition not carry on a private conversation. There are plenty of places outside this chamber.

The Hon. J.M.A. Lensink interjecting:

The PRESIDENT: Minister!

Members interjecting:

The PRESIDENT: Minister, don't try my patience. Leader of the Opposition, silence. You are showing gross disrespect to one of your frontbenchers.

TRADE MISSIONS

The Hon. C.M. SCRIVEN (14:37): My question is to the Minister for Trade, Tourism and Investment. Will the minister confirm when the next trade mission to India will take place? Given we are seven months into the year, why has the 2018 trade mission calendar not been released?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:37): I thank the honourable member for her question. In relation to the India trade mission, my understanding is that it is still planned to go ahead, although, because it is during estimates, my understanding is, and I will check, that we are asking the Governor, the Hon. Hieu Van Le, to lead that delegation because of the fact that it is during estimates. Estimates is a very important part of the budget process, so it has been appropriate for—and I am sure it would be highly unlikely that members of the opposition, given we can rarely get pairs for things within Adelaide, I would be very surprised if they gave any minister a pair during estimates.

That is my understanding but I know that requests for expressions of interest were sent out for that trade mission. I am not aware yet how many businesses or groups have actually come back to the department to say, 'Yes, we'd like to be involved in that particular trade mission.' Yes, we are over halfway through 2018. We made it clear that we would release a trade mission schedule when we had one. As members would be aware, we have just had a recent one. Of course, they are much smaller and more targeted now than with the former minister before the last election. I think he was fond of a large trade mission with huge delegations—quite expensive, those particular trade missions. We had a small one last week. It was last week—time flies—in China. There are some more to come later in the year. I think the Premier will be leading one to Europe towards the end of October.

There is likely to be another one, but I will likely have to seek a pair from the Government Whip. In China, there is the CIIE, which is the Chinese International Import Expo, where the Chinese national government are saying they want everybody in the world to come to Shanghai. Austrade have asked all states to join them, and that's in the first week of November, I think somewhere around the 4th or 5th until about the 10th. It is a sitting week.

It is, I think, when the House of Assembly will be examining the Auditor-General's Report. The convention that we have had in this place over many years, when I was on the other side of the chamber, was to seek a pair if the minister was not available or we wanted to perhaps manipulate the timing for examining the Auditor-General's inquiry for when people would be around. I will be seeking a pair for that week because it is an important trade mission. Austrade were hoping at one stage to have a thousand Australian businesses there. I do not think it will be that many, but it will be in the vicinity of 500 or 600; South Australia will have 60 or 70, I hope, businesses and organisations there.

Obviously, the machinery of government changes only took place on 1 July, so the new agency of trade and investment is not even yet one month old. We will publish an advance calendar, and it is more likely to be one that flows into 2019 rather than being an annual calendar. We do intend to publish that. It is just that there is a whole range of factors you have to include and the fact that it is 26 July, so that department has been in place in real-time for only 26 days.

TRADE MISSIONS

The Hon. C.M. SCRIVEN (14:41): Supplementary: can the minister say when this calendar will in fact be published or does he not value the time of businesses who need to actually plan for these events rather than just be left to the last minute?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:41): I thank the honourable member for her supplementary. They are not being left to the last minute. I don't recall the exact date that the actual request for the India trade mission was sent out. I am not even sure that I have been advised of the request for the CIIE, the international import expo in China, but I know that a number of firms have registered interest, serious interest, and a number have expressed a passing interest in that particular event in China.

I know some people have registered for India, so it has not been left to the last minute. They have been given many months to register an interest. Whether it is the honourable member and her colleagues who are wanting to register an interest, perhaps they could do that as well, but maybe they were not aware of it. Certainly, we are in constant contact with the business community, with a network of exporters and business-people to say we are going, that these are the areas of interest and that we want people to be involved.

TRADE MISSIONS

The Hon. E.S. BOURKE (14:42): Supplementary arising from the original question: besides missions to India, what other strategies has the minister undertaken from commercial outcomes in India?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:42): I'm not quite sure I understand the honourable member's question. We have made it very clear—and she is talking about commercial outcomes—to participants on last week's trip to China that we do expect outcomes, we do expect actions from them. The figure I have been told is some 300 MOUs were signed by the former government. I am trying to get a list of those we got an action out of and some benefit from. There may be some very good ones, I don't know, but it is interesting. I have heard the figure of 300; I even heard the figure of 400, but I think 400 is a bit excessive.

I made it very clear in China last week, when I spoke to everybody, that an MOU is an important part of engaging, especially in some Asian countries, but there has to be a plan to implement that MOU. What are the actions in three months, six months, 12 months? If it requires a budget, is there a budget to implement it? Often, I think we've seen these MOU signed, where it requires a budget, but nobody has ever gone through that part of the process, so it just withers on the vine. I did take the opportunity to speak to the new mayor of Jinan, who is a bit like me in the sense that he has just started in his role. I say he's a bit like me: he is a good bloke and liked by everybody. He just started in his role, and I said we have had this sister state relationship for 32 years. We trust each other, we have been friends for 32 years and we are not going away, but nothing has ever happened.

There is an initiative called 'sponge city', which is basically harvesting and reusing stormwater—something I think South Australia is a world leader at. China, like most other countries

in the world, is concerned about water supplies. Clearly, in some parts of China it rains a lot. They actually want to capture their stormwater and do exactly what we have done. This is an initiative that I think has been spoken about. I think the Hon. Karlene Maywald was employed by the previous government to go up and spruik water projects, but nothing ever happened. We had lots of spruiking but no actual action.

So I put the challenge to the mayor: you are a brand-new mayor and I am a relatively new minister. His term is four years and my term is four years—hopefully the Premier sees fit to keep me in this role for four years. Let's see if we can actually get the pilot project on sponge city up and working. So that's where I have started in relation to that. I can assure the honourable member opposite that this is about making sure that we get rubber on the road.

We are looking at where we can drive exports. That's why we want to open the trade office in Shanghai, which I hope will happen towards the end of the year. Maybe we can open it in the CIAE time. That will be a landing pad for businesses. There will be a couple of hot desks, and it will be a landing pad for businesses to get there and actually do business, because it is important. You can have these offices, you can have all these trade missions and you can have all these MOUs, but in the end, to the honourable member's point, we actually want economic benefits for South Australia. We want to create jobs and we want to grow our economy, and this government is focused on doing that.

AUTONOMOUS VEHICLE MANUFACTURE

The Hon. T.J. STEPHENS (14:46): My question is to the Minister for Trade, Tourism and Investment. Can the minister inform the council of an historic MOU recently signed with EasyMile and Transit Australia Group (TAG) to advance autonomous vehicle manufacturing and technology in South Australia?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:46): I thank the honourable member for his interest in technology and driverless vehicles (or autonomous vehicles). On Tuesday, I had the privilege of signing the memorandum of understanding between the French autonomous vehicle manufacturer, EasyMile, and the Transit Australia Group. The MOU will see EasyMile establish their Asia Pacific headquarters in Adelaide—a good outcome, I think, Mr President—and see autonomous shuttles manufactured in Adelaide for the Australia Pacific region.

Transit Australia Group will also establish its national operation control centre for the management of autonomous vehicles in Adelaide for the whole of Australia. Again, an MOU to deliver a tangible outcome here. There is no doubt that South Australia is leading the way in autonomous vehicle development in Australia and that this agreement provides the foundation for a partnership with Australian businesses to be involved in the manufacturing and support of EasyMile's cutting-edge autonomous shuttles for domestic and export markets, from South Australia. It sends a positive global message to autonomous vehicle manufacturers and supply chain businesses that South Australia is well-positioned to support and maintain its lead in the autonomous vehicle sector.

New industries such as this create new types of jobs for South Australians and open up opportunities for further collaboration with our universities. It's likely to open further opportunities to connect businesses with other sectors, including defence, space and agribusiness, thereby increasing investment and trade opportunities across South Australia. EasyMile will also partner with the City of Playford to deliver the Playford Connect trial, which will receive a $350,000 grant from the Future Mobility Lab Fund. The trial will take place over the next 12 months, over two phases. The first phase will provide first and last mile mobility between the car park and the Lyell McEwin Hospital, and the second phase will provide first and last mile mobility around the Elizabeth shopping precinct, integrating with existing public transit services.

The trial will be the first South Australian validation of EasyMile's market readiness and its technology platform as a mobility solution. Furthermore, tomorrow I will be in Renmark as part of one of my regional tours, where the first EasyMile EZ10 shuttle will provide a static demonstration of EasyMile's autonomous vehicle platform, with the intent to showcase how the technology could address transport challenges for the elderly and those with disabilities in the regions.

I would like to thank Mr Gilbert Gagnaire, the CEO of EasyMile, and Mr Damien Brown, the chief executive officer of Transit Australia Group, for signing the MOU with me on Tuesday. It was a lovely little ceremony up in the Plaza Room—a bit crammed, but it was great that Mr Gagnaire came here, having flown directly from Toulouse to be able to sign the MOU. He was delighted to be able to be here. He was also delighted that France had won the World Cup. He was still pretty excited about that as well.

The Department for Trade, Tourism and Investment has been working closely with EasyMile over the past 18 months to encourage the company to become an integral part of the future mobility ecosystems in South Australia, with the on-road testing of their vehicles and their manufacture in our state. I thank both EasyMile and TAG for making this important investment in our state and for recognising that South Australia is indeed the centre of development of future transport mobility in the Asia Pacific region.

LANDS TITLES OFFICE

The Hon. J.A. DARLEY (14:49): I seek leave to make a brief explanation before asking the Treasurer a question about the sale of the Lands Titles Office and valuation services.

Leave granted.

The Hon. J.A. DARLEY: On 16 May this year, the Treasurer released a statement outlining that a secret deal took place between the former Labor government concerning the privatisation of the Lands Titles Office. As part of this deal, $1.605 billion was paid to the state, but what was not disclosed at the time was the fact that $80 million was paid by the Land Services SA consortium to be granted an exclusive right to negotiate for the further privatisation of the Motor Vehicle Registry. As a result, the government will be required to undertake a scoping study.

If the state and Land Services SA do not enter a privatisation agreement by 12 October 2020 or if the states appoint another third party to manage the Motor Vehicle Registry, the state must repay the $80 million, including interest, or grant Land Services SA a seven-year extension to the existing 40-year term. The Treasurer indicated in his statement that the government would seek further advice regarding the state's options associated with this contract. My question is: can the Treasurer provide an update about the options explored in relation to this contract?

The Hon. R.I. LUCAS (Treasurer) (14:51): I thank the honourable member for his very important question. Yes, I can provide a little update to the honourable member and to members in the Legislative Council. The government has sought advice in relation to its legal options. It would appear that the former government locked all the doors and closed all the windows in relation to future options both for it, if it was re-elected, or indeed if a future Liberal government was elected. So there is no legal way out of having to go down the path that I outlined to the house in May, and the member in his explanation has repeated the details of our understanding at that time, which remains our understanding at this stage.

My recollection is that we have until October 2020 to have essentially, if we were to choose to privatise the motor registry division, concluded the deal with the new consortium. That is the end date written into the contractual agreement. We, at the start, have to undertake the scoping study which, as the member indicated, is a requirement under the contract that the former government entered into. I have had discussions with Treasury in relation to the timing of that scoping study. It is fair to say it will need to be sooner rather than later in terms of the announcement or the commencement of the scoping study.

My advice is that it would generally take about three to four months for an appropriate scoping study to be conducted. They are not inexpensive options. We need to obviously appoint somebody with expertise in this particular area, but my advice is that, as long as we have concluded the scoping study by towards the end of this year, we will be complying with the contractual arrangements and requirements we might have, depending on what particular path we choose.

There are other aspects, of course, that the government will need to consider. There is the not inconsiderable cost if we choose not to privatise the motor registry division, as the former Labor government would want us to do. We would have to work out the cost of doing so, and that is an $80 million cost potentially, at a 10 per cent per annum interest rate repayment—not a bad little

earner that the Labor government wrote into the contract—or an extension of the 40-year deal to the LSSA, the private sector consortium, and that would be obviously at no cost.

My initial advice is that it is very hard to estimate what the value of that is, and of course no-one will really know that until 30 or 40 years down the track. The whole world might have changed in relation to the value of these sorts of deals; whatever estimate someone might make today could be massively different to what the value of this information might be in 30 or 40 years' time. I invite the honourable member to go back 30 or 40 years and the experiences of the valuation division and the public sector and compare that with where we are now, and I invite him to look ahead 30 to 40 years as to what the state of play might be, how anyone could accurately predict what the value of a seven-year extension might be at that time.

All that work has to be done but, at this stage, we are locked into it. My advice is that there is no sensible way around it. In the not too distant future we will appoint someone to undertake the scoping study.

One remaining thing I will say is that the former government gave this private sector consortium the option of privatising not only the motor registry division: I remind members that in my ministerial statement I did point out, 'or any other registry that the state owns', and invited members to reflect on those other registries. There are other registries such as Births, Deaths and Marriages, the Consumer and Business Services licensing registries; there is a range of other registries that the state has in its possession. Clearly, the Labor government had intentions to potentially privatise all those other registries as well.

This consortium does have options in relation to those areas, should the government choose to go down that path. I make the point that it is ultimately a decision for this government in relation to whether or not we proceed down a particular path. In relation to the motor registry division there are significant potential financial penalties; in relation to the other registries there are no evident financial penalties if we choose not to go down that path.

AUSTRALIAN CRANIOFACIAL UNIT

The Hon. E.S. BOURKE (14:57): My question is to the Minister for Health and Wellbeing. Has the minister's government done anything that undermines funding for doctors to undertake humanitarian work at the Australian Craniofacial Unit?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): Not that I am aware of specifically. We maintain the SAG program, the South Australian government-funded program, for people at the unit. That is up to 15 in one year, and it includes accommodation, transport and other expenses.

YOUTH PARLIAMENT

The Hon. J.S. LEE (14:57): My question is to the Minister for Human Services about the South Australian Youth Parliament. It is very encouraging to see so many young people having a keen interest in politics and the legislative framework of South Australia. Can the minister advise the chamber about this year's South Australian Youth Parliament?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:58): I thank the honourable member for her question. I will start by acknowledging that there were a number of members of this chamber from all sides who attended, as well as a number of members of the House of Assembly who attended both the opening and closing ceremonies for the youth parliament, which ran from 9 to 13 July. During this time they take over both chambers of parliament and practice and hone their skills.

This important annual event, which has been put on by the YMCA for the last 22 years, starts with a selection process, and participants undergo a range of training. It culminates with the week they spend in the South Australian parliament debating various issues. It has been very pleasing to see a huge diversity of participants in terms of both different cultural backgrounds and regional diversity. The Governor, Charlie Stivahtaris, was a young man from the Riverland.

The bills that they debated were also very diverse. They debated such issues as regional health care access, which was in relation to equity for people in regional areas; a motion of public

importance, which was related to sex health education; sustainable housing, which was proposing we use more shipping containers for housing; a greenhouse gas emissions reduction bill to apply to corporations; abortion law reform, relating to safe access rather than it being illegal, which I think is something that the parliament needs to attend to (that is my personal view); a mandatory disability education bill; training guidelines; a housing reform bill, which was for a new tax to fund housing, which didn't pass; an affordable electricity bill, increasing access to solar and consumer education; a regional transport assistance bill; an electoral amendment bill; a transparent wages bill; a digital direct democracy bill; a voluntary euthanasia bill; and they ran out of time for their national motion of public importance.

We were all at the start of the session. I remember remarking to one of my colleagues in this place that the participants were a very serious group of people in their suits, who were perhaps a little bit nervous. Certainly, by the end of the week, it was very relaxed, and clearly the participants had had a fantastic time in terms of their bonding, developing their skills and delving into a whole range of issues that hopefully will set them on their pathway to doing new and exciting things.

I congratulate the YMCA, I congratulate all the sponsors, and I particularly congratulate all the participants. We have put them on notice that next year, being the 125th anniversary of women gaining the right to vote and to stand for parliament in South Australia, we would like them to have a particular focus at some stage on the Adult Suffrage Bill that passed 125 years ago, and I think they are very keen. I congratulate everybody who has been involved in that and look forward to next year's events.

HOUSING SA

The Hon. F. PANGALLO (15:02): I seek leave to make a brief explanation before directing a question to the Minister for Human Resources, the Hon. Michelle Lensink, about Housing SA.

Leave granted.

The Hon. F. PANGALLO: Today I was made aware by our hardworking candidate for Mayo, Rebekha Sharkie, of the distressing situation now confronting a disabled constituent in Victor Harbor, which isn't in the spirit of the Disability Inclusion Bill we passed recently. Donna Brook has spina bifida and has lived in a private rental home with her recently deceased partner for the past two years. Housing SA had provided the bond in the joint names of Donna and her late partner Robin. After learning of Robin's passing from cancer in June, Housing SA wrote to Donna, advising her they will not renew the bond in her name only, because they form the view she can no longer afford to pay for the rent, even though Donna is employed.

It needs to be pointed out that the couple spent a considerable amount of time finding a suitable wheelchair accessible property. Their landlord also considered them model tenants who had not defaulted on the rent, and Donna has since maintained the payments on her own and says she can continue to pay it.

However, because of the Housing Trust's decision, wheelchair-bound Donna faces becoming homeless, and at a time when Housing SA is generously wiping off debts for those who—unlike Donna—have consistently defaulted, leaving the authority with uncollected rent payments of $19 million. My question is: how and why is Housing SA determining the financial ability of persons to pay rent when, as in this case, there have not been any defaults or default judgements? Will she direct Housing SA to immediately review and reverse the decision made by Housing SA, to prevent Donna Brook being evicted onto the streets and left homeless?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:04): I thank the honourable member for that particular question. I am more than happy to gather the details that the honourable member can provide to us and look into this situation as a matter of urgency. Can I say that in my ministerial office we receive a number of issues both from members of the public directly and also via members of parliament advocating on their behalf. We do attend to those as quickly and assiduously as possible. On this particular one, particularly given the circumstances of potential homelessness and the circumstances that the honourable member has outlined, I am happy to hit my own personal 'urgent' stamp on that and have that result as soon as possible.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. R.P. WORTLEY (15:05): I seek leave to make a brief explanation before asking a question to the Assistant Minister to the Premier regarding the South Australian Multicultural and Ethnic Affairs Commission.

Leave granted.

The Hon. R.P. WORTLEY: On Tuesday 3 July, the assistant minister told the chamber that when selecting and appointing SAMEAC members it was a broad consultation with multicultural community groups across the board in South Australia. Also on that day the assistant minister told the chamber:

> We have a new government in town. We will do with a new direction, so there are areas of consultation done in accordance with the new government's direction.

Yesterday, the Assistant Minister to the Premier told the chamber:

> Our consultation and appointment is the business for the new government.

My questions to the assistant minister are:

1. Did the assistant minister, Premier or any of their staff meet or correspond with the following organisations as a part of the consultation process to appoint Dr Nannapaneni: the Indian Australian Association of South Australia, also known as IAASA, which is the umbrella body for Indian organisations; the Sikh Association of Adelaide; the Sikh Society of South Australia; the Hindu Council of Adelaide; the Federation of Indian Communities of South Australia; the Prospect Sikh temple; the BAPS temple; the Adelaide Telangana Association; Vishva Hindu Parishad of Adelaide; or the Indian Professionals Australia?

2. In relation to the opposition trying to establish whether or not there was some transparency in these appointments, what exactly does the assistant minister mean when she uses the phrase, 'We have a new government in town.'

Members interjecting:

The PRESIDENT: Have we all finished having our private discussions? Are you all finished? It's your time in question time. The Hon. Ms Lee.

The Hon. J.S. LEE (15:07): I thank the honourable member for his continuous question and interest in the multicultural affairs of South Australia. I will jump straight in with a question about what do I mean when I say there is a new government in town. Well, on 17 March, when the Liberal Party won majority government and we are sitting on this side of the benches, it just means we have a new government in town. So what does a new government in town mean? The new government in town means we are a government and a party that is trying to unite the community, unlike the Labor side when they were in government, which tried to cultivate different groups. They would go to different community groups asking them to sign up to be members of the Labor Party, etc., etc.

Members interjecting:

The Hon. J.S. LEE: They would offer advantages if they are part of the Labor Party. In South Australia, however, under the new Liberal government we are trying to unite the community. That unity and diversity means that we sought positions and advice from various different sectors, in addition to the multicultural sector, to ask who are the best people we can bring to SAMEAC to serve South Australia. In my very early days in answering some of your questions I said that the community is not just about individuals.

The community is about different people from different spectrums, with different skill sets and different qualifications, wanting to contribute to South Australia. If honourable members have an issue about a certain appointee, and that appointee is a very high calibre person, a very distinguished business person as well as a dentist, and has a high standing in the community, if the honourable member or any other person in the community has an issue, do not use the privilege of this parliament to argue the case—say something out there. You have to be very careful in pinpointing somebody, with no evidence, and saying whether or not that person is qualified to do the job. The appointments of all the SAMEAC members have been accepted.

Members interjecting:

The Hon. R.P. WORTLEY: Supplementary, Mr President.

The PRESIDENT: Hon. Mr Wortley.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. R.P. WORTLEY (15:10): I have asked you directly, 'Did you meet or correspond with any of the following organisations as part of the consultation process: the Indian Australian Association of South Australia, also known as IAASA—that's the first one—

The PRESIDENT: The Hon. Mr Wortley, can we just take it that your question applies to the whole list?

Members interjecting:

The PRESIDENT: No, no that's what I'm going to do. Assistant minister, I am going to take it that that supplementary applies to the list that the honourable member listed. This ruling is in your favour.

The Hon. R.P. WORTLEY: I only wish she would answer the question; that's the problem here.

The PRESIDENT: Yes, but I'm not going to waste—

The Hon. R.P. WORTLEY: The Indian Australian Association of South Australia—

Members interjecting:

The PRESIDENT: Order! I am not wasting the whole of question time whilst you ask a series of supplementaries.

The Hon. R.P. WORTLEY: Well, you answer the question: which of these associations did you have consultation with?

The Hon. T.A. FRANKS: Point of order, Mr President: the honourable member just asked you to answer the question. You are not placed to answer this question.

The PRESIDENT: No, I would never usurp the minister. I think, assistant minister, you understand the nature of the supplementary—you have the call.

Members interjecting:

The PRESIDENT: Can we await the assistant minister's response?

The Hon. J.S. LEE (15:12): Consultation is done in so many different forms. I believe I have consulted widely. I stand by my comment in getting the right person for SAMEAC.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. K.J. MAHER (Leader of the Opposition) (15:12): Supplementary arising from the original answer: does the assistant minister know whether any of the organisations to which the Hon. Russell Wortley referred were consulted in relation to this appointment?

The Hon. J.S. LEE (15:12): I certainly know more of those organisations than you would, honourable member.

The Hon. R.P. WORTLEY: Point of order, Mr President: the Hon. Ms Lee made indication to me that I had disparagingly made negative comments about Mr Nannapaneni. Now, at no time during any of my—

Members interjecting:

The Hon. R.P. WORTLEY: It's a point of order.

The PRESIDENT: Order! I do not need advice from the government benches.

The Hon. R.P. WORTLEY: At no time have I reflected negatively on the actual candidate, so the honourable member is out of order to make reference that I have actually—talking about defamation and all sorts. Nothing I have said has been a reflection on Mr Nannapaneni.

Members interjecting:

The PRESIDENT: Order! Government benches will be silent.

The Hon. R.P. WORTLEY: It's a reflection on the lack of consultation of this government.

The PRESIDENT: I've got your point, I've got your point.

The Hon. R.P. WORTLEY: I want you to rule on it.

The PRESIDENT: Assistant minister.

The Hon. J.S. Lee: There was no question there.

Members interjecting:

The Hon. J.S. Lee: What have I done?

Members interjecting:

The PRESIDENT: The Hon. Russell Wortley has raised a point that he feels that you have cast aspersions on his view. I am calling on you to respond. You have an option of withdrawing it or making further comment.

Members interjecting:

The PRESIDENT: How I interpret what the member is doing, whether it is a point of order or a matter of personal explanation, is a matter for the President. The honourable member has raised an issue where he feels that he has been defamed; I'm asking the honourable member to respond.

The Hon. J.S. LEE: Mr President, I do not feel that my comments have defamed or made any accusations against the honourable member at all.

The PRESIDENT: The Hon. Mr Wortley, you can raise it at another time, if you so choose, having reviewed the *Hansard*.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. I.K. HUNTER (15:14): Supplementary: the assistant minister in her answer in response to the original question said that she sought advice from different sectors of the community in addition to the multicultural community on her appointments to SAMEAC. Will the assistant minister advise the chamber what sectors of the community did she seek advice from other than multicultural communities around this appointment?

The Hon. J.S. LEE (15:15): Put it this way: all the 12 appointees on the SAMEAC board do not just come from the multicultural sector. There are doctors, educators, professionals, business people. Therefore, when I said 'consult in addition to other sectors' it is in addition to multicultural and their professional undertakings in the community and industry.

PET THERAPY

The Hon. J.S.L. DAWKINS (15:15): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question regarding patient wellbeing in hospitals.

Leave granted.

The Hon. J.S.L. DAWKINS: Members of the council are well aware of my strong interest and efforts to improve the mental health and wellbeing of all South Australians, and I am very supportive of programs that can make a positive impact on people's lives, especially for those people in hospital facing enormous personal challenges. Will the minister update the council on programs to support patient wellbeing in hospitals?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:16): I thank the honourable member for his question and for his ongoing support of mental health and wellbeing. Sometimes in

health the focus can be on headline projects, but it is often the small changes that can make a big difference in individual lives. The pet therapy project at Mount Gambier is a good example. Pets have a wonderful ability to brighten our lives. They offer companionship and unconditional love, and increasingly we see the benefits that pets can bring to therapeutic environments.

Guide dogs and other assistance animals have long been a vital part of the lives of many South Australians, assisting people who are blind, vision impaired, deaf, hearing impaired or deafblind. The pet therapy program within the health service brings smiles to the faces of patients—people often going through what can be quite traumatic experiences, whether it is a regular series of chemotherapy doses, whether it is recovery from operations, and especially for those who might be facing a long-term decline, even in the palliative phase.

The wagging tail of a dog can certainly lift a person's mood, reduce stress and help brighten people's days. It is also not only the patients who benefit; it often provides relief to staff who work in often high-pressure environments and challenging contexts. Certainly an important message conveyed by the South Australian Mental Health Commission, and reinforced at two Mindframe events organised by the commission earlier this week, highlight the importance of us taking care of our own mental health. Programs that benefit patients and staff such as the pet therapy program are valuable in boosting the health and general wellbeing of everyone. Twelve dogs take part in this popular program and, along with eight handlers, they visit the hospital each week and do the rounds.

The feedback from patients has been very positive, with many noting the role of dogs in improving their spirits in what is otherwise often a monotonous and draining experience. I think it is important to highlight how important the handlers are. They are critical to the success of the program. Not only do they themselves provide a compassionate ear and someone to chat to, it also is obviously important for the management of the animals. All participating dogs are subject to strenuous checks to ensure they are capable of handling unusual noises, such as wheelchairs and trolleys, and also have a suitable temperament for a hospital environment.

I bring this to the attention of the council as a very positive program making a real difference to the lives of patients and staff. I have been fortunate to see firsthand the benefits of pet therapy in a number of contexts. I remember visiting a McLaren Vale hospital and seeing a dog being used there, and I think many members would be aware of Operation K9, which is a joint program provided by the Returned and Services League and the Royal Society for the Blind.

Operation K9 dogs are provided to veterans of the Australian Defence Force who have a diagnosed post-traumatic stress disorder due to operational service. I was only speaking to a user of a K9 dog recently who was glowing in the almost intrinsic knowledge that the dog had acquired of his handler, or his owner, and what a difference it makes to his life. Pet therapy in many ways is simple, but in many ways the impact is profound.

ENDOMETRIOSIS

The Hon. T.A. FRANKS (15:20): I seek leave to make a brief explanation before addressing a question to the Minister for Health and Wellbeing on the topic of endometriosis.

Leave granted.

The Hon. T.A. FRANKS: Endometriosis is a chronic and progressive menstrual health disorder that affects at least one in 10 women of reproductive age. It often results in severe and chronic pain and can lead to infertility. Diagnosis currently takes seven to 10 years on average, largely due to lack of awareness and understanding of the condition amongst primary healthcare professionals, as well as consumers themselves. Only this year, that has started to change in terms of the attention given to this previously unknown illness.

In the May budget, the Turnbull government committed $1 million to increase awareness and understanding of endometriosis amongst our GPs and other front-line health professionals. They have also released a draft national action plan which has three priority areas; that is, awareness and education, clinical management and care and research. My question to the minister is: what is the status of the work done to get up the schools program that is highlighted in that education and awareness national action plan and how much of the $1 million to GPs and other front-line health professionals has been rolled out in South Australia in their education?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:21): I thank the honourable member for her question. I would agree with her that the last year or two has been a watershed for endometriosis. I think, when the history is written, parliamentarians across the nation will be able to take a particular responsibility, if you like, for having raised awareness. My impression is, in the councils of health that I am involved in and advocacy such as the Hon. Tammy Franks is involved in, that in recent times it's often been the politicians who have been urging action, even where perhaps clinicians did not give it the same priority.

As the honourable member said, it's very important that we support women who have this condition. Early intervention is vital. Our South Australian public hospitals provide a range of early interventions, including medical with drugs or via surgery. We are also developing online self-assessment tools for endometriosis. They are currently being developed with endometriosis support groups, clinicians, IT developers and researchers from across the country. A research initiative has been established to evaluate three models of care delivery for physiotherapy services at the Women's and Children's Hospital for girls and women with pelvic pain.

The honourable member was correct in highlighting the importance of awareness and education. As I know she understands, often young girls and women don't understand what is happening, so it is very important that young women and girls get information so they can understand what might be happening to them. It is very important not only to have the treatment options that I have already highlighted but that we do what we can do in terms of awareness and education.

The honourable member was correct in highlighting that awareness and education is one of the three key prongs in the national endometriosis action plan, which was consulted through May, and consultation closed on 28 May. When I last addressed this matter in the council, I think we were expecting the plan to come out in June. Unfortunately, that hasn't been the case, but I can update the council that, at the next COAG health council meeting, which is in early August, the National Action Plan for Endometriosis is on the agenda, and I expect it will be released then or soon after.

I am aware that the commonwealth is already making funding announcements under the plan, so I look forward to working with the commonwealth in not only endorsing a plan but implementing it. As minister Ridgway would say, 'That's where the rubber hits the road.'

In terms of the pilot program the honourable member referred to, the Menstrual Health and Endometriosis program pilot, it was held in 2017 in 10 South Australian secondary schools and was evaluated positively. I met with the honourable member and proponents and I can assure you that the government is continuing to actively consider funding that might be able to build on that work and to look for other opportunities as the plan rolls out. The funding that was announced today I am sure is not the last, and we hope that at both the state level and the federal level we can work in partnership with the commonwealth in both the resourcing and the implementation of the plan.

Personal Explanation

HOUSING SA

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:25): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.M.A. LENSINK: In question time today I indicated that remote housing was funded from state funds. I have been advised by my agency that the funding available is from unspent federal funds.

Bills

HEALTH CARE (GOVERNANCE) AMENDMENT BILL

Final Stages

The House of Assembly agreed to the bill with the amendments indicated by the following schedule, to which amendments the House of Assembly desires the concurrence of the Legislative Council.

No. 1. Clause 11, page 6, lines 36 to 38 [clause 11, inserted section 33B(2)(g)]—Delete inserted paragraph (g) and substitute:

(g) Aboriginal health or other fields that, in the opinion of the Minister, will enable the effective performance of the board's functions.

No. 2. Clause 11, page 7 lines 1 to 2 [clause 11, inserted section 33B(4)]—Delete inserted subsection (4)

No. 3. Clause 11, page 7, lines 32 to 35 [clause 11, inserted section 33D]—Delete inserted section 33D and substitute:

33D—Disclosure of pecuniary or personal interest

(1) A member of a governing board who has a pecuniary or personal interest in a matter being considered or about to be considered by the board must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the board.

Maximum penalty: $25,000.

(2) A member of a committee who has a pecuniary or personal interest in a matter being considered or about to be considered by the committee must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a committee meeting.

Maximum penalty: $25,000.

(3) A member of a governing board or a committee who has a pecuniary or personal interest in a matter being considered or about to be considered by the board or the committee—

(a) must not vote, whether at a meeting or otherwise, on the matter; and

(b) must not be present while the matter is being considered at the meeting.

(4) Subsection (3) does not apply if—

(a) a member of a governing board or committee has disclosed an interest in a matter under subsection (1) or (2); and

(b) the board or committee (as the case requires) has at any time passed a resolution that—

(i) specifies the member, the interest and the matter; and

(ii) states that the members voting for the resolution are satisfied that the interest is so trivial or insignificant as to be unlikely to influence the disclosing member's conduct and should not disqualify the member from considering or voting on the matter.

(5) Despite a provision of Schedule 3, if a member of a governing board is disqualified under subsection (3) in relation to a matter, a quorum is present during the consideration of the matter if at least half the number of members who are entitled to vote on any motion that may be moved at the meeting in relation to the matter are present.

(6) The Minister may by instrument in writing declare that subsection (3) or subsection (5), or both, do not apply in relation to a specified matter either generally or in voting on particular resolutions.

(7) The Minister must cause a copy of a declaration under subsection (6) to be laid before both Houses of Parliament within 14 sitting days after the declaration is made.

(8) Particulars of a disclosure made under subsection (1) or (2) at a meeting of a governing board or committee of a governing board must be recorded—

(a) in the minutes of the meeting; and

(b) in a register kept by the board which must be reasonably available for inspection by any person.

(9) A reference in subsection (3) to a matter includes a reference to a proposed resolution under subsection (4) in respect of the matter, whether relating to that member or a different member.

(10) Subsection (2) applies to a person who is a member of a committee and also a member of a governing board even though the person has already disclosed the nature of the interest at a board meeting.

(11) A contravention of this clause does not invalidate any decision of the Board.

(12) Section 8 of the *Public Sector (Honesty and Accountability) Act 1995* does not apply to a member of a governing board.

(13) In this section—

committee means a committee or subcommittee established by a governing board under Schedule 3 clause 10.

No. 4. Clause 14, page 9, line 25 to page 10, line 5 [clause 14, inserted section 102]—Delete inserted section 102 and substitute:

102—Review of Act

(1) The Minister must, as soon as practicable after 1 July 2022, appoint an independent person to conduct a review of, and prepare a report on—

(a) the operation of this Act, including the extent to which—

(i) the objects of this Act have been attained; and

(ii) the principles of this Act have been applied; and

(b) any other matters determined by the Minister to be relevant to a review of this Act.

(2) A person appointed to conduct a review and prepare a report under this section must have expertise in health care administration or health service delivery.

(3) A review and report by a person appointed under this section must be completed within 6 months of the person's appointment.

(4) The Minister must, within 12 sitting days after receipt of a report under this section, cause a copy of the report to be laid before both Houses of Parliament.

No. 5. Clause 15, page 10, lines 11 to 14 [clause 15, inserted clause 1(1)]—Delete inserted subclause (1) and substitute:

(1) The Minister is to appoint 1 of the members of a governing board (by the member's instrument of appointment or by other instrument executed by the Minister) as Chairperson of the board.

(1a) The Minister may appoint 1 of the members of a governing board (by the member's instrument of appointment or by other instrument executed by the Minister) as Deputy Chairperson of the board and, if a member is so appointed, that member will, in the absence of the Chairperson, act in the office of the Chairperson.

No. 6. Clause 15, page 11, line 8 [clause 15, inserted clause 3(3)]—Delete 'they are incurred' and substitute:

they are paid for by the board (whether directly or by reimbursement to the member)

No. 7. Clause 15, page 12, lines 1 to 10 [clause 15, inserted clause 7]—Delete inserted clause 7

No. 8. Clause 15, page 12, line 12 [clause 15, inserted clause 8(1)]—Delete 'a meeting' and substitute:

an annual public meeting

No. 9. Clause 15, page 12, line 31 [clause 15, inserted clause 9(3)]—After 'Chairperson' insert '(if any)'

No. 10. Clause 15, page 15, line 25 to page 21, line 35 [clause 15, inserted Schedule 3A]—Delete inserted Schedule 3A

Consideration in committee.

The CHAIR: Minister, I understand you are required to move that the amendments be agreed to.

The Hon. S.G. WADE: I might seek clarification. Would the council prefer to consider them one by one or en bloc? Let me make two points about this: first, I have written to the crossbenchers, and I seem to recall the shadow minister for health and wellbeing in the other place has put his position on every one of these amendments in the other place. I did indicate to the opposition at the beginning of question time that it was my intention to bring it on.

The Hon. K.J. Maher: In your message you said nothing about amendments.

The Hon. S.G. WADE: I am sorry if that was not clear.

The Hon. K.J. Maher: No, it was deliberately a misleading statement.

The Hon. S.G. WADE: There may well have been a miscommunication, but let's be clear: this government has made it clear for weeks that we will be seeking to get this legislation through by the end of this week, because we made a commitment to the people of South Australia that we would seek to make appointments to board chairs by 31 July. Considering the timing of the Executive Council, that will not be possible until 2 August. However, what it does mean, if this council concludes the consideration today, is that potential board members and potential chairs will have months more and greater opportunity to prepare for the work ahead, and we will honour our commitment.

I would also stress to members, as we indicated right through the consideration of this, that part 1 of the reform pack is to put in place the legislation so that we can appoint board chairs. All of these provisions, plus the accountability and governance framework, will be revisited again, either late this year or early next year. Every single word that is passed today will be back before this place, most likely within five months but maybe seven months. So I do not think the chamber should feel concern that what we are doing today cannot be improved on, if necessary, as a result of further consultation.

That is why we are doing it in a two-stage process: so that, in the governance and accountability framework, there can be full involvement of the board chairs at least—and certainly the wider community. So I would seek the support of the council to proceed on the message, as suggested.

The Hon. I.K. HUNTER: I take great exception to the way this has been portrayed in this council. The Hon. Mr Wade came to me today and asked if we would mind the chamber receiving a message. No mention was made about deliberations over amendments. No mention was made about these concerns. The Liberal Party in this chamber has said, for years and years, 'We hold that the debates in this chamber stand apart from those in the other place. Just because there are debates in the other place, we don't believe they should be rubberstamped and rushed through this chamber.' But now we see, right here before us, an attempt by the Liberal government to do exactly that: to say, 'Just rubberstamp it. It went through the other place. They had the debate. What are you worried about up here?'

I hold that this is absolute hypocritical behaviour by the minister. He said to me, 'Do you mind us receiving a message?' and that was it. I said, 'Of course we can do that with messages.' It had nothing to do with the consideration of these amendments, and I say that this is deceptive behaviour by the government. You will hang or fall on the way that you process this through this chamber. So I move:

That progress be reported.

The council divided on the motion:

Ayes.....8
Noes 13
Majority 5

AYES

Bourke, E.S.	Hanson, J.E.	Hunter, I.K. (teller)
Maher, K.J.	Ngo, T.T.	Pnevmatikos, I.
Scriven, C.M.	Wortley, R.P.	

NOES

Bonaros, C.	Darley, J.A.	Dawkins, J.S.L.
Franks, T.A.	Hood, D.G.E.	Lee, J.S.
Lensink, J.M.A.	Lucas, R.I.	Pangallo, F.
Parnell, M.C.	Ridgway, D.W.	Stephens, T.J.
Wade, S.G. (teller)		

Motion thus negatived.

The Hon. S.G. WADE: Before I address the first amendment, I would clarify with the Hon. Ian Hunter that I am sorry there was a misunderstanding earlier. I would have thought the former minister would appreciate that I cannot control when we receive a message; I can only move when we can consider it. In any event, I make the point that the government has consistently indicated that we want this legislation through this week.

I cannot confirm that the letter that went to crossbenchers went to the shadow minister, but what I can confirm is that the shadow minister for health and wellbeing in the other place has been, both in the second reading and committee stage, working on this bill for three days. So the opposition position is clear and the government response in the other place was just as clear.

Amendment No. 1:

The Hon. S.G. WADE: I move:

That the House of Assembly's amendment No. 1 be agreed to.

Amendment No. 1 relates to Aboriginal health, and members will recall that the opposition in the Legislative Council wanted to insert an amendment that at least one board member have expertise, knowledge or experience in Aboriginal health.

It is the view of the government that this represents a shift towards representative boards, and appointments should be made balancing all the skills available to the board to fulfil its duties. We do appreciate that the challenges faced in Aboriginal health are extraordinary. In acknowledgement of that the government in the other place proposed an amendment that expanded clause 33B(2)(g) so that the first expertise or skill highlighted would be Aboriginal health.

I commend the motion of the house. It respects the view of both the opposition and this chamber to recognise the particular challenges for Aboriginal people in relation to health.

The Hon. K.J. MAHER: I note that the honourable member said in his contribution just now that he was not sure whether he afforded the same courtesy to the shadow minister as he did to crossbenchers here. The minister clearly knew this was coming on, clearly knew that there would be a debate in the committee stage and had his officers ready, but it appears he may not have extended the courtesy to the opposition to do that. I am wondering, on this matter, if the minister intends to continue in this way or whether he will undertake to extend the same courtesy to the opposition as he does others.

The Hon. S.G. WADE: I do not know if those matters reflect on a previous position of the council; I cannot see the relevance to the amendment.

The Hon. K.J. Maher: He raised it; he opened the door, Mr Chairman, in his contribution on this amendment. He raised it—

The CHAIR: My understanding is that it is in committee and any member can raise any issue within reason, which the Leader of the Opposition has done. However, the minister does not need to respond to it.

The Hon. K.J. MAHER: This amendment seeks to replace one that the Legislative Council inserted last time and I congratulate crossbenchers, in particular, in the Legislative Council who, the last time this amendment was before the chamber, saw fit to make sure that health boards included someone in the field of Aboriginal health. It was a critically important amendment that the chamber, with the support of the crossbenchers, supported last time.

We know that health outcomes for our First Australians, the oldest living culture on this planet, are so much worse than non-Aboriginal Australians. A requirement to have someone with that expertise on boards is a critical element, so I commend the original amendment that crossbenchers supported last time which made that a requirement, rather than one that actually does nothing. What this provides is:

Aboriginal health or other fields, that, in the opinion of the minister, will enable the effective performance of the board's functions.

'Other fields' means that there is actually no requirement whatsoever to have anyone on any board who has any understanding of Aboriginal health; no requirement whatsoever. What this basically does is scrap what the council saw fit to pass last time.

What it does with the 'or other fields' is make it very clear that you do not have to have regard to people with expertise in Aboriginal health. With that in mind, and given that the minister sees fit to scrap the requirement to have someone with expertise in Aboriginal health, I have a series of questions about the importance of Aboriginal health. I would be very keen for the minister to put on record the differences in outcomes between Aboriginal Australians, in terms of health, and non-Aboriginal Australians. First, I ask the minister: what is the life expectancy gap between Indigenous and non-Indigenous Australians?

The Hon. S.G. WADE: The honourable member asks questions which I do not think have any relevance to this clause. It is undeniable that Aboriginal health outcomes, in a whole range of domains, are tragically worse than those for other Australians. That is why the government has seen fit to acknowledge the legitimate priority highlighted by both the opposition in moving the amendment and some crossbenchers in supporting it on the last occasion, by making it the first area of expertise in clause (g).

I would also highlight another reason why the government did not feel attracted to the opposition amendment. It first of all moves towards a representative board. I have already mentioned that, but it also, I believe, would not have been robust in terms of implementation. How it read was that at least one person of a governing board must be a person who has expertise, knowledge or experience in relation to Aboriginal health. I would have thought it would have been more credible if you actually said a person of Aboriginal or Islander descent. A person could have a knowledge of Aboriginal health, even in a training program, ready to be nominated. Personally, I do not think it provides even what was meant to be an assurance for Aboriginal expertise on the board. I do not believe it was.

The Hon. K.J. MAHER: I just want to clarify with the minister: is the minister refusing to give the answer, or is the minister saying he has absolutely no idea, and none of his advisers have any idea, of the life expectancy gap between Aboriginal and non-Aboriginal people?

The CHAIR: While the minister is consulting, it is not necessarily appropriate to extend your question to the adviser. Could the questions come just to the minister. If he chooses to seek counsel, it is a matter for him.

The Hon. S.G. WADE: In terms of Aboriginal and Torres Strait Islanders born in the period 2010 to 2012, in other words younger Aboriginal and Torres Strait Islander Australians, the life expectancy is estimated to be around 10 years lower than for the non-Indigenous population.

The Hon. K.J. MAHER: I thank the member for his answer. Can the member indicate whether that was the figure reported in the last Closing the Gap statement released earlier this year by the Prime Minister?

The Hon. S.G. WADE: I am happy to take that on notice.

The Hon. K.J. MAHER: Yes, I understand that was the figure reported in the last Closing the Gap statement, and I thank the minister for finding that figure. It is a damning indictment on where we are as a nation, that we are one of the most prosperous nations in the world yet our First Australians die a decade younger than other Australians. Another Closing the Gap target relates to infant mortality rates between Aboriginal and non-Aboriginal Australians. I am wondering if the minister can outline to the chamber what the differences are in those statistics that also form the Closing the Gap measurements.

The Hon. S.G. WADE: I am happy to bring detailed information back to the chamber, but I am not going to try to suggest to the council that I have those figures off on memory. What I will undertake to the council is that I will continue to regard Aboriginal health as a high priority. I have already met with the Aboriginal Health Council on at least two occasions since I was appointed minister. I had the privilege of being present at the Aboriginal Health Council NAIDOC Day. I am looking forward to meeting Aboriginal health practitioners in Alice Springs shortly, and I will continue to give Aboriginal health priority.

The Hon. K.J. MAHER: I can help the minister out. The infant mortality rates are about 1.7 times higher for Aboriginal than non-Aboriginal Australians. I think this demonstrates exactly the point that I am trying to make and why it is so crucial that we oppose the government's amendment in the lower house and seek to stick with what this council saw fit—very wisely—to put in originally.

Not even the South Australian Minister for Health, the person charged with looking after our health system, knows these figures. He does not know the figures for infant mortality. He was able to find out, but he himself did not know the figures for the life expectancy gap. If the person charged with being in charge of the health system does not know these figures, then how can we possibly hope that all boards will necessarily have the understanding of these issues and be able to discharge their duties to Aboriginal South Australians in relation to the provision of health if even he does not know?

That is why I think crossbenchers in this chamber quite rightly saw fit to make sure each board has someone with an understanding of Aboriginal health or expertise in the area. As the minister points out, and I think he is making the opposition's point, it does not need necessarily to be an Aboriginal or Torres Strait Islander person. It needs to be someone with expertise in the area of Aboriginal health. There are many—and I am sure the minister will have met many of them—administrators and health professionals who are not Aboriginal who do amazing work in Aboriginal communities.

There are services like Nganampa Health, which has been a standout in health provision in remote communities around Australia for the almost 20 years I have been involved, on and off, in Aboriginal affairs. Not everyone working or in the administration of that service is an Aboriginal or Torres Strait Islander person, but a lot of people have significant expertise in the area. That is why it is critically important.

Given that the minister himself, the person in charge of the health system, does not know what some of these horrendous gaps in life expectancy or infant mortality rates are, we cannot expect people on all of these boards to have an understanding. That is why this chamber supported having someone who has expertise in Aboriginal health. Without that understanding on boards, it is very difficult to see how we can necessarily make inroads into what is, quite frankly, a disgraceful disparity between Aboriginal and non-Aboriginal people.

I would commend to the chamber to stick to what we decided before. I think it was a very good decision that we have sent a message as the Legislative Council that we do indeed see health outcomes for Aboriginal people as exceptionally important. Every one of these boards should have just one person who has expertise in this area.

The Hon. S.G. WADE: I would make the point that it would often be quite inadequate for a board to stop at one person on the board with expertise, particularly if they have a large Aboriginal community. The government is of the view that boards will have to engage Aboriginal and Torres Strait Islander communities and other groups within their boards. It may well be quite complex, particularly with some of our larger regional areas. There will often be more than one Aboriginal nation involved in that area and often a myriad of other cultural and linguistically diverse communities. That is why, repeatedly in this bill, there are opportunities to engage.

There is a focus on the consumer and community engagement. That is specifically why we have mandated a requirement to have a consumer and community engagement strategy. A board could establish an Aboriginal health committee. We would expect boards to have committees to respond to whatever information and consultation needs they have. Certainly, the bill provides for partnership and cooperation with services in the region, which of course would include the Aboriginal community controlled services.

The Hon. K.J. MAHER: When there is one group of Australians, the First Australians, who have such dismal health outcomes, I think, at the very least, having one board member on each of these boards with an understanding of the issues facing it and the possibility to make a difference just is not too much to ask.

The Hon. S.G. WADE: I would make the point to the council that at the end of the board training processes there will be no member of a board who will not be aware of Aboriginal health

issues. Because every South Australian health board member will be confronted by Aboriginal health issues it will be part of the training.

The Hon. F. PANGALLO: I support the opposition on this; that is the decision we made, and I would like to proceed with that. It is imperative that members of the Indigenous community are adequately represented on these regional boards. I think we will stay with what we passed earlier.

The Hon. T.A. FRANKS: On amendment No. 1, I indicate that that was the will of the Legislative Council, so the Greens will support the will of the Legislative Council on this and we will be opposing the government amendment, but we do caution. The process of this place, which has dissolved into a lack of clarity, accusations, asking for fun facts for people who are employed in the public sector to do a job where we are passing legislation, not to give you answers to specific questions that, yes, are incredibly important issues about Aboriginal health, but actually have very little to do with the bill and the substance of this debate.

For the Labor opposition in this place to continually, at the moment, time and time again try to stall legislation needlessly, means that it is a position at the moment where it is like the boy who cried wolf. So you may well have a legitimate case here that you have not been consulted. The crossbenchers have been consulted; we have known this was coming all week. We have seen the amendments; perhaps the Labor Party has not, and they have only just been debated in the House of Assembly, although the parliamentary counsel filing date on the document I had was the 20th.

So if we could stick to the debates, I think you might find that you might be pleasantly surprised by some of the outcomes, but if the political game playing could stop that would be appreciated, I am sure, by many people who are not necessarily sitting in this council.

The Hon. S.G. WADE: For the information of the council, I advise that the main set of House of Assembly amendments were filed on 23 July, and these matters have been thoroughly debated in the House of Assembly, including by opposition members.

The CHAIR: Does any other member have a contribution at this time? Then we will proceed to a vote.

Motion negatived.

Amendment No. 2:

The Hon. S.G. WADE: Amendment No. 2 is consequential on amendment No. 1, so I will not be moving that.

The CHAIR: My understanding, from the wisdom of the Clerk, is that, given the nature of this committee as a whole, I have to put the question to the committee.

The Hon. S.G. WADE: For the sake of progressing the matter, I move:

That the House of Assembly's amendment No. 2 be agreed to.

Motion negatived.

Amendment No. 3:

The Hon. S.G. WADE: I move:

That the House of Assembly's amendment No. 3 be agreed to.

In the Legislative Council debate the opposition raised the possibility of not only having people identify conflicts of interest but requiring them to disclose that. That amendment, which was filed before the Legislative Council, was received very late. The opposition is not faultless when it comes to process. I seem to recall the Hon. Tammy Franks saying, 'We haven't had a lot of time to think about this amendment but we're attracted.' The government also indicated some interest, so between the houses we have looked at what is an appropriate level of not just conflict of interest but disclosure, and when is it appropriate to disclose.

The government strongly supports probity requirements but considers that the opposition amendment went too far. The opposition amendment was based on the level of disclosure of members of parliament, and goes well beyond the requirements of disclosure of health boards in

other Australian jurisdictions and, indeed, of any government board in South Australia such as SA Water, planning bodies or financial entities. The government considers that the level of disclosure is not consistent with the level of risk and may act as a disincentive for potential board members.

The government is committed to delivering the highest probity standards of any health board in Australia. Let me explain that: basically, we went to look at all the other health board legislation in Australia to see, at different junctures and different forms of disclosure, what was the highest requirement? To this end, the amendment draws on the existing disclosure requirements in other jurisdictions. It will require disclosure of potential conflicts of interest by board members at the appropriate time in the board or its committees, and disclosure will then need to be entered on a register which will be made publicly available. It is a public disclosure of conflicts of interest and the penalty for transgression of those requirements will be $25,000.

Disclosures will also be contained in the minutes of the board, which the council has already agreed will be published. So if a conflict of interest becomes active, if you like, and, in the operations of the board, a person's conflict of interest arises, not only will they have to declare it to the board but they will have to put it on a register which will be publicly available, and they will also need to put in the minutes, which, within a short period of time, will be available not just on a register that people can inspect but on the minutes that everyone can read.

We think that is a very appropriate level of disclosure. The parliamentary style of disclosure is associated with high-risk behaviour where we are subject to a much greater array of risks and we engage with a much greater array of topics. To be frank, we have chosen public life. These people are choosing to serve their community on a board. Not only is it expecting them to open their book as though they were parliamentarians, it has higher requirements than what they would be expected to do if they were on SAFA or a planning body. This is higher than what we expect of property developers.

If you are telling me that good-hearted people who are putting themselves forward to serve on a health board are a higher risk than property developers, I think the opposition had better go back and think again. We believe that our response is appropriate. In fact, I think it enhances the bill. We now have, shall we say, a practical, risk-focused way to manage conflicts of interest, and I think the bill is better for it.

The Hon. K.J. MAHER: The opposition will be opposing the amendment made by the House of Assembly. I thank the minister for his contribution. We significantly disagree with him, though. The Legislative Council, again, I think wisely, saw fit to put a very high level of disclosure and publicly available disclosure into this bill, and I think that is appropriate. The minister talked about good-hearted people serving their community.

The way in which the minister characterises this, you would think it was organising what time the movie would be on or when a quiz night would be arranged. These are massively important decisions but not just that: we are talking about tens, possibly hundreds of millions of dollars of spending of taxpayers' money. We are very much of the view, which is obviously not shared by the government, that there should be the highest levels of accountability, openness and transparency. The minister is right: it is good to have a regime where you note a conflict of interest and it is good to have a regime where that conflict of interest is publicly available.

But we think, in terms of conflict of interest, it is not only appropriate to have conflicts of interest reported when the person who that conflict of interest applies to thinks they might have a conflict of interest but it is critically important that the public get to know where there are apparent conflicts of interest. That is, let the public make up their own mind, when there is appropriate public disclosure, whether someone serving on the board has a conflict of interest rather than just relying on that person of their own volition to decide they do or do not have a conflict.

It is good that we will be passing a regime that deals with conflicts of interest when a person, of their own mind, thinks there is a conflict, but what the Legislative Council agreed to previously allows that to be properly tested because it is properly disclosed. I would urge the Legislative Council to stick with the amendments we made last time that ensure higher levels of accountability and disclosure.

The Hon. T.A. FRANKS: I reflect on the Legislative Council's willingness to ensure that there is greater transparency and scrutiny. I also reflect on the wording of some of the opposition's amendments that did not even have the word 'approved' before minutes of meetings because they were put together in such a haphazard way. I am comforted that the government has done due diligence here and come back with a far superior set of amendments with regard to that. In terms of amendment No. 3, we will be supporting the government.

The Hon. F. PANGALLO: I agree with the Hon. Tammy Franks. In fact, it is far more comprehensive what we have here before us today, and we will be supporting it.

The Hon. K.J. MAHER: Can the minister confirm that, under the Liberal's more secret regime, it will be up to the individual to decide in their own mind whether there is a conflict of interest rather than it being judged with the publicly available information?

The Hon. S.G. WADE: Having had the privilege of serving on a number of boards and having a lot of respect for corporate governance, conflict of interest is primarily a responsibility of an individual, but it is also a shared responsibility of a board. In that context, you would expect a board chair to challenge an individual member if they felt they had a conflict of interest that they had not disclosed. The opposition's argument—and talking about tens of millions of dollars, what about SAFA? The health sector of course does deal with significant amounts of money but not anywhere near compared with property developers and financiers.

The Hon. K.J. MAHER: Under the regime proposed, will chairs of all boards necessarily have all of the information in terms of the pecuniary or personal interests of board members?

The Hon. S.G. WADE: First of all, boards get to know each other very well, so in general terms people would be aware of people's circumstances. I am happy to give an undertaking to the opposition and to the council that we will consider putting in the regulations a requirement that a statement of interest be provided to the boards on which people sit. That is so the board chair in particular could be aware of those matters and, therefore, it can be managed within the board.

I think it is very important to realise the power of the responsibility to declare a conflict of interest. Often, conflicts of interest are almost unforeseeable. It is only when you are sitting around the board table confronted with a particular decision that you say, 'This represents conflict for me.' Registers are one thing. An active board aware of its probity duties is much more powerful, and that is why, through declaring the conflict to the board so that it can be recorded in the minutes and then published and also recorded in the register, we believe it is an appropriate level of disclosure because they are active and real conflicts.

The Hon. K.J. MAHER: I thank the minister for his response. Just to clarify: will all chairs of boards at all times, when deliberations are going on, have the pecuniary or personal interests of his other board members available to them?

The Hon. S.G. WADE: I do not want to be led, shall we say, into an overstatement because I think what I said and certainly what I intended to say was that the government would consider it. Let's put it this way: we are not going to be putting out regulations under this legislation until the second stage bill is through. Certainly we will be considering this issue as part of the overall governance accountability framework and there may well be amendments that need to support that sort of regulation. We are happy to countenance that but we believe that the disclosure requirements the opposition has put in, which were akin to that of a parliamentarian, were overkill.

The Hon. K.J. MAHER: I thank the minister for that. However, for clarity under the regime as it is being proposed by the government—and I take the minister's point that in the future parliaments can come back and reassess or governments can pass regulation to make a regime stronger or better—under the current regime being proposed, under the regime that we are being asked to vote on now, do chairs of health boards have that information available to them about their members' pecuniary and personal interests?

The Hon. S.G. WADE: Considering that I gave an undertaking to put in a regulation obviously the answer is no. That is why you would need a regulation. The point to remember about both acts and legislation and this particular act, is that the government has already made a

commitment that there will be a second bill, an all-encompassing bill, by the end of this year or early next. Of course, any regulation of the executive is disallowable by this house.

The Hon. K.J. MAHER: I thank the minister for his answer. In the regime that is currently being proposed, is there any mechanism for a member of the public to make an application so that they can understand the pecuniary or personal interests of a particular member? If a member of the public feels that there has been a conflict or understands that there may be a conflicting decision made, is there any way for any member of the public or any subset of a member of the public to make an application to be able to understand board members' or board chairs' pecuniary or personal interests?

The Hon. S.G. WADE: I think the Leader of the Opposition is almost trying to move us incrementally towards the parliamentary disclosure levels. The key point is that the government believes that parliamentary disclosure levels are inappropriate for community-based boards, regional health boards. We do not see it as necessary for planning authorities, we do not see it as necessary for SAFA and other high-risk governance boards, SA Water and the like, so why would we put it on community health boards?

The CHAIR: Does any other honourable member have a contribution to amendment No. 3? Given that no honourable member has given me an indication and the minister has moved amendment No. 3, I put the question that amendment No. 3 be agreed to.

Motion carried.

Amendment No. 4:

The Hon. S.G. WADE: I move:

That the House of Assembly's amendment No. 4 be agreed to.

I am reminded of the embarrassment the last time the council sat when Tammy Franks asked when the government was going to start putting in reviews as a matter of course. I am a great believer in reviews so I was a bit embarrassed that that had not been the case. The review provision was put in by the Legislative Council on the last occasion. The government supports the benefit of a review.

The key issue for us, though, is that we want to be clear about the timing. We do not want the review to be triggered by the assent of this bill and we only find the governance boards have been operating for 18 months. They do not become operational until 1 July 2019, so if we set the clock going with a proclamation of this bill we would find ourselves having to review the boards within 18 months.

The opposition in the other place highlighted that the provision, as it is drafted, would mean that we would need to review the whole act. We do not demur from that interpretation, neither do we object to that. In many ways, these board provisions need to be seen in the context of all the responsibilities under the act.

The Hon. K.J. MAHER: I thank the honourable member for his contribution and thank the chamber for its view to put a review into this act. I indicate that the opposition will be supporting the government's amendment, but I will be seeking leave to move a very slight amendment to the government's amendment, and that is under section 102(1):

The Minister must, as soon as practicable after 1 July 2022…

change the year 2022 to 2021. So amended, it will read: 'The Minister must, as soon as practicable after 1 July 2021,'. That keeps the fixed date, which was a concern of the minister. However, let's be very clear: the 2022 date of 1 July conveniently falls months after a state election. We are going to suggest bringing it forward months before a state election so that it can be properly reviewed and considered and not hidden after the election.

The CHAIR: Leader of the Opposition, I will get you to formally move that in a minute.

The Hon. F. PANGALLO: We will support that, Leader of the Opposition.

The Hon. T.A. FRANKS: The Greens will support amendment No. 4 when the government moves it, and we indicate that we will support 2021 and that we would prefer reviews to happen

before election dates, rather than soon after them. I am going to reflect that I was just told by the shadow health minister that apparently there is no urgency with this bill, but indeed there is urgency to get these chairs appointed. With that, we recognise that it will be a while before the full act is in operation and there is some urgency about appointing the chairs. However, a reasonable amount of time has now been proposed for that review process, namely, 1 July 2021.

The Hon. S.G. WADE: I respect the view of the council. I would have thought that the opposition would have been more cautious about doing this, considering the chaos that ensued after they abolished health boards in 2008 and the disengagement of the community. This was hated in country South Australia. Do not try to mention centralised health administration positively in country South Australia. For our part, I am happy to comply with that tweak by the council because I am looking forward to this policy being extremely successful and the review being very positive.

The Hon. K.J. MAHER: Can I—

The CHAIR: Is this part of the debate?

The Hon. K.J. MAHER: Yes, it is part of the debate. I am foreshadowing further amendments.

An honourable member: But wait, there is more.

The Hon. K.J. MAHER: Yes, and this is the problem. I appreciate that this was agitated in the lower house; however, representing the shadow minister for health in the upper house, I have not had the opportunity and benefit of looking through these. I think it is a process issue that we have reflected on. We will talk to the Hon. Stephen Wade to make sure that we better understand when things are happening and what the nature and effect is of what we are doing.

I think I am correct that, if we change it to 2021, it will read: as soon as practicable after 1 July 2021, the person must be appointed and prepare a report. That report must then be completed within six months of the person's appointment. This could take you to 1 January 2022. Also, under subsection (4), that report must be laid before the houses 12 sitting days after it is delivered to the minister.

If the report is not due until 1 January 2022 and, as has happened in the past, there are no sitting days between 1 January 2022 and whatever the third Saturday in March is in 2022, the object that there will not be a report released before the state election will be fulfilled. I will leave in 'as soon as practicable after 1 July' and change it to 2021, as I foreshadowed. However, in terms of subsection (4), I am going to move that we strike out all of subsection (4) and replace it with:

> The report must be made public on a website that is available to the public no less than six months after the appointment of the person to conduct the review.

The CHAIR: At some point, Leader of the Opposition, I might get you to write that out for the benefit of the parliamentary staff.

The Hon. S.G. WADE: The government does not support that change. This is the normal process for tabling reports. The report would be written in the context of the following election. It has to be completed within six months of the person's appointment, not after six months. I think the report is likely to be received and tabled before the end of that year, and the amendment as drafted should be supported. Let's remember that this amendment was put in by the Legislative Council, so the opposition can hardly claim they have been ambushed. They actually put it in weeks ago.

The Hon. K.J. MAHER: For the sake of clarity, I will say that the amended version that the opposition is proposing is to subsection (1) of section 102:

> The Minister must, as soon as practicable after 1 July 2021, appoint an independent person to conduct a review…

and subsection (4) would be deleted and would now read:

> The report must be made available on a website available to the public on or before 1 January 2022.

The Hon. S.G. WADE: I would make the point to honourable members that that puts the duty on nobody. Subsection (4) actually puts the duty on myself or whoever else holds the office at that time. I do not support a responsibility without a holder.

The CHAIR: Do you have more on that? I have some complicated questions to put, so I need honourable members to have had their say before we go into the technical side.

The Hon. K.J. MAHER: I have a further amendment—and I thank the minister for wanting to be responsible. So subsection (4) would now read:

> The minister must cause the report to be made available on a website available to the public on or before 1 January 2022.

That takes into account the minister's dilemma of him not being responsible. He now is responsible under the wording of subsection (4) that would provide, 'the minister must cause the report to be made available'.

The Hon. F. PANGALLO: I think that makes a lot of sense, actually. We do not know what will happen with these boards. We do not have a crystal ball to see if there could be some issues. I think the thing is that we actually would like to see a report before a state election. The way it is framed at the moment, quite clearly, if they are to take it to the very letter that is outlined here, it says 'within six months' and then 'has to be laid before both houses of parliament'. Both houses of parliament will not be around in January, so we will be supporting the opposition's amendment.

The Hon. T.A. FRANKS: The issue here is one of transparency and political game playing in the past. We have seen governments—indeed, I think a previous government—allow a Transforming Health review to come out after a state election, the one that we just had. We have also seen governments sit on reports and hold off in that period of time, which is why there is such cynicism about whether we would see this report.

The remedy here is actually to make sure that a report can be tabled regardless of the sitting of parliament, which we have sought redress for in other areas, which I imagine we could also do in this area. If that is agreed to in terms of this then the Greens will support this amendment as it stands, noting that we do wish to see it before the election, regardless of whether parliament resumes after a very long summer break or does not resume before the state election.

The Hon. S.G. WADE: Whilst the government is not attracted to moving away from this amendment, other than 2021, I urge the council to look favourably on the direction in which the Hon. Tammy Franks is taking us. I do not want to stir up the Hon. Ian Hunter, but I think we need to respect the ephemeral nature of the internet. A report tabled on a website today may be totally unfindable next week, let alone in a century's time.

For those of us who have had the privilege of looking at the dusty volumes of the Legislative Council, we should not be disrespectful of the need for a report to be available not only today but also for years ahead. There are certainly provisions in the parliament for reports to be tabled and released when the parliament is not in session, but I think the Greens' approach is better than the opposition's approach.

The Hon. K.J. MAHER: This is democracy and legislation in action. I think we can accommodate what everyone wants by simply putting the opposition's amendment in between subsections (3) and (4); that is, 'a minister must cause to be published' becomes (4) and then (5) becomes 'the minister must, within 12 sitting days, table in parliament'.

So we get the best of both worlds; it is made available on a website before the election, and that becomes what I have suggested as (4), and what is now (4) becomes (5), so it is also required to be tabled in parliament for everyone to enjoy for ever and ever on.

The Hon. T.A. FRANKS: I would like to move an amendment from the floor regarding amendment No. 4 and then 102(3), which currently provides, 'A review and report by a person appointed under this section must be completed within 6 months of the person's appointment', and then the words 'and that the report be published at this time' be inserted.

The CHAIR: Hon. Ms Franks, you are at amendment No. 4, subsection (3), and you are adding some words at the end, is that correct?

The Hon. T.A. FRANKS: Yes.

The CHAIR: And those words, just for the benefit of the Clerk, were—

The Hon. T.A. FRANKS: Those words were, 'and that the report be published at this time.' I seek advice from parliamentary counsel whether 'published' means that it is publicly available, regardless of website, or not.

The Hon. S.G. WADE: I raise the concern that when it is completed is presumably when the person signs it. There may need to be a review by the minister, the government. They still have to do it within time, but you may need to consider communications, how to get it out to people who are interested.

I just think that, shall we say, 'sign it today' or 'publish it today' is putting on an onerous burden. These subsections, particularly subsection (4), are a typical provision. The opposition's amendment is understandable, but to say that as soon as it is completed it has to go out is, I think, overcooking it. I think 'publish forthwith' or 'as soon as practicable' is a sensible way to put it.

The Hon. K.J. MAHER: This has been a very valuable process and I foreshadow that the opposition will be supporting the direction the Greens are moving on this. I have foreshadowed that we will insert a new subsection (4) and push (4) down to (5); I will not be proceeding with what I have foreshadowed but instead the opposition will be supporting the Hon. Tammy Franks' addition to the words after (3) 'and published at that time'.

In addition, I will be moving that subsection (1) not just be a change to 1 July 2021 but also to strike out the words 'as soon as practicable after' and inserting the words 'on or before'. For the sake of clarity and for other crossbenchers I will read out how this subsection would look if the amendments of both the opposition and the Greens get up. The subsection would provide:

> The minister must, on or before 1 July 2021, appoint an independent person to conduct a review of and prepare a report on—

and then the rest of what is printed. Subsection (2) remains the same. Subsection (3), with the Hon. Tammy Franks' foreshadowed amendment, becomes:

> A review and report by a person appointed under this section must be completed within six months of the person's appointment and published at that time—

The Hon. T.A. Franks: 'as soon as practicable'—

The Hon. K.J. MAHER: 'and published as soon as practicable'. Subsection (4) remains the same.

The CHAIR: If you will allow me, Leader of the Opposition, to revisit the wording. On the new subsection (3), at the end, you left some words out of the Hon. Ms Franks' amendment. For clarity, if this was to be moved, we would add the words at the end of (3), 'and that the report be published as soon as practicable'. Leader of the Opposition, you left out a couple of those instructive words. I am looking for consensus before we get ourselves into moving motions.

I am going to recap, for the benefit of all the members. I will then take some advice from the Clerk and we will put some questions. I will give members another opportunity to speak if they so choose. In amendment No. 4, subsection (1), we are going to strike out the words 'as soon as practicable after' and insert the words 'on or before'. We are going to delete '2022' and insert '2021', so the '2' goes at the end and the '1' gets inserted. We are going to amend subsection (3) by adding at the end of subsection (3) the words 'and that the report be published as soon as practicable'. Does any honourable member have any further suggested amendments from the floor?

The Hon. K.J. MAHER: No.

The Hon. S.G. WADE: With the wise counsel of the Clerk, I move:

> That the proposed amendment from the House of Assembly not be agreed to and the alternative amendment be agreed to in lieu thereof.

The CHAIR: I now put the question that the House of Assembly's amendment No. 4 be not agreed to and that the alternative amendment that the minister moved be agreed to in lieu thereof.

Motion carried.

Amendment No. 5:

The Hon. S.G. WADE: I move:

That the House of Assembly's amendment No. 5 be agreed to.

Amendment No. 5 is trying to make the reporting period for expenses more practical. If it was 60 days from the expense being incurred, then someone who delays putting in a reimbursement claim could inadvertently breach the 60-day rule. I understand the intention is to make sure that, when they are paid or reimbursed, they are duly revealed. We think the payment of the reimbursement should be the trigger, not the incurring of the expense.

The Hon. T.A. FRANKS: Support.

The CHAIR: Mr Pangallo, do you wish to contribute to the debate?

The Hon. F. PANGALLO: I will support the government on that one.

Motion carried.

Amendment No. 6:

The Hon. S.G. WADE: I move:

That the House of Assembly's amendment No. 6 be agreed to.

I put it to the council that this amendment is consequential.

Motion carried.

Amendment No. 7:

The Hon. S.G. WADE: I move:

That the House of Assembly's amendment No. 7 be agreed to.

This was another example of the Legislative Council improving a clause but not getting it quite right. The consensus clearly when we last met was that we wanted to have an annual meeting and we wanted it to be public. In our artwork, we did not make that clear, so I am suggesting that the amendment of the House of Assembly polishes that for us and should be supported.

The Hon. T.A. FRANKS: Support.

The Hon. F. PANGALLO: We support it.

Motion carried.

Amendment No. 8:

The Hon. S.G. WADE: I move:

That the House of Assembly's amendment No. 8 be agreed to.

I put it to the council that amendment No. 8 be put and agreed to because it is consequential on amendment No. 5.

Motion carried.

Amendment No. 9:

The Hon. S.G. WADE: I move:

That the House of Assembly's amendment No. 9 be agreed to.

Motion carried.

Amendment No. 10:

The Hon. S.G. WADE: I move:

That the House of Assembly's amendment No. 10 be agreed to.

This amendment is consequential on amendment No. 3.

Motion carried.

The PRESIDENT: I have to report that the committee has considered the amendments made by the House of Assembly and has agreed to amendments Nos 3, 5 to 10, disagreed with amendments Nos 1 and 2 and disagreed to amendment No. 4 but made an alternative amendment in lieu thereof.

The following reason for disagreement was adopted:

That the Legislative Council prefers its original position and other enhancements.

Motions

NATIONAL REDRESS SCHEME

Adjourned debate on motion of Hon. F. Pangallo:

That this council—

1. Welcomes the establishment of a National Redress Scheme and the announcement of a national apology;
2. Appreciates that survivors have been waiting a long time for a National Redress Scheme and that the implementation of such a scheme is urgent and overdue;
3. Acknowledges the concerns that the scheme does not fulfil all the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse regarding the Redress Scheme;
4. Notes that critical issues, such as the adequacy of the maximum payments and the counselling available to survivors under the scheme, remain of concern to survivors and their representatives;
5. Recognises that relevant prior payments should not be indexed under the scheme; and
6. Encourages the state government to work with the federal government and other states to strengthen the scheme.

(Continued from 4 July 2018.)

The Hon. D.G.E. HOOD (16:48): I am pleased to speak on behalf of the Attorney-General on this motion welcoming the establishment of a National Redress Scheme and the announcement of a national apology. I thank the Hon. Frank Pangallo for his comments and interest in this matter, noting that he has recently written to the Attorney-General on aspects of the scheme. The Attorney-General acknowledges that and thanks him for his interest. I indicate that the government will be supporting most aspects of the motion moved; however, I will move one relatively minor amendment shortly.

To begin, this week the government will be introducing the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Amendment Bill 2018. The bill reflects the commitment made by the South Australian government in May this year to participate in the National Redress Scheme for survivors of institutional child sexual abuse. Its passage will enable and support the full implementation of the National Redress Scheme in South Australia and the consistent operation of that scheme around the country.

By way of background, the Redress Scheme was a key recommendation of the commonwealth royal commission. The commission heard from thousands of survivors across Australia and their stories opened our eyes to the prevalence of institutional child sex abuse, the failure of institutions to respond, and the lifelong devastating consequences that it can bear. In the course of its inquiries, the commission found that, for many survivors, existing civil litigation systems, past and current redress processes, have not provided adequate justice. It heard that the very nature and impact of institutional child sexual abuse can work against survivors' ability to seek damages under existing avenues.

Another issue that arose in the private sessions before the commission was the time it can take for survivors to disclose child sexual abuse. On average, the commission found that it took survivors 23.9 years to disclose the abuse they had suffered. This government's recent reforms to the Limitation of Actions Act to remove the existing limitation periods for initiating claims for child

sexual abuse will assist those who disclose their abuse many years after it occurs. The importance of one single National Redress Scheme is key here, as the commission also found that civil litigation is not an effective means for all survivors to obtain adequate redress for the abuse they previously suffered. This brings me to the background of the scheme that we see opted into today.

The South Australian government has been working closely with the commonwealth and other state and territory governments to develop a scheme as recommended by the commission. This is no easy task and has involved countless negotiations between all states and territories around the best scheme that can be rolled out for survivors. Like any nationally consistent approach, there are different views on the table, of course. This government, being elected in March this year, missed many of the discussions and final decision-making around the practical aspects of the scheme, relying on the work of the former government.

While the work done prior to March cannot be commented on, I can say that without a Liberal government in South Australia victims and survivors of institutional child sexual abuse would not have a Redress Scheme to apply for compensation. The Redress Scheme is finalised and has three core elements as recommended by the royal commission. Firstly, it recommended monetary payment of up to $150,000, which is a tangible means of recognising the wrongs that survivors have suffered.

Secondly, it recommended access to counselling and psychological support. The commission heard a great deal about the long-term psychological and mental health effects of child sexual abuse. Thirdly, it recommended direct personal response from the participating institution or institutions responsible. Many survivors who gave evidence before the commission described the importance of receiving an apology from the institution responsible for their abuse. This is not surprising.

An intergovernmental agreement has been drafted to be signed by states and territories participating in the scheme as well as by the commonwealth. The South Australian Premier signed the intergovernmental agreement on 6 June 2018. With South Australia opting in in May this year, it signifies that all government institutions will be participating alongside all commonwealth institutions automatically participating in the National Redress Scheme.

Once the bill passes and commences, non-government institutions in our state, including churches, charities, independent schools and other organisations, are able to participate in the National Redress Scheme. While the introduction and passage of this bill is an important step in making the National Redress Scheme available to all South Australian survivors, there is still work to be done to prepare the administrative facilities and services necessary to ensure the efficient processing of applications and facilitation of redress in all forms for eligible applicants.

This government is working side-by-side with the federal government on the operational and practical aspects of the scheme. The Attorney-General is also working with those who have received ex gratia payments from the government already and lawyers acting on behalf of many survivors. It is pleasing that applicants are able to apply from now and at any time within the 10-year life of the scheme and will be supported in completing their applications, including with necessary legal advice by independent redress support services.

This motion is welcomed by the government in most aspects, as I mentioned at the start of my speech today. In terms of the members' commentary around indexing of payment, payments made under the existing child in state care ex gratia scheme, where they are a relevant prior payment for the purposes of the scheme, will be subject to the indexation provisions as detailed in section 30(2) of the commonwealth's National Redress Scheme for Institutional Child Sexual Abuse Act 2018.

This was an aspect determined by the states and territories as the most practical way forward for the scheme, given the differing payments made across the country previously. Therefore, on behalf of the government I move the following amendment:

Remove paragraph 5 of the motion and renumber the motion accordingly.

The Attorney-General and the government appreciate the interest this scheme has had with members of parliament.

The honourable member, Mr Pangallo, in writing to the Attorney-General has raised a number of issues with her, albeit after introducing and speaking to this motion and well after the National Redress Scheme had already been opted into, over six weeks after the formal announcement was made—to be clear. The Attorney-General continues to work with her department and the federal government on this scheme and will update the parliament and of course the Hon. Mr Pangallo accordingly.

To finish, I reiterate the words of the Attorney-General in the other place and acknowledge the survivors of institutional child sexual abuse, their families and the organisations that represent them. Whether as children or adults, the reality is that for many years survivors were not listened to, were not believed or were not acknowledged. We thank them for their resilience and their determination to ensure that we all learn from the mistakes of the past and to acknowledge the harm and suffering experienced by the many thousands of children who were sexually abused in institutions where they should have been safe.

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

SHOP TRADING HOURS

Adjourned debate on motion of Hon. C.M. Scriven:

That this council—

1. Expresses its support for the decision by Millicent residents to oppose the deregulation of shop trading hours;

2. Acknowledges the Millicent community's overwhelming support for local businesses and local jobs; and

3. Calls on the government to support the Millicent community's efforts to support local businesses and local jobs and oppose the deregulation of shop trading hours.

(Continued from 4 July 2018.)

The Hon. R.I. LUCAS (Treasurer) (16:56): I rise to oppose the motion. In so doing I certainly acknowledge the part of the motion which is to acknowledge the views of many locals in the Millicent community who do oppose the government's position in relation to shop trading hours. Whilst we are opposing the motion we acknowledge the views as expressed through a local poll or survey not that long ago which expressed the views of the local community.

In speaking to this motion I think it is important to go through the background as to why we arrived where we have in relation to the unusual circumstances of Millicent. I have touched on this briefly in the past but I will provide a bit more detail during my contribution to this motion. It was approximately two to three years ago—we are not entirely clear because as a new government we are not, evidently, able to access all of the documents of the former minister and the former government but however it eventuated, someone dobbed someone in and it became clear that a significant number of independent supermarkets were trading unlawfully on Sundays in regional areas.

The whistle was blown on the unlawfulness of those actions and the issue was raised with the former Labor minister, John Rau, as minister for industrial relations. As I have outlined before, the minister adopted a defensible approach which at some stage he discussed with me and I think a number of other regional Liberal members, and that is that he did not propose to prosecute those independent supermarkets that had been trading unlawfully for I think in some cases more than 10 years, perhaps up to 15 years.

They had essentially been trading unlawfully on Sundays but I think, as it has transpired, it is possible they were also trading unlawfully on public holidays and possibly they were also trading unlawfully after hours on other nights of the week. I do not have the information to be able to go back and see what the trading hours were for those particular supermarkets at that particular time.

Nevertheless, it was sufficient that the minister was convinced they were trading unlawfully but he did not propose to prosecute, instead he set about a process of trying to deregulate to correct the problem, to allow those country communities who clearly wanted to shop in a deregulated

shopping environment and he—again I repeat: a Labor minister for industrial relations—set about a process of supporting or enabling a deregulation of the market.

If one was to believe the rhetoric of the Labor Party now he could have issued prohibition notices and/or issued prosecutions to stop those supermarkets from trading in a deregulated environment but he chose not to. He and the Labor Party consciously chose the option of moving down or enabling a deregulation path in most of these regional communities.

The advice I have been given is that the regional communities involved include Cleve, Cowell, Kingscote, Lameroo, Mannum, Minlaton, Peterborough, Pinnaroo, Streaky Bay, Tailem Bend, Ardrossan, Maitland and Millicent. Most of them are IGAs or Foodlands; that is, groups commonly referred to as independent supermarkets. Some involved Drakes outlets in those particular areas. Nevertheless, they were trading unlawfully in all those areas.

The process that Labor minister Rau adopted was for the proclaimed shopping district to be abolished; that is, to be deregulated. That involved a process where the local councils—this was being coordinated through the Local Government Association working with SafeWork SA—went through a process of abolishing the proclaimed shopping districts. We need to understand clearly that the abolition of proclaimed shopping districts is a much stronger deregulation proposal than even this government has been game to put before the parliament. The Labor government and the Labor minister supported trading 24 hours a day, seven days a week, even including Christmas Day, Good Friday and ANZAC morning. Shops in all of those areas could open their shops and trade, irrespective of their particular size.

In essence, they would reflect all the other regional areas of South Australia: Mount Gambier, the cities in the Iron Triangle and all those other parts of regional South Australia that can trade 24 hours a day, every day of the year, if they choose to. The important point to note is that the reality of traders and communities is that traders do not want to trade all those hours and communities do not want to shop in all those hours either. They settle on a happy local circumstances decision where they want to trade on Sundays and public holidays and they may well want to trade a little bit later through the weeknights and a little bit later on weekends. Even though the restrictions did not allow it, that is what they wanted to do and they were able to do it.

That is what happens, for example, in my old hometown of Mount Gambier. They can shop whenever they like or open whenever they like, but of course shops do not open 24 hours a day, seven days a week. They make their own local decisions. The people of Mount Gambier are not screaming in opposition and the traders are not screaming in opposition. There seems to be a happy acceptance. That has been the reality in Mount Gambier and most regional areas.

Under the policy enabled by the Labor government, all of those areas, with the exception of Millicent, were completely deregulated. That is, there was 24-hour shopping, seven days a week, every day of the year. What happened in Millicent was that, with the support of the local mayor, Peter Gandolfi, and the council, there was a poll or a survey that was conducted which indicated that there was strong opposition to the Labor proposal to completely deregulate. That has obviously continued in relation to the slightly less radical proposal, although in relation to Millicent it is exactly the same. It is the same proposal from the Liberal government in this bill in relation to deregulating shop trading hours in Millicent.

The end result of that process was that everywhere in regional South Australia—which starts at Mount Barker, just north of Gawler and just south of Sellicks Beach—with the exception of Millicent, is completely deregulated. There is trading 24 hours a day, seven days a week, every day of the year.

There are two other minor exceptions in relation to two small communities, which do not have any large shops anyway, so it is of no great impact. These are the town of Mallala and I think the towns of Frances and a neighbouring town that have not completely deregulated at all. However, because there are no large shops there, all the small shops can trade whenever they want to anyway, so it has no impact. The only area in the regions that is impacted is the area of Millicent.

In relation to the Millicent trading community, there are three larger stores of some significance in terms of shop trading hour restrictions. There is the Woolworths, the Foster's Foodland and the Millicent IGA. It is the Millicent IGA that has been the subject of most controversy in terms of

its trading hours. It advertises on its website that it trades from 7am to 9pm every day of the week, that is seven days a week, every day of the year.

Clearly, if that store is above 400 square metres, it is trading unlawfully. It is not just Sunday trading but, clearly, in a proclaimed shopping district in a regional area, through the week they are required to close at 6 o'clock and, if they are trading until 9pm, they are therefore trading unlawfully for three extra hours every night of the week, with the exception of Thursday because you are allowed to have late-night trading on Thursdays.

On Saturday, they are trading unlawfully, if they are above 400 square metres, because you have to close your shop at 5pm on a Saturday and they are trading through until 9pm, so they would be trading unlawfully for four hours on a Saturday. If they are above 400 square metres, they are trading unlawfully every Sunday that they trade and, if they are above 400 square metres and they are trading on a public holiday, they are trading unlawfully as well. So it is not just the Sunday trading or the public holidays, it is actually four weeknights a week that they are trading unlawfully, potentially, at three hours per night, and four hours on a Saturday as well where they would be trading unlawfully.

I am advised that the other two stores abide by the current laws; that is, the Woolworths and the Fosters do not trade outside the requirements of the current act and, to the best of my knowledge, there have been no complaints lodged against them in relation to their trading hours. Upon election to government, given that these issues had been raised with me and I had had lots of discussions with representatives of independent retailers for a year or so in relation to this vexed issue, which they frankly discussed with me—in particular their lobbyists—there were a number of stores that were greater than 400 square metres that were trading outside the current legislation.

Most of them related to stores in the suburbs of Adelaide, but one of them related to the IGA in Millicent. I am not a lawyer, but if you have a non-lawyer's view as to what is a 400 square metre shop, the non-lawyers of us might just say, 'That's pretty easy, you just measure the size of the shop and it's either more than 400 square metres or it isn't more than 400 square metres.' However, there is this perennial game that has been played for many years in terms of the legal interpretation of the current Shop Trading Hours Act, and in some cases with some validity, so I am told, although we have not had a court decision to determine it.

The majority view of the lawyers seems to be that you can exclude some parts of the internal part of a shop from this 400 square metre measurement. As I said, there is no court decision yet that has determined this, but the majority view appears to be that the entrance area into the store, which in some stores can be quite large—not so at Millicent IGA, but in some stores it can be quite large—can be excluded from the calculation of 400 square metres.

The majority view seems to be that the trolley area where all the trolleys are kept—and, again, in some stores that can be quite a large area—can actually be excluded from the 400 square metre calculation. As I said, there is still no court decision on this; this is just the majority legal view that seems to be floating around.

However, you then get into the vexed area of what else can and cannot be included. In relation to the Millicent IGA they sought to move the fridges and freezers in from the wall and have a vacant space between the back of the fridges or freezers and the edge of the shop. Their view was that that area between the back of the fridges or freezers and the externality of the shop should be excluded from the 400 square metre calculation.

There seem to be varying legal views as to whether that may be able to be validly argued in a court. A court may find that is the case or it may not, but it is certainly an argument in relation to using that particular device. I am not in a position, and SafeWork SA is not in a position, to be able to say that is a fact, that is what the law says, because ultimately it would be up to a court to determine whether or not that is an appropriate interpretation of the current act.

Then it gets even trickier. In some cases I have highlighted to members lawyers arguing for some retailers say that the only part of the deli area that should be included in the 400 square metre calculation is the actual display cabinet where the cold meats and cheeses are displayed, and that all the area behind the deli bar where the workers work—cut the meat or prepare the meat and the cheeses or whatever—should be excluded from the 400 square metre calculation.

I understand a similar argument has been used in relation to the baked goods section of supermarkets; that is, the display case at the front of the baked goods section is included in the calculation but the area where the bakers and attendants bake, work and take money, behind the counter, should be excluded from the 400 square metre calculation.

There are two other areas where there has been contention—and which, I understand, are potentially being argued in the Millicent IGA case. There is argument from some lawyers and retailers that the checkout area, where you go and check out your goods, should be excluded from the calculation as well. My assessment is that the majority legal view seems to argue against that; that is, if anyone goes through a checkout your goods are there, and in most cases not only are your goods there but there are also the inevitable chocolates and batteries and a variety of other things, together with the newspaper, which you can purchase at the checkout. Nevertheless, some are still arguing that it should be excluded from the 400 square metre calculation.

I understand that the other one that is being argued should be excluded is the area where cigarettes are sold. I am told that some lawyers and retailers are arguing that because the cigarettes are actually hidden behind a door the whole of the cigarette sales area should therefore be excluded from the calculation. Again, I understand that is an argument that has been raised in relation to the Millicent IGA case.

An audit was conducted at the Millicent IGA. As I said, they had moved in their fridges and freezers—this was done a couple of weeks ago now—but even with that, SafeWork SA advised that they believe they were still over 400 square metres and therefore they had been trading unlawfully in the Millicent community.

I am seeking final clarity on this issue, but I understand that the calculation that was discussed with the local manager down there at that stage, because of the doubts about it, had actually excluded the checkouts and the cigarette counter area. As I said, I do not believe, and I think the majority legal opinion more importantly—rather than me, because I am not a lawyer—would support that particular argument. Certainly, if that is the case, the floor area would be even more significantly above the 400 square metre mark than if those particular areas—that is, the checkout area and the cigarette counter area—were excluded. It would be even more significantly above the 400 square metre mark.

As I understand it, in the early hours of this morning I was faxed a story from the *South Eastern Times*, I think it was. I think I got it at about 1.15 this morning, so someone was up late at night feeding me information. That indicates that they believe the local retailer there had moved the fridges and freezers in even further to try to get it under 400 square metres. This has occurred, obviously, so I am told, since the audit was conducted. As I said, my understanding is that the numbers that the local manager was working on there have excluded the checkout and the cigarette counter area. I will need to confirm it, but if that is the case, then even with the further moving of fridges and freezers they might still be above 400 square metres.

I have had photographs sent to me from my contacts in the Millicent community of the layout of the store, and there is this extraordinary space now behind the fridges and freezers in the store down there in an attempt by the local retailer to try to get below the 400 square metre mark. As I said, it may well be, even with the most recent attempt, that that is still not the case.

I have explained that in detail, just to show how ridiculously silly the laws are at the moment. We have a situation where the local Millicent community happily wants to shop till 9 o'clock at night through the week, the local Millicent community wants to shop till 9 o'clock on a Saturday night, the local Millicent community wants to shop on Sundays, the local Millicent community wants to shop on public holidays, and the local trader wants to provide the opportunity for shoppers to shop during those particular hours, and the workers are quite happy to work.

It is not as the SDA and others claim that these people are being forced to work against their wishes and it is destroying their family life. There are clearly people in the Millicent community happy to work through these extended hours, until 9 o'clock at night, 9 o'clock on a Saturday night, and long hours on Sundays and public holidays. The trader wants to trade, the shoppers want to shop and the workers are prepared to work, but the trader, in this case, is having to move fridges and freezers further and further in from a wall in an attempt to get around the 400 square metre rule. More and

more of his shop is incapable now of being used to sell goods as he attempts to try to get under the 400 square metre rule.

As I said, I as the minister cannot say to him, and neither can SafeWork SA, 'You are definitely complying with the law' or 'You are not,' because ultimately only a court will be able to determine whether the act has been interpreted correctly or not, and there has not been a recent court decision in relation to these issues, I am told, that does not relate to this case. You would have to go back to about 1981 for a court decision that relates to this issue of what constitutes the floor area of various stores. In that case, it was talking about service stations, not supermarkets.

Potentially, if the current act remains, it will ultimately only be a court that will be able to determine the outcome and whether or not the absurdities that we are seeing continue in terms of people trying to get around the law because they are desperate to trade, their customers are desperate to shop, their workers are very happy to work, yet the silly laws that we have endeavour to try to prevent them from doing so.

The detail of the laws are for the shop trading hours debate. This particular motion relates to the particular circumstances in Millicent. All I can say is, as I have said to local media down there, ultimately if the parliament says no to the proposed reform of shop trading hours, then the current act will have to be policed. The current act will have to be enforced, and ultimately that may well depend on a court determining the rightness or wrongness of the various interpretations that retailers and SafeWork SA and indeed others have entered into on how the act ought to be interpreted.

The silliness of all this is that potentially what might happen is that the people of Millicent, through what is about to occur or what might occur, may well deprive themselves of the shopping that they have been happily engaged in for many years—late at night through the week and on weekends, Sundays and public holidays. It may well be that the law says that Millicent IGA cannot trade in those hours because the law might say and a court might determine that it is over 400 square metres, irrespective of the gymnastics in relation to freezers and fridges that the local retailer has indulged in in recent years. That is the sad circumstance. All the government is trying to do is to allow the people of Millicent to continue to shop as they have been happily shopping and to provide the opportunity, clearly, for others to shop as well.

The final point I would make relates to something quite absurd I saw. I do not think even the Labor Party would support this, though I will leave it for them to speak for themselves. I noticed a column or editorial in the local newspaper which said that this is all very difficult, but essentially if the reform bill does not go through, the government—or the minister in particular, me—should just ignore the law and allow Millicent IGA to trade unlawfully outside the law. I think it said something like 'like the former Labor Party allowed them to do for 16 years'. I am not sure whether members of this chamber will stand up and say that that is a position they will defend; that is, the government and the minister should just ignore the law and that, if there is advice that they are breaking the law, that should be just be broken.

I think the question I would put back to the local newspaper and to those who might support that view is: what would they be saying to me as minister if the local Woolworths similarly broke the law and traded until 9 o'clock through the week, similarly broke the law and traded on a Sunday and similarly broke the law and traded on a public holiday? The screams would be coming from on high that the government was allowing the big multinational to trade unlawfully and outside the current provisions of the act.

I would hope that the local newspaper and indeed any of the others who might support that view might just actually think it through to say, 'Where does that all end?' If you say the Millicent IGA should be able to trade unlawfully outside the current act, are we also going to say that Woolworths and Foodland should also be able to trade unlawfully outside the act with impunity? I would hope that not even the Labor Party, with all of its bizarre, as I said, gymnastics on this particular issue and given their strong deregulation stance, as demonstrated by minister Rau, would support that particular point of view.

Ultimately, if the reform bill is defeated, then the local retailers are going to have to, on the basis of the best of their knowledge, comply with the provisions of the legislation. If they want to trade as we would want them to trade with these extended trading hours, they are going to have to

somehow convince, potentially a court of law, if it ends up there, that they are under 400 square metres and therefore lawfully able to trade all of the hours that they seek to.

So, for all those reasons, on behalf of Liberal members, we oppose the motion that has been moved. The more substantive debate will be held in the September session when we get to go through the detail of the shop trading hours reform legislation.

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

ABORIGINAL DRUG AND ALCOHOL COUNCIL

Adjourned debate on motion of Hon. F. Pangallo:

That this council—

1. Acknowledges a disturbing report released by the National Wastewater Drug Monitoring Program late last year that revealed Adelaide was the methamphetamine (ice) 'capital' of Australia, with the city found to have the highest levels of use—about 80 doses per 1,000 persons per day. This compares to the national average of 30 doses per 1,000 persons per day;

2. Recognises the invaluable work of the Aboriginal Drug and Alcohol Council (ADAC) in providing culturally and linguistically appropriate alcohol and other drug treatment services for both Indigenous and non-Indigenous clients;

3. Notes that ADAC is unique in Australia as it is the only Indigenous peak body of its kind representing 30 Aboriginal community organisations from across South Australia;

4. Notes the services provided by the ADAC include a residential rehabilitation centre in Port Augusta and diversionary programs in Adelaide run by former AFL footballer Troy Bond, which have helped many Indigenous South Australians rebuild their lives;

5. Notes the Footsteps Road to Recovery program has received 350 referrals in the past two years, with five former clients gaining employment and many more undertaking voluntary work in their communities;

6. Recognises that up to 40 people per day undertake diversionary programs, which run for 48 weeks of the year with up to 9,000 participants each year.

7. Notes the federal parliamentary Joint Committee on Law Enforcement's final report into crystal methamphetamine published in March 2018 recommended that: '…Australian governments continue to advance collaboration with Indigenous communities and Indigenous health experts to provide culturally and linguistically appropriate alcohol and other drug treatment services';

8. Notes that this front-line drug and alcohol rehabilitation organisation faces closure because of a federal government funding cut; and

9. Urges the federal government to reverse its decision to cease $700,000 in annual federal funding to the ADAC.

(Continued from 6 June 2018.)

The Hon. D.G.E. HOOD (17:25): I rise to make a contribution on what is a very important motion before the parliament. The Marshall Liberal government shares the honourable member's concerns about the increase in methamphetamine-related harms in South Australia. We have seen further evidence of that published prominently in *The Advertiser* today—front page, I think, it was, if I am not mistaken—which I read quite early this morning. There is no doubt at all that this is a significant problem for our community, and I commend the honourable member for bringing it to the attention of the parliament.

Members who have been in this place for a reasonable amount of time would know that it is something I have been pursuing personally with a great deal of vigour for a number of years now. In terms of ice use, the use of methamphetamine has been steadily increasing in the Adelaide metropolitan area since 2012. There has been a very troubling increase in the harms associated with its use, and with methamphetamine use in particular, an increase related to the use of the more potent form of the drug, crystal methamphetamine (ice) is also noted, as I indicated.

Data shows increases across a range of indicators, including health presentations, drug driving detections, police apprehensions and diversion from the criminal justice system for health assessment. National and state policing agencies are working hard to reduce supply, with recent

successes in shutting down drug labs across the state and seizing large amounts of methamphetamine.

In turning to health responses, it is important to note that there have been significant partnerships fostered between government and non-government treatment sectors in South Australia, which are delivering new services to address crystal methamphetamine use, including developing best practice clinical guidelines for the management of drug dependence and amphetamine-induced psychosis—a very serious issue. There has been an expansion of available treatment services, with 18 new residential rehabilitation beds in regional South Australia and over 5,000 new outpatient appointments in regional and metropolitan new locations. There is also the establishment of four new family support groups.

The government has been involved in assisting community organisations and grassroots sporting clubs to respond to the harms from methamphetamine use through the Tackling Illegal Drugs Program, which is delivered by the Alcohol and Drug Foundation. We also had the launch of the Know Your Options website, which provides a single access point for individuals, families and health professionals with information about alcohol and other drug treatment and support services.

Turning to the specific issue raised in the motion about the Aboriginal Drug and Alcohol Council, it is important to note that they are also undertaking valuable work that is helping communities respond to problems associated with substance misuse, including the provision of alcohol and other drug treatment services.

ADAC, as it is called—Aboriginal Drug and Alcohol Council—is unique in Australia as the only Indigenous alcohol and other drug peak body, representing some 30 Aboriginal community organisations from across South Australia. It provides critical support in the community through the operation of the 12-bed Footsteps rehabilitation centre in Port Augusta. That is a 12-week program that assists both Aboriginal and non-Aboriginal (it should be pointed out) people to address their alcohol and other drug problems. Secondly, we have the two Stepping Stones programs at the Ceduna and Port Augusta day centres. Stepping Stones provides assessment, counselling, treatment and referral of people with alcohol and other drug-related problems.

The Port Augusta-based Footsteps rehabilitation centre and the Stepping Stones day centres in Port Augusta and Ceduna are an important part of ensuring timely and culturally appropriate care to members of this community. It must be said that the Marshall Liberal government urges the Australian government to work with Indigenous communities and service providers to maximise alcohol and other drug treatment services. We will continue to work with our federal colleagues, non-government organisations and other service providers to develop strategies that ensure continuation of services for at-risk communities and improve the health outcomes for every South Australian.

There are some positive signs. It is easy to dwell on the negatives in these situations and, of course, it is a fairly bleak situation, but there are some positive signs that have emerged in more recent times that I think warrant the attention of the chamber. It is important that we recognise the progress that has been made at reducing the harm caused by substance abuse. Without acknowledgement of our positive achievements, the community will not have hope that the problems we face will ever be resolved. I, for one, do have hope.

The data on alcohol and other drugs indicates that progress is being achieved in some areas. I will give a short list now and, of course, it is not exhaustive. There would be many other examples that can be cited but these are of significance. Firstly, less school-aged children are drinking alcohol in South Australia; next, the proportion of 12 to 17 year olds who have never consumed alcohol has increased from 68 per cent in 2013 to 78 per cent in 2016. Also, the proportion of young Australians aged 12 to 17 years engaging in single occasion risky drinking at least once a month has also decreased, from 8.7 per cent in 2013 to 5.4 per cent in 2016.

The proportion of South Australians aged 14 years and older who reported the use of cannabis in the past 12 months has been decreasing steadily since 2001. Furthermore, ecstasy use amongst South Australians aged 14 years and over has decreased from 2.8 per cent in 2013 to 1.6 per cent in 2016, just over half. There has also been a decrease in the prevalence of methamphetamine use across Australia, from 2.1 per cent of the population aged 14 and over

reporting use in 2013 to 1.4 per cent in 2016. These are significant positive developments which I think need to be noted in the chamber and in the broader community.

As I said, it is easy to become disillusioned with the view that our society is losing this battle. Whilst there are reasons for some pessimism, there are also, as I have outlined, reasons for optimism, which it is important to note. In terms of election commitments, the Marshall Liberal government is committed to improving health and wellbeing outcomes for all South Australians who are experiencing harm from illicit drugs in particular. We will facilitate new pathways in treatment, including through youth treatment orders, provide a legislative framework for young people with acute substance abuse problems, and will support families who are struggling to have their children engaged in treatment through voluntary mechanisms.

We will also implement a pilot of the Matrix drug treatment program in the Riverland region. Just some detail on that: the Matrix program is an intensive outpatient recovery program designed to address methamphetamine dependence by combining practical skills training and structured social support. As part of that, we are providing three commonwealth-funded Matrix program pilots and they are currently operating in metropolitan Adelaide. If the pilot program in the Riverland is found to be effective, the government will look to extend the Matrix programs to other identified areas of need across regional South Australia.

The government has introduced amendments to the Police Drug Diversion Initiative to ensure that it is and remains an early intervention initiative for those who need it most. Individuals who are infrequently detected through this program will continue to access health assessment and intervention; however, adults who repeatedly access this system will no longer be diverted after their third infraction but will instead progress through the criminal justice system. This is something I have highlighted in this place on previous occasions where I questioned the former government a number of times about individuals who have been through this process literally dozens of times.

In fact, if my memory serves me correctly, there was one individual who may have been through it, I think the number was 32 times, or something of that order, showing that the program was completely ineffectual and really being mocked by that individual in particular, and many, many others. This is a very good initiative that I strongly support on behalf of the government and I believe that three strikes is certainly enough when you are dealing with these very serious issues. Such an approach will preserve the intention of this initiative as an early intervention program, exactly as it should be and exactly as it is touted to be.

In my final comments on the motion of the Hon. Mr Pangallo, I would like to move some amendments to the motion. The government is largely supportive of the motion but we would like to move the following amendments. I move:

Delete paragraph 1 and insert:

1. Acknowledges the Australian Criminal Intelligence Commission's recent report on the National Wastewater Drug Monitoring Program that revealed Adelaide was found to have high levels of methamphetamine use—about 80 doses per 1,000 persons per day.

Delete paragraph 8

Delete paragraph 9 and insert:

9. Urges the federal government to work with Indigenous communities and service providers to maximise alcohol and other drug treatment services.

I move the amendments so they are on the record. They are only relatively minor amendments. We are hopeful that the member will accept them. If he does, the government will be happy to support the motion with those amendments.

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

ABORIGINAL VETERANS COMMEMORATIVE SERVICE

Adjourned debate on motion of Hon. K.J. Maher:

That this council—

1. Commends Reconciliation SA and Aboriginal Veterans SA on the ANZAC Day service at the Aboriginal War Memorial;

2. Acknowledges the contribution of Aboriginal service men and women; and

3. Recognises that their sacrifice often did not result in equal treatment to their non-Aboriginal brothers and sisters in arms.

(Continued from 6 June 2018.)

The Hon. R.I. LUCAS (Treasurer) (17:35): On behalf of Liberal members, I rise to support this motion. I remind members that this motion from the Hon. Mr Maher commends Reconciliation SA and Aboriginal Veterans SA on the ANZAC Day service at the Aboriginal War Memorial; acknowledges the contribution of Aboriginal service men and women; and recognises that their sacrifice often did not result in equal treatment to their non-Aboriginal brothers and sisters in arms.

The contribution made by the Leader of the Opposition I do not wish to add to. The sentiments he made on behalf of Labor members are sentiments I can support on behalf of Liberal members. The Liberal Party is pleased to support the motion.

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

ROYAL COMMONWEALTH SOCIETY

The Hon. J.S. LEE (17:37): I move:

That this council—

1. Congratulates the Royal Commonwealth Society for celebrating a special milestone of 150 years;

2. Acknowledges the formation and important work of the Royal Commonwealth Society—South Australia branch;

3. Highlights the history and significance of the commonwealth as an association of governments and peoples, built around shared language, institutions, challenges, aspirations and values; and

4. Acknowledges the role of Australia in the commonwealth and the work by the Royal Commonwealth Society in improving the lives and prospects of commonwealth citizens around the world.

It is with great honour that I rise today to move private members' motion No. 6 in my name to congratulate the Royal Commonwealth Society for celebrating its 150th anniversary in 2018. Australia is a proud commonwealth country. I firmly believe it is important for members of parliament and the wider community to acknowledge the significant work of the Royal Commonwealth Society in promoting the values of the modern commonwealth.

Today, the modern commonwealth is a voluntary association of 53 independent and equal sovereign states, including the world's largest and smallest, the richest and poorest countries. Member countries support each other through a network of more than 80 intergovernmental, civil society, cultural and professional organisations and work together towards shared international goals: democracy, human rights, good governance, the rule of law, trade and multilateralism.

Multilateralism is promoted through multilateral projects such as the Commonwealth Games, held once every four years. On the noted Commonwealth Games, I would like to congratulate all participants involved in the 2018 Commonwealth Games. What a fantastic result it is for Australia, where 198 medals were presented to Australian elite sports people, 80 of which were gold, 59 silver and 59 bronze. I give my heartfelt congratulations and special thanks to our athletes representing our great country.

I will give a bit of history about the Royal Commonwealth Society. One hundred and fifty years ago, in 1868, a group of individuals in London established the Colonial Society as a non-political society to promote colonial affairs. A year later, in 1869, Her Majesty Queen Victoria granted a royal charter to the society, elevating it to the level of other royal societies. With the aim of being an intellectual society, the founding members affirmed the creation of a colonial library in 1868.

In the early years of the society, access to the library was limited to men; however, the society promoted gender equality and in 1894 a woman was invited to read a research paper for the first time. The year 1894 was certainly a groundbreaking and historical year for women around the world. As we all know, it was on 18 December 1894 that this parliament, the South Australian parliament, passed the Constitutional Amendment (Adult Suffrage) Act. The legislation was as a result of a decade-long struggle to include women in the electoral process. Not only did the act grant women in

the colony to right to vote but it allowed them to stand for parliament. This meant that South Australia was the first electorate in the world to give equal political rights to both men and women.

In the early decades of the 20th century, the society became increasingly progressive, encouraging a young and diverse membership. In 1922, the Royal Colonial Institute admitted women as full fellows, being one of the first during that era. In1931, full membership was granted to 'people of Asian backgrounds and men of colour'. The society truly set the scene in promoting gender equality and human rights.

In 1958, the society was renamed and became the Royal Commonwealth Society as we know it today. The Royal Commonwealth Society now is an international network with branches and societies across the commonwealth. These self-governing branches and affiliated societies connect globally, share the same values and promote the principles of the modern commonwealth: tolerance, diversity, freedom, justice, democracy, human rights and sustainable development.

The total commonwealth population is approximately one-third of the world at 2.4 billion people, of which 1.5 billion (about 60 per cent) are under the age of 30. Recognising the demographic importance and potential of young people, the society aims to empower young people through education and advocacy, to promote youth development, facilitate connections, build capacity and inspire actions.

Established in 1922, the South Australian branch of the society was founded by Sir Josiah Henry Symon, a Scottish-Australian lawyer and politician. Sir Symon was a senator for South Australia and was in the Australian Senate in the first Australian parliament. He also served as Attorney-General of Australia. Together with members of the society, it is a great honour to pay tribute to Sir Symon for bringing the society spirit to South Australia.

I would also like to take this opportunity to commend the hard work and enthusiasm of past presidents and committee members of the Royal Commonwealth Society SA Branch for their ongoing work in supporting the objectives of the society in South Australia. The leaders that I would like to acknowledge are: Libby Ellis OAM, who has been the current president since 2015. She has held membership since 2012. Mrs Libby Ellis was recognised in 2009 in the Queen's Birthday Honours as a member of the Order of Australia for her services to the arts, particularly in supporting young people in opera. Many honourable members would know about Libby and her extensive commitment to Co-Opera. Libby is a beautiful person and a very caring leader who has been a great contributor to our society.

Another wonderful committee member who my office and I have had the pleasure to work with is Julie Gameau OAM. She is the current secretary and has been a member since 2006. Julie is a delightful person who is always helpful. She was also awarded an OAM for her service to women and the community in 2016. Other distinguished and very dedicated council members include:

- Allan Perryman, the current treasurer since 2016;
- Judy Clarke, recently co-opted as a vice-president in 2018 and who has had membership since 2012;
- Ken Pennell, a current council member and the society's historian. He has previously held office as president and treasurer over the years. His membership started in 1991—a long-serving member;
- Chris Ashton, who has had membership since 2006 and has been vice-president to the council;
- Christine Cundell, a current council member since 2017 and who has had membership since 2013;
- Mihiri Perera, a current council member who has had membership since 2017. She is well known to the Sri Lankan community; and
- John Bone, a current council member who has had membership since 2018.

I would like to acknowledge and pay special tribute to a previous branch council member, Ms Margaret Lord, who is the immediate past president, preceding Libby Ellis. Margaret has been a

member since 1986. Over the last 32 years, Margaret has held the position of president many times, as well as being a council member. Margaret has always had great passion for the society's branch projects, and has been actively involved with the women's committee in the past. Over the years, South Australia branch committee members have been critical in encouraging all Royal Commonwealth Society branches in Australia to work more closely together.

The first national meeting of Australian branches was held in 2015 in Melbourne. Since then, the national meeting has continued. Last year, in 2017, the third national meeting of Australian branches was held in Adelaide. Our South Australia branch president, Ms Libby Ellis, was elected regional coordinator for Australia. What an outstanding effort and recognition this is.

The Adelaide branch organised a number of events to mark the special occasion of the Royal Commonwealth Society's 150-year anniversary. I was very honoured to be invited as the guest speaker for the big luncheon on Friday 20 April, at the Public Schools Club. I would like to place on the record my special thanks to the South Australia branch and all the council members who work diligently to develop and empower young people.

The Royal Commonwealth Society of South Australia also organised a big birthday party to celebrate their 150-year anniversary. It was held on 26 June 2018, at the Public Schools Club. It was my great honour to be a part of this wonderful celebration, together with his Excellency the Governor of South Australia, who is a patron of the society, and his wife, Mrs Le. It was also fantastic to see hardworking member for Adelaide, the honourable Rachel Sanderson, Minister for Child Protection, join the celebration. It was a great honour to represent the Premier of South Australia, the Hon. Steven Marshall, to convey his best wishes from the government of South Australia to the Royal Commonwealth Society.

His Excellency and I jointly cut the 150th birthday cake together. We were saying, 'Maybe we should share this with each other,' but the two of us, combined, did not really add up to 150 years. However, the society has certainly reached a very special milestone. Special thanks go to the Royal Commonwealth Society ensemble for their wonderful music and entertainment on the night and their ongoing efforts for the society. It was a great night to acknowledge and share the important work of the society and the SA branch. It was fantastic to listen to Jerome de Vera, one of the national youth delegates from South Australia, who attended the recent CHOGM and shared his valuable experiences.

Today, the Royal Commonwealth Society South Australia Branch is a charitable organisation doing so much to connect and support local communities. The many celebrations that the South Australia branch runs throughout year include the Queen's Birthday and diverse community organisations, such as Co-Opera, Recitals Australia, Legacy and Guide Dogs SA/NT, to mention just a few. Every year, the RCS ensemble and Co-Opera take musical performances to regional and remote Australia.

In encouraging youth participation and leadership, the South Australia branch also runs photographic competitions and art competitions every year, including the Commonwealth Youth Summit and the Queen's Commonwealth Essay Competition for students. Since 1883, the Royal Commonwealth Society has been running the Queen's Commonwealth Essay Competition every year. Indeed, it is the world's oldest school international writing competition. Each year, the competition uses different themes to encourage young people to express their views of the past, their opinions of the present and their hopes for the future. It gives the young commonwealth members an opportunity to build confidence and develop writing skills, which supports creativity and encourages critical thinking. Creative writing enables their young voices to be heard.

Every year, thousands of young Australians participate in The Queen's Commonwealth Essay Competition from all states and territories. Although we take home some gold and silver medals every year, Australia has never taken out the major prize. I am incredibly proud to report in Parliament House today that South Australia made history last year. In 2017, the theme of the writing competition was 'A Commonwealth for Peace'. Against 12,300 entries from 44 participating commonwealth countries, Annika Turon-Semmens, an Adelaide student from Pembroke School, won the senior award for the competition, making her the first award winner for the nation of Australia.

Annika, like the previous winners before her, spent an unforgettable winners' week in London. She attended a busy week of exciting cultural activities and educational workshops. Of course, the most memorable moment was the award ceremony at Buckingham Palace, where she received the award presented by the Duchess of Cornwall on behalf of Her Majesty The Queen. What a sensational achievement for young Annika and an encouraging story for all young Australians.

Now in its 150th year, the Royal Commonwealth Society continues to work at the forefront, promoting the value of the modern commonwealth, bringing people, governments and communities together, and encouraging commonwealth youth participation and leadership to build a better future that improves the lives and prospects of commonwealth citizens around the world. Today, it is a great honour to move this motion that to highlight the important work of the Royal Commonwealth Society in South Australia and to congratulate the Royal Commonwealth Society on celebrating a very special milestone. I commend this motion to the chamber.

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

Resolutions

INDEPENDENT COMMISSIONER AGAINST CORRUPTION (INVESTIGATION POWERS) AMENDMENT BILL

The House of Assembly agreed to the Legislative Council's resolution.

Bills

CRIMINAL ASSETS CONFISCATION (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

HEALTH CARE (GOVERNANCE) AMENDMENT BILL

Final Stages

The House of Assembly agreed not to insist on its amendments Nos 1 and 2 to which the Legislative Council had disagreed; agreed not to insist on its amendment No. 4; and agreed to the alternative amendment made by the Legislative Council without any amendment.

At 18:05 the council adjourned until Tuesday 31 July 2018 at 11:00.