

## LEGISLATIVE COUNCIL

Tuesday, 31 July 2018

The **PRESIDENT (Hon. A.L. McLachlan)** took the chair at 10:59 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) (11:00):** I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers, question time and notice of motion, government business, No. 1 to be taken into consideration at 2.15pm.

Motion carried.

### *Bills*

#### **SOUTH AUSTRALIAN PRODUCTIVITY COMMISSION BILL**

##### *Committee Stage*

In committee.

(Continued from 26 July 2018.)

Clauses 1 and 2 passed.

Clause 3.

**The Hon. J.A. DARLEY:** I move:

Amendment No 1 [Darley-1]—

Page 3, after line 8—Insert:

*principles of competitive neutrality* has the same meaning as in the Government Business Enterprises (Competition) Act 1996.

I will speak to my amendments Nos 1 and 2 together. These amendments will allow the commission to investigate matters of competitive neutrality on their own initiative. This clause is similar to that which exists in the federal Productivity Commission Act, whereby a person can complain to the commission if they believe there is an issue regarding competitive neutrality, and the commission can decide if they want to investigate the matter.

Competitive neutrality has the same meaning as the Government Business Enterprises (Competition) Act, which essentially outlines that governments should not have a competitive advantage over private businesses who operate in the same market. If the commission believes there is an issue with competitive neutrality, it can investigate this matter on its own will. I understand the government is considering its own amendments, which places similar amendments into the Government Business Enterprises (Competition) Act.

Whilst it is heartening that the government sees merit in this amendment, the main point of contention is that the government's amendment would require the relevant minister to refer the matter to the productivity commission, rather than giving the productivity commission the power to investigate matters on their own motion. I want to make it clear that this is only concerning matters of competitive neutrality.

One of the most glaring examples of where the government was certainly criticised for having a competitive edge from private business is the same market concerns of TAFE SA and private

providers. The community would have benefited if an independent body, such as the productivity commission, could have investigated any claims against competitive neutrality.

Whilst the productivity commission did not and still does not exist, given the government's rigorous defence of TAFE SA I very much doubt the minister would have referred the matter to be investigated on their own impetus. It is therefore important that the productivity commission can have a look at such matters themselves, if they believe there is a reason for it, without the need for a referral.

**The Hon. R.I. LUCAS:** I thank the Hon. Mr Darley for his explanation of the amendment. I think I canvassed briefly at the second reading the government's likely position, and I can confirm that we do have an alternative position to test with the committee in relation to the issue. We acknowledge the issue that the honourable member has raised in relation to competitive neutrality. The point, as I made at the second reading and I highlight now to the committee again, is that we already have an existing statute, which is the Government Business Enterprises (Competition) Act 1996, so it is longstanding, it has been there for 20-plus years. There is an extensive section in that particular piece of legislation outlining how complaints of competitive neutrality should be tackled.

Part 4 of the act is headed 'Principles of competitive neutrality', and there are various clauses. In terms of what those principles are, clause 16. Clause 17 is the complaints process. Clause 18 is the assignment of a commissioner and clause 19 is how a commissioner would investigate the complaints, and then there is some detail further on in the act.

The government's position is that we essentially have an act that provides the opportunity for investigation of competitive neutrality complaints. There is a process for the government of the day to pursue. I must admit that I do not have the answer to this question as to whether perhaps former ministers in the former government, who have had, I guess, 16 years operating under this act, have any experience or knowledge of complaints of competitive neutrality made to the former government under the provisions of this act and whether there is any example where that was not pursued by the former government.

I do not allege that, and I have no knowledge of whether or not that is the case, but if there had been examples (and the Hon. Mr Darley may well have some knowledge of this—I do not know) where complaints under the competitive neutrality provisions were lodged with the former government and a minister decided not to have those particular complaints investigated, then perhaps I could see, or the government could see, that there is a problem with our current process, and therefore we should establish a completely new process to investigate it.

It would be an unusual set of circumstances where, in essence, we would have two statutes applying two different models to investigations of competitive neutrality. We would have one process, if the Hon. Mr Darley's amendments are successful, where a complaint could be lodged with the productivity commission and they could decide whether or not they are going to pursue it under the provisions of the Productivity Commission Act. At the same time, you could have somebody lodging a complaint to the government under the Government Business Enterprises (Competition) Act and a separate process being established under that act. We would have two potential models or processes that might be adopted in relation to the same allegations.

You might have a situation where, for example, there would be plenty of TAFE private providers—individually; they do not have to speak as one—and each individual private training provider could make an allegation of competitive neutrality against TAFE. Under the Hon. Mr Darley's amendment, the productivity commission could follow through each of those particular individual complaints. At the same time, the minister could appoint somebody else under the Government Business Enterprises (Competition) Act as a commissioner to investigate competitive neutrality. Hopefully, you would not have this in a sensible world, but you could have duelling investigations by different commissioners in relation to the same allegations of competitive neutrality.

In the absence of any evidence at this stage that the existing act has not worked as it was intended to work, the government's position is: why provide another mechanism when one already exists? What the government is seeking to do in opposing the Hon. Mr Darley's amendment is to provide an alternative proposition, which essentially says to the committee that they could use the

existing Government Business Enterprises (Competition) Act and use the expertise of one of the productivity commissioners to investigate the allegation of competitive neutrality. The productivity commissioner would operate under the Government Business Enterprises (Competition) Act provisions because that clearly outlines how competitive neutrality provisions should be investigated.

I refer members to the detailed explanation of the investigations and the principles behind how competitive neutrality investigations should be undertaken and the processes that have to be adopted there. The honourable member's proposition does not have that sort of detail in relation to how the productivity commission should conduct this competitive neutrality provision. It essentially says that, if there is an allegation, the productivity commission can investigate the competitive neutrality allegation. In the Government Business Enterprises (Competition) Act there are strict requirements on the investigation by the commissioner:

- (3) The Commissioner must prepare a report on the outcome...and give a copy of the report to—
  - (a) the Minister; and
  - (b) the complainant; and
  - (c) the government or local government agency alleged to have infringed...
- (4) The report must set out or include—
  - (a) a determination as to whether the grounds of the complaint have been substantiated; and
  - (b) the Commissioner's reasons for making the determination; and
  - (c) if the Commissioner finds that the principles of competitive neutrality have been infringed by a government or local government agency—the Commissioner's recommendations in relation to the matter (which may include recommendations for the implementation of policies or practices to avoid further infringement of the same kind).
- (5) The Commissioner must also prepare a summary of the contents of a report under this section.
- (6) The Minister must ensure that copies of any summary are available for inspection by the public at a place determined by the Minister.
- (7) A summary must not disclose confidential information.

There is a whole series of detailed provisions which relate to how a competitive neutrality complaint should be conducted by a commissioner, which is outlined as a protection in the existing act. Obviously, none of that applies to this particular add-on to the productivity commission complaint. So the government is saying: in the absence of evidence that the current system is not working, why not try to acknowledge the issue that the Hon. Mr Darley has introduced? Let's use the best elements of the existing act, which is there, and the resources of the productivity commission in relation to the expertise of the particular productivity commissioner, and have him or her investigate the competitive neutrality complaint.

The final point I would make is in relation to the issue of the complaints. The best example is the one the member has given in relation to private training providers, I assume, making allegations against TAFE SA. Members will be aware and the Hon. Mr Darley will be aware, from various parliamentary inquiries, etc., that there are likely to be any number of complainants in the private training provider market against the operations of TAFE. They do not speak collectively with one united voice. There is a whole series of different ones with slightly different complaints about various operations. It may well be industry sector specific, so that if a particular industry sector has a complaint against one particular college or campus of TAFE, another industry sector will have another, different complaint.

Under this particular model you might have a whole series of separate complaints from private training providers against TAFE, which would need to be investigated by the productivity commission. Under the existing model, these sorts of complaints would go to the government or the minister. Ultimately, the determination would be, if either one of them was significant enough or there were so many of them that the nature of the complaint could be packaged together, to say, 'There is a whole series of complaints from a whole series of private training providers against TAFE SA. We want this particular commissioner to look at the generic set of complaints against TAFE, rather than having to have separate inquiries on every individual private training provider's complaint against TAFE SA.' Again, we think that is a workable model.

I understand that perhaps the member's concern is that the minister and the government might not agree to an investigation of a competitive neutrality complaint. As I said, if there is evidence of that, that under the former government there had been complaints for which they had not initiated action under this particular act, that would be worthwhile information to share with the committee. However, in the absence of that, we think the alternative proposition that we put later in the committee is a better model. For those reasons, we will not be supporting this particular amendment.

**The Hon. K.J. MAHER:** I thank the Hon. John Darley for moving this amendment and the government for its view. I think this is the first time we have seen the amendment filed by the government. I wonder if I may indulge in a little bit of fleshing out. Can I ask the government the question of whether we are being asked to not support the Hon. John Darley's amendment in preference of the government's amendment? Is that, in essence, what the government is suggesting?

**The Hon. R.I. LUCAS:** That is the government's position, but it is entirely the prerogative of the opposition to oppose both amendments. They do not have to—

**The Hon. K.J. MAHER:** I am just asking if that is what the government says.

**The Hon. R.I. LUCAS:** Yes. The government's position is that we accept the point that the Hon. Mr Darley has raised as being a reasonable point, but that we think there is a better way of going about it, which is our amendment. So the options available to other members are, obviously, to either support Mr Darley or the government's amendment, or indeed to oppose both of them.

**The Hon. K.J. MAHER:** On that, is it correct that the options that are being laid out are to support one or the other, or both of them? If the Hon. John Darley's two amendments succeed, is the government indicating that the government will not be proceeding with their amendment?

**The Hon. R.I. LUCAS:** We do not think it would be sensible to have an option where both amendments were passed. So if the Hon. Mr Darley's amendment were to pass, we would not proceed with our particular amendment because we see them as alternative mechanisms to address the problem.

In the event that the committee opposed both amendments, that is, there was no support for them, we would be left with the existing position which is that there is an act and you can investigate competitive neutrality complaints through that act, and it exists. It just would not be linked to the use of a productivity commissioner, which is our alternative mechanism, but it remains law that you can investigate competitive neutrality through the existing act.

**The Hon. K.J. MAHER:** Again, having only just sighted the government's this morning, I think perhaps it is a procedural question, Mr Chair. The amendments being filed effectively do not amend the bill that we are discussing today, they amend another act of parliament. I assume that is capable under standing orders. For future reference, in terms of filing amendments, is any member capable of filing amendments to a bill that do not in fact amend the act which is the subject of the bill?

**The CHAIR:** My understanding is that it is a new act that creates a new body, therefore you can insert amendments relating to other acts, as long as it relates.

**The Hon. K.J. MAHER:** If it was not for the amendment the Hon. John Darley moved that created this, would this amendment have been capable of being moved if we did not already have the amendment?

**The CHAIR:** My understanding is yes.

**The Hon. K.J. MAHER:** In the future if there are bills before parliament, anyone is capable of amending a different act other than the bill?

**The CHAIR:** If it was a bill amending an existing act in a specific way, my understanding is that an instruction would be required. In this case my understanding is, and I have consulted with the Clerk, that it is appropriate in these circumstances. It is probably not appropriate that we then have a more general discussion about what you can and cannot do. Let's leave that on a case by case basis.

**The Hon. K.J. MAHER:** This is useful, to be clear about how the procedure works.

**The CHAIR:** Your question is valid. I understand and I have consulted with the Clerk at the committee table that in this case it is appropriate and it is a bill for an act to establish the South Australian Productivity Commission and for other purposes. In this instance, in these circumstances, with this bill, these amendments are within the parameters of the bill and appropriate.

**The Hon. K.J. MAHER:** I thank you for the guidance. Just so I am clear—and you can correct me if my understanding is wrong—because this is a bill for a brand-new act rather than amending an already existing act, that is why it is capable of being brought in to amend other acts. The difference is that if it was a bill to amend an existing act, it would be an instruction if you were amending a separate act, whereas if it is a brand-new bill that is not amending any other act you are capable of moving amendments for other acts—

**The CHAIR:** Without creating a binding ruling, you are just about there, with one caveat; that is, if you are having an amending bill, a bill that amends an existing law, there are issues of scope. It is a very narrow scope and it would be difficult for the argument to be raised that you could introduce amendments to other bills, so it is also a case of scope. That is another consideration that the chair would take into account, or the chair acting as President. I think for the benefit of this committee debate, my understanding and the confirmative advice I have received from the Clerk is that these amendments are appropriate in the circumstances.

**The Hon. K.J. MAHER:** I have one final procedural question: is there a particular standing order that we should be referred to in relation to the capability to amend the distinction that is being drawn today?

**The CHAIR:** I refer you to standing order 422 for your further consideration.

**The Hon. K.J. MAHER:** You mentioned the title of the bill. That does not need to be changed; it is capable within the title because of other purposes. Is that the suggestion?

**The CHAIR:** Yes, that is correct. Another factor that has been drawn to my attention is: should the government amendment be successful, it also makes changes to the long title of the bill.

**The Hon. K.J. MAHER:** Yes, that is amendment No. 2 [Treasurer–1].

**The CHAIR:** I suppose the only assistance I can provide you is that in these instances my understanding is that this amendment is appropriate.

**The Hon. K.J. MAHER:** I thank you, Chair, for giving us the guidance and advice that, as I have said, will provide guidance and advice for future bills where it is not amending other bills.

**The CHAIR:** I would be the first to let you know if it is inappropriate.

**The Hon. K.J. MAHER:** I rise to indicate that the opposition will be supporting the Hon. John Darley's amendment in preference to the government amendment. We think that is the most appropriate way to go when discussing issues of competitive neutrality. I understand it is much more in keeping with how the federal Productivity Commission works and operates and can have the ability to canvass issues of competitive neutrality.

We think that is the bill that is before us. That is what is being inserted here and is a much more appropriate mechanism to sort those issues, given that we have heard a lot of debate about this being modelled on a commonwealth model and that is how the commonwealth model works. It is in the productivity commission bill, not in another bill like the Government Business Enterprises (Competition) Act 1996.

I think the Treasurer, in his contribution on this amendment, asked, 'From 16 years in government do you or other former ministers have experience with this working?' I can say that in my, I think, about three years as a minister I cannot remember it ever being discussed, so I cannot attest to it working or not, but to my mind that just makes stronger the argument that we put it in the bill we are discussing rather than a bill we are being asked blindly to decide may or may not work.

For those reasons, the opposition will be supporting the Hon. John Darley's amendment and the subsequent amendment to allow the productivity commission to consider issues of competitive neutrality in the way the Hon. John Darley has suggested.

**The Hon. F. PANGALLO:** We will be supporting Mr Darley's amendment.

**The Hon. T.A. FRANKS:** Just for the sake of completeness, now that the amendment has been moved by the Hon. John Darley, the Greens will be supporting the Hon. John Darley's amendment to keep this conversation alive. We understand the government was working with him to get a compromise, but having one on the table, just this morning, certainly we will prefer the Hon. John Darley's over the government's at this stage.

Amendment carried.

**The Hon. K.J. MAHER:** I move:

Amendment No 1 [Maher-1]—

Page 3, after line 8—Insert:

*referring authority*, in relation to a matter referred to the Commission for inquiry, means the Minister or a House of Parliament (as the case may be).

The amendment inserts in the interpretation section—of definitions—a new definition of referring authority in relation to a matter referred to the commission for inquiry, which includes not just the minister but a house of parliament, as the case may be. There are further amendments that go to this issue later on.

Quite simply, we think that it should not just be the preserve of the minister of the day, of whatever political persuasion that minister is, to refer things to the productivity commission. I think in my second reading contribution I made quite extensive recall of the various things the federal Productivity Commission has done. Some of them have been very beneficial to the fabric of society, including maternity leave.

Some of them, though, have been very destructive to South Australia, including the federal Productivity Commission's inquiry into the automotive industry, which was used as a reason for withdrawing support for the auto industry, which we know had severe and adverse consequences for South Australia. In addition, the federal Productivity Commission's inquiry into horizontal fiscal equalisation, if enacted, would have dire consequences for South Australia. I think \$2 billion was the figure bandied about by the Under Treasurer at a particular forum recently about what the consequences could be for South Australia.

We think it should not just be up to one particular minister of one political party of the day to decide what the productivity commission inquires into, that it should be capable of either house of parliament, by resolution, referring something to the productivity commission to inquire on. That does not mean that either house of parliament will be able to say how they conduct that inquiry exactly, or the outcomes or the conclusions that inquiry will reach. All it does is enable us as elected representatives, elected by the voters of South Australia, to refer something to a body that is charged with giving advice, essentially, on economic policy and macro and micro-economic outcomes.

I note that there has been discussion that, in effect, you cannot trust a house of parliament to refer something, that it would make it unworkable. I would argue against that in the strongest possible terms. That is suggesting that the voters of South Australia get it wrong, that they elect people who cannot be trusted to put something to a productivity commission. In fact, from this chamber there is a very diverse range of views that the South Australian public has chosen to elect to represent them in this house of parliament.

I think it is insulting and demeaning to suggest that you cannot trust a house of parliament, particularly this chamber, to be responsible to put things to a productivity commission. If all these amendments that allow a house of parliament to put something before the productivity commission fail, then there is no way any of us will have any say in what the productivity commission does. It will be on the whim of a minister of a political party of the day.

If you look at the historical make-up of the Legislative Council—and I do not think it is going to change dramatically anytime soon—currently, for something to be referred to the productivity commission from the Legislative Council it requires three different parties, three different groupings within the Legislative Council, to agree to it: the government or the opposition plus the Greens or

SA-Best or John Darley. It requires three of those together, three of the five groupings, to form a majority to refer something to the productivity commission.

This is not just on the whim of any single member of parliament. This needs to be something that is considered by a chamber—in this case, for the purposes of where we are now, the Legislative Council—and agreed by the Legislative Council. I do not agree with any proposition that, firstly, the representatives who are elected statewide cannot be trusted to be responsible and to put matters of great state importance to the productivity commission.

However, there is that further check and balance that it is not just on the whim of an individual member, it is by resolution of a house of parliament, and in this chamber it requires three of the five groupings to form together to agree to something. I think that is a second level of check and balance in this that is entirely appropriate.

I am certain there will be things that a government of the day will want to do for which members of this chamber do not have the ability to pay for very expensive and very extensive economic modelling. I know there is a suggestion that of course there could be a select committee instituted to do that, but again that select committee, if you want to understand it using complicated models, would have to get that modelling done.

This bill proposes to set up a body, a South Australian productivity commission, that will have the expertise to do this, and it would make sense that if a majority of those in this chamber—which would also, as it is currently constituted, be a majority of the parties and groupings in the chamber—decided that something was of such sufficient merit that it required further investigation to help us make the decisions we need to make, I think it would be worthy that a house of parliament should be able to refer that.

There will be issues come up from time to time that we will want more guidance on, where we want to better understand the economic nature and effect of the decisions we will make, and I think it is entirely appropriate that with a resolution—that is, a majority of a house of parliament—the parliament should be able to do that.

**The Hon. R.I. LUCAS:** It will not surprise members to hear that the government is strongly opposed to this amendment. I briefly outlined some concerns at the second reading and I will further elaborate on those now.

From my viewpoint, the interesting issue—after 16 long years in opposition and finally getting onto the government benches—is that with this amendment we see from the Hon. Mr Maher and the Labor Party an unwillingness to accept the fact that they actually lost the last election and are no longer the government. All of a sudden, after 16 years of having run the ship of state, they do not want to see a new government that has a new set of priorities instituting reform programs consistent with what the people of South Australia said they wanted at the time of the election.

All of a sudden we see, whether it be this legislation or in a range of other areas, a program from the opposition that says, 'Look, we were in government and we think now that we're not in government we should take away some of the powers we had for the last 16 years, and control things from the Legislative Council benches.' I am a staunch supporter of the upper house as an appropriate house of review, and I have been for many years, but this whole notion that suddenly we can turn the Legislative Council into an alternative vehicle for government and for making decisions is not one I could defend as an appropriate role for the Legislative Council.

The Hon. Mr Maher refers to the difficult task of convincing three different groups to initiate a productivity commission inquiry. We have seen how relatively simple it is to garner the numbers, whether you are Labor in opposition or Liberal in opposition, for various inquiries through the literally dozens and dozens of select or standing committees that the Legislative Council has initiated over many years. Indeed, that is appropriate. However, in many cases the agreement for a select committee has not necessarily inferred the support of a majority of members for a particular point of view in relation to the subject of a matter for a select committee inquiry.

In many cases members are happy to accept there is a strong view from a number of people that a particular issue should be investigated by a committee, and they are prepared to allow that particular select committee inquiry to go ahead. There have been any number of examples of those

over the years where members have stood up and said that something was not a major issue for them but it was obviously a major issue for some other party or group of parties, and they are quite relaxed about supporting the committee of inquiry. As I said, that has occurred whether it has been a Labor or a Liberal government or a Labor or a Liberal opposition. It is just the way of the world in terms of the Legislative Council.

We talked earlier about the need to mirror what is occurring with the federal Productivity Commission in relation to the last amendment. Conveniently, I think that rationale is not referred to in relation to this amendment. If you are talking about the federal Productivity Commission being the model, the federal Productivity Commission certainly does not allow the Senate to initiate any inquiry that the majority of members in the Senate want the Productivity Commission to initiate. The Productivity Commission is something that governments, Labor and Liberal, state and federal, have initiated. They are a vehicle through which governments can make a decision to say that this issue is important enough, in productivity terms, to have investigated.

The Hon. Mr Maher refers to various inquiries where he places his own perspective on them, that this was a good inquiry because he happened to agree with it, but this was a bad one because he happened to disagree with it. Productivity Commission inquiries are there to try to provide fact and evidence for thorny, controversial issues, and the perfect example of that is the horizontal fiscal equalisation (HFE) inquiry. It went off to an inquiry and, ultimately, the federal government and also the federal Labor opposition rejected the recommendations of the inquiry. That does not mean that it was not a meritorious inquiry and, through some fact and evidence, with which governments, federal and state, have strongly disagreed, some state governments agreed in relation to the recommendations of the Productivity Commission.

That will be the same in relation to, I would imagine, a whole range of Productivity Commission inquiries and reports that there have been. But there is no requirement on the government, and that is clearly evidenced by the horizontal fiscal equalisation inquiry, to accept the recommendations. The government must respond to the recommendations of the Productivity Commission and that will be the case in relation to the state productivity commission as well.

It is a vehicle that the government of the day is able to have, from its perspective as a government having been duly elected, important issues that relate to productivity to be investigated. With this particular model, the reason why it is unacceptable to the government is that every second month a majority of members in the Legislative Council could decide that they want to have a productivity commission inquiry into a particular issue of the day. I think a number of areas have been referenced already by members in their contributions as being suitable examples of areas that the productivity commission should be investigating if the Legislative Council had its way.

The Legislative Council has the power to commission whatever inquiry it wishes through select committees and standing committees. It has an existing right and power to undertake those inquiries. The government of the day cannot initiate inquiries unless it gets the support from others in relation to select committee inquiries or standing committee inquiries in the Legislative Council, and that is appropriate. The government of the day, Liberal or Labor, does not have the numbers and it cannot impose its will on the wishes of the Legislative Council.

But the government of the day has actually been elected. Surely, there must be at least some respect for the fact that it has been elected and, therefore, has the prerogative to make some decisions which it believes are in the public interest and some of those decisions are that this is an important issue that relates to productivity in the state whether it is the private sector or whether it is the public sector. Some fact and evidence ought to be provided in relation to that public debate and the productivity commission should be the vehicle through which that fact and evidence is provided.

In essence, we would have a government-initiated productivity commission inquiry queueing up behind a whole series of Legislative Council references where the productivity commission says, 'We hear what you say but we already have four separate references from the Legislative Council which we are working on at the moment. We are happy to do what you want but you are going to have to double the number of commissioners and double the budget and whatever it might happen to be.'



That just has not been the way these bodies have worked. It should not be the way these bodies work. The parliament and the Legislative Council have alternative mechanisms for exploring issues. We oppose this amendment and the consequential amendments in the strongest possible way. This and another package of amendments are amendments which would lead the government to have the view that it would not be able to proceed with the legislation with these sorts of amendments.

The only other point I would make in relation to that—and that would be a sad end point for this whole debate if that was to be the end point of this process—is that in this particular way the productivity commission, if established, would be subject to review by the Statutory Authorities Review Committee of the Legislative Council, which is opposition controlled or non-government controlled, and it would have the capacity to provide oversight.

The government is referred to in the Government Business Enterprises (Competition) Act, which is already law. The government, through the example where it appointed Mr Lew Owens as a commissioner to conduct the water pricing inquiry, has considerable powers in the absence of any new statute to appoint commissioners to investigate a whole variety of things. In those circumstances, there is no oversight of the operations of those particular commissions of inquiry by the Statutory Authorities Review Committee of the Legislative Council.

I would urge Legislative Council members to at least bear that in mind when they decide their position in relation to this series of amendments. As I said, from the government's viewpoint, this is integral to the integrity of the government's bill, and this particular series of amendments are amendments that the government is strongly opposed to.

**The Hon. K.J. MAHER:** I will not speak for very long but in response to the contribution from the Treasurer, I think, and the opposition thinks, it is pretty obvious that if you take the arguments that the Treasurer has made—and he spent much of his contribution on this amendment—that it is important for the government, if they are considering economic reform and the productivity implications, that they have available to them facts and evidence by this body, then equally, and probably more so, I think all those arguments hold true for members of the Legislative Council who are going to be asked to vote on bills that have economic effects and affect productivity.

Particularly probably even more so if you accept the Treasurer's view that the government needs access to it, and with the government already having access to sophisticated analysis within departments and to commissioning independent firms to do that, I think it stands to reason that, for almost everything the Treasurer said, it is even more important that members of this council have access to that as well.

**The Hon. F. PANGALLO:** I rise to say that I will be supporting the Leader of the Opposition on this matter. I think it makes a lot of sense that the parliament does have a say in some of these inquiries that a productivity commission can look into: matters that require scrutiny and provide insights that can go further than a parliamentary committee can go, and areas in which we can look to make greater efficiencies. We have bills before us at the moment that perhaps a productivity commission could shed a totally different light on, and give us a better overview of how it should work.

They are there to be providing advice to structuring policy, but it concerns me that if the parliament does not have a say, there could be an issue that perhaps the government does not want a productivity commission to have a look at, and this is why it is important to have a productivity commissioner who is quite independent. If the parliament decides, 'No, we think we need to have a look at this particular area or this particular issue,' the government of the day may not want that to happen. As the leader has pointed out, it is the will of the people, and if the people would like to see those answers I think we have an obligation to try to provide a clear answer for them. So, in that regard, I will be supporting the amendment.

**The Hon. T.A. FRANKS:** The Greens will be supporting the opposition's amendment at this stage. We understand and sympathise with some of the government's contentions. Certainly, we have concerns that the cost associated with too much of a workload for the productivity commission would make that productivity commission unproductive.

The idea of a referral once every two months—that would be six referrals, possibly five, referrals in a year: could the government please provide a bit of an understanding for this council about how many referrals we would expect to see in a year and how the budget will be prioritised?

**The Hon. R.I. LUCAS:** That is an almost impossible question to answer, but in terms of trying to frame a rough budget for the productivity commission that has been established, and bearing in mind that some inquiries might be quite complicated and quite extensive, and another one might be quite targeted and small, I think on average they have been working on the basis of, maybe, about four inquiries a year. You may well not complete all four of those inquiries in the year; there is nothing that prevents the productivity commission conducting a couple of inquiries at the same time.

As I understand the model, a commissioner could be doing one particular inquiry and another commissioner might be doing another inquiry, so the model is intended to be quite flexible, but again it really depends on how complex an issue it is. If it is quite specific and targeted and they are just looking at it and you can get in and out quickly, then you may be able to get it over and done with relatively quickly. In the rough estimation, as I understand it—it is probably based on the experience of some of the other interstate state-based productivity commissions (and possibly the federal one as well, I am not sure)—that has been the rough order of magnitude.

If you were to add another half a dozen, or five or six, you would be more than doubling the workload, if that was the case. Again, it would depend: if the Legislation Council's reference was a short, targeted, particular inquiry, that might be able to be completed in a short period of time. If it was an enormously complicated and complex one, it might take them a long time. It is impossible to say in relation to the reference—it is a case by case basis, obviously, in terms of how complex it might be.

**The Hon. T.A. FRANKS:** I thank the Treasurer for that response. In addition to that, why has the government brought a productivity commission bill before the parliament if the government has not anticipated that the parliament would want to have some say in shaping that commission?

**The Hon. R.I. LUCAS:** I think all the others have been established by statutes. My understanding is—I can take advice on that—that all the other productivity commissions in the state and federal jurisdictions have been established by statute, and they do not have the Senate or appropriate upper house initiating inquiries to the productivity commission.

The established precedent in other jurisdictions has been legislation, establish a productivity commission, the government of the day decides on what the references would be and the Senate or respective state upper houses have not had the capacity to make separate references to the productivity commission. So that has been the model that has been adopted.

It would appear to make sense to establish a body as important, potentially, as the productivity commission by statute so that it has its structure and function governed by a statute that has been approved by the parliament. All the others have not had this particular provision inserted into them which says that the state or federal upper house will be able to dictate inquiries.

**The Hon. T.A. FRANKS:** Just for the sake of clarity: could the Treasurer clarify whether or not the government actually needs an act of parliament to establish a productivity commission, or could they do it without any legislation passing this parliament?

**The Hon. R.I. LUCAS:** As I indicated earlier, there are alternative models that the government could adopt if this legislation did not proceed. They are not ideal; they are not recommended. Clearly, the recommended course is what has occurred in the federal jurisdiction and the others; that is, there is a law that governs the procedures and operations. It would mean that it would be subject to the Statutory Authorities Review Committee oversight. As a public corporation it would be subject to—I assume but I would have to check this—the Public Corporations Act. We will need to check that, but a lot of—

**The Hon. K.J. Maher:** We are the ones who are supposed to be challenging them.

**The Hon. R.I. LUCAS:** I beg your pardon?

**The Hon. K.J. Maher:** We are the ones who are supposed to be asking the questions.

**The Hon. R.I. LUCAS:** I am a member of the Legislative Council, I can ask questions. We can check that as we go through the committee stage. Certainly, most statutory authorities are subject to accountability requirements for the Public Corporations Act. You have specific requirements regarding oversight in relation to the Auditor-General. Although, if the government uses money to appoint a commissioner without an act, such as the Lew Owens appointment, clearly that is public expenditure, which the Auditor-General could oversight anyway. There would be a different auditing oversight.

From my humble viewpoint, it makes common sense, if you are going to go down this path, that the preferred course is to go down the path of a bill that has been approved by the parliament and there are laws which govern the operations of it and there is, therefore, appropriate oversight from other oversight bodies in relation to its operations.

But the answer to your question, I understand, is there are alternative mechanisms, such as the Lew Owens example I gave at the second reading and earlier, and also potentially something called an attached unit, or it is an administrative arm of government, which again would not have the same degree of independence.

On reflection, it is possible that it still could because we are looking at a model—as I understand it, the Commissioner for Public Sector Employment is to be or is now from 1 July an attached unit and that is a sort of independent position. The parliament has a separate act, as you know, or an act that relates to the independence of the Commissioner for Public Sector Employment in relation to certain functions that he or she conducts. There are alternative models that are possible and the government would have to contemplate its position in relation to that.

We think this is the preferred model. Even if members, in the end, would prefer these various amendments to prevail ultimately in the parliament, we think this model is the preferred model to what the government would have as an alternative in terms of conducting productivity commission inquiries.

**The Hon. J.A. DARLEY:** First of all, can I thank the Leader of the Government for his explanation as to why a house of parliament should not be able to refer a matter to the productivity commission but, on balance, I will be supporting the opposition’s amendment.

The committee divided on the amendment:

Ayes ..... 13  
 Noes ..... 8  
 Majority ..... 5

AYES

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

NOES

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

Amendment thus carried; clause as amended passed.

Clause 4 passed.

Clause 5.

**The Hon. K.J. MAHER:** I move:

Amendment No 2 [Maher-1]—

Page 3, after line 36 [clause 5(2)]—Insert:

- (ab) to hold inquiries and report on matters referred, by resolution, by either House of Parliament;

I will not reargue the issues. This is consequential-ish to the last amendment, in which we decided that either house of parliament could refer a matter to the productivity commission. On inserting that referring authority, this is consequential in that it actually enables it to happen.

**The CHAIR:** It is not technically consequential, but it is related.

**The Hon. K.J. MAHER:** Consequential-ish.

**The CHAIR:** It is related; it is not consequential-ish. I am not sure that is a word, Leader of the Opposition. Treasurer.

**The Hon. R.I. LUCAS:** The government's position is that we oppose this particular amendment. It is related to the earlier issue, so I will not continue the debate and argument. Members will be aware of the government's position. We will oppose it but, should the numbers not be there, we will not divide.

**The Hon. F. PANGALLO:** We will be supporting the Leader of the Opposition.

**The Hon. J.A. DARLEY:** For the record, I will be supporting the opposition's amendment.

**The Hon. T.A. FRANKS:** It is consequential, so the same position applies.

Amendment carried.

**The Hon. F. PANGALLO:** I move:

Amendment No 1 [Pangallo-1]—

Page 4, lines 3 and 4 [clause 5(2)(d)]—Delete paragraph (d) and substitute:

- (d) to conduct, on its own initiative or on the referral of the Minister, research and policy development;

This amendment provides for the productivity commission to conduct research on its own initiative or on the referral of the minister. The federal Productivity Commission is able to conduct research on its own initiative and SA-Best is of the view that a level of independence for the South Australian PC to conduct research on its own initiative should also be provided in this legislation.

**The Hon. K.J. MAHER:** I rise to indicate that the opposition will be supporting both the Pangallo amendment and the Darley amendment, which comes in right after this.

**The Hon. R.I. LUCAS:** I rise on behalf of the government to indicate that the government is prepared to support this particular amendment. The motion of the member in relation to allowing the productivity commission to have some greater flexibility in terms of initiating research and policy development is one which was not in the government's original bill, but we think it is a reasonable amendment and we are prepared to support it.

**The Hon. K.J. MAHER:** I would like some clarification, if I may, to double-check. My reading is that the Darley amendment and the Pangallo amendment are not in competition with each other. As I read it, the Darley amendment refers specifically to competitive neutrality, whereas the Pangallo amendment is broader. We are not being asked to vote on one or the other; we can capably vote on both of these amendments. Is that correct?

**The CHAIR:** In circumstances such as this it is not appropriate for me to give a ruling, but I can give guidance, and I am advised that they do not necessarily conflict.

**The Hon. K.J. MAHER:** Thank you.

Amendment carried.

**The Hon. J.A. DARLEY:** I move:

Amendment No 2 [Darley-1]—

Page 4, after line 4 [clause 5(2)]—Insert:

- (da) to hold inquiries, either on referral by the Minister or on its own initiative, on the implementation of the principles of competitive neutrality in relation to South Australian government businesses and business activities and to report to the Minister on such inquiries;

I have already spoken on this amendment.

**The CHAIR:** My understanding is this relates to an earlier amendment that the Hon. Mr Darley has moved. Do honourable members wish to make a contribution in relation to this amendment?

**The Hon. R.I. LUCAS:** We do see this as consequential on the earlier vote. Our position is in opposition, but we acknowledge the fact that we lost the earlier vote.

Amendment carried.

**The Hon. R.I. LUCAS:** Just on this clause, I have had some further advice in relation to some earlier questions from the Hon. Ms Franks. The advice I have received is that both the federal and Queensland productivity commissions have been established by statute. The New South Wales one, we understand, is established not by statute but by it being an attached unit or some equivalent of the notion of an attached unit in New South Wales. So it does not, on our advice, have its own statute.

Clause as amended passed.

Clauses 6 and 7 passed.

Clause 8.

**The Hon. K.J. MAHER:** I move:

Amendment No 3 [Maher–1]—

Page 4, line 18 [clause 8(b)]—Delete 'at least 1 and not more than'

This amendment deletes from clause 8(b) the words 'at least 1 and not more than'. As the clause is currently written, the membership of the commission must be, under clause 8(a), the commissioner, appointed by the government as chair, and then under clause 8(b) at least one other commissioner but not more than four. So what we could see happening is the entire commission being constituted just by the commissioner and one other person. The opposition thinks that in the operation of the commission there should be more than just two people running what would be an important decision-making body.

What we are suggesting is removing the 'at least 1 and not more than' to require that the full commission be appointed; then we have a later amendment that will change the quorum so that instead of the quorum of the commission being just one person it will be two plus the chair. That brings it into line with our view that you should not be able to have a commission of just two but, once it is established, you should appoint the commission in its entirety, so you have your total of five—the commissioner and four others—rather than the legislation as it stands which could allow the commission to be just two people.

**The Hon. R.I. LUCAS:** The government opposes this amendment. The government structure for the productivity commission is to try to be as lean and mean as possible; that is, to be cost-effective. So the model that we are envisaging is a model which will allow as few as two commissioners. It may well be that, at any point in time if there are only one or two inquiries that have to be conducted, one or two commissioners will be more than enough. If we actually have five commissioners being employed, and the government has only referred one or two inquiries to them, we will have well-paid commissioners, I would imagine, sitting around twiddling their thumbs and not being productively engaged, which would obviously be anathema to a productivity commission.

I guess under the opposition's alternative view of the world, where any number of Legislative Council initiated inquiries could be referred to the productivity commission, you might need five, or even more, productivity commissioners to undertake the work, but under the government's model we are actually envisaging a flexible arrangement. It should be nimble and it should be agile. If we require

up to five because of the amount of work, then that should be the case. If for a period of time we only require two or three, then there should only be two or three.

This would add significant costs to the operation of the productivity commission. Indeed, all of the opposition amendments would add significant costs to the productivity commission. They are costs which have not been budgeted for, I can assure the Leader of the Opposition, in relation to the operations of the productivity commission, which means if this were to prevail the productivity commission would be limited significantly by its allowable budget and may well report that it has been unable to do the work to the level that it requires.

We certainly do not have the capacity or the flexibility, in the current state of financial circumstances that the new government has inherited, to give significantly increased budget allocations to a productivity commission to appoint any number of commissioners even if they are not actually required, or indeed to conduct a whole series of investigations and inquiries that the majority of the Legislative Council has deemed appropriate.

**The Hon. K.J. MAHER:** In response to the Treasurer's submissions, that would hold true, except that, as part B will still say, it would be four additional commissioners either part time or full time. I think the Treasurer has predicated what he said on appointing only full-time commissioners and having commissioners sitting around twiddling their thumbs because they are appointed full time with nothing to do. There is still the flexibility that a commissioner could be appointed part time and the government could decide what that part time means, so that it is not having someone sitting around twiddling their thumbs if they are appointed part time.

The opposition believes if this bill passes then it is a very important mechanism that is going to be used, and the way the commission operates, the methodology it uses, should not be up to just one commissioner and another person. We think it should be more and wider than that, and that is why we think it should be all five, including the chair, appointed once. If there is not the workload for them, if there is a flexibility to make one, or two or three of the commissioners part time, as the government of the day sees fit, at least when the commission is establishing how it works and its methodology, there will be a wider range of commissioners making that input than just the commissioner and one other person.

**The Hon. R.I. LUCAS:** I think that is a novel way of approaching the interpretation of the opposition's amendments in relation to this. Under the quorum arrangements it would still be the case that for any decision a majority would have to be there, so despite the notion that you could appoint three of them for one day a year or something, part time or whatever it is, and have two full-time commissioners, you are going to actually have to have a quorum of them there for any decisions, under the opposition's alternative model. This is not the government's model but the opposition's alternative model, and I think there are subsequent amendments that further expand on the opposition's attempts to govern how the productivity commission should make its decisions and peer review, as I understand it, and a variety of the other things that would need to be done.

Certainly, I think a reading of the opposition's total package in relation to this would lead one to believe that the opposition is looking at full-time work for five commissioners, and that is an expensive model. As I said, that is not a model we are budgeting for and one that we will not be in a position to budget for should that be the model that prevails.

**The Hon. K.J. MAHER:** If the government has in mind what the budget is, how many commissioners are budgeted for? How do they envisage, in their budget, how many commissioners are being paid for?

**The Hon. R.I. LUCAS:** My understanding is that the indicative budget that has been worked through is about \$2½ million.

**The Hon. K.J. MAHER:** Correct me if I have this wrong, but I think the Treasurer is saying that they do not have the budget for five full-time commissioners. Given the budget they are putting up, can the Treasurer advise how many they are intending to appoint?

**The Hon. R.I. LUCAS:** My advice is that it is the government's intention, for this particular budget year in the early years of the productivity commission, to look at maybe two or three commissioners being appointed, not the full complement of five—

**The Hon. K.J. Maher:** In addition to the chair or—

**The Hon. R.I. LUCAS:** In total, including the chair. So not the full complement of five commissioners full time, which is—

**The Hon. K.J. Maher:** Two or three?

**The Hon. R.I. LUCAS:** I just said two or three, I should not have to repeat it. Two or three, including the commissioner, at this stage, not the full complement of five commissioners that is potentially the upper limit of the legislation.

**The Hon. K.J. MAHER:** Is it possible that commissioners, particularly ones you do not think you will necessarily have leading inquiries initially but ones who may attend meetings to get a fuller input into how they will conduct inquiries, could be appointed as we see some board members appointed, remunerated, for attending meetings on an hourly rate instead of a full-time retainer? Is that possible?

**The Hon. R.I. LUCAS:** I do not know whether it is possible. It is certainly not what the government is proposing and is not what the government is going to do. If the member's question is that in the event we appoint two or three people, commissioners, to do some work are we going to appoint commissioners four or five for a sort of training program to sit in on meetings, etc., that is not the government's intention.

As I said, the government's intention, at least in the early stages, is to look at two or three commissioners to start a small number of inquiries. It would then make judgements as we see the productivity commission complete its first tasks, take advice from the initial chair of the productivity commission, whoever he or she might be, and then make decisions. We would then have to adjust the budget accordingly, if that were required.

**The Hon. K.J. MAHER:** It is the opposition's view that if it is, in all likelihood, two or three in total, if it is just two commissioners, that is a very narrow base from which to seek views and see how the commission will work. We think it is much more appropriate that it be wider.

I think most of us recognise that if this bill succeeds it will be very important, a mechanism that will be used in an important way to inform debate, and to have just two people guiding it is, we think, a much too narrow view. We encourage the government to look at its ability, as the workload ramps up and down, to appoint part-time commissioners but certainly to have those available to give guidance about how the commission will work rather than just restrict it, as the government has said is its intention, to possibly just two people.

**The Hon. F. PANGALLO:** We will be supporting the government on that.

**The Hon. T.A. FRANKS:** For the sake of clarity, the Greens are supporting the government on this position. We think this is trying to assume far too many hypotheticals and variables.

Amendment negated.

**The Hon. K.J. MAHER:** I move:

Amendment No 4 [Maher-1]—

Page 4, after line 19—Insert:

- (2) A person may only be appointed as a Commissioner if, following referral by the Minister of the proposed appointment to the Statutory Authorities Review Committee established under the *Parliamentary Committees Act 1991*—
  - (a) the appointment has been approved by the Committee; or
  - (b) the Committee has not, within 21 days of the referral, or such longer period as is allowed by the Minister, notified the Minister in writing that it does not approve the appointment.

This is a second amendment that makes sure that the parliament the South Australian people have voted for has a role in the committee. Again, I think it has been stated already today in the debate how critical the appointment of the commissioners is in shaping the work that the commission does.

This amendment would allow a committee of the parliament, the Statutory Authorities Review Committee established under the Parliamentary Committees Act, to have a role in the process as it would allow the committee to effectively approve the nominee. It will not be the committee running a recruitment process or selecting someone. It will merely be the committee approving the nomination as a commissioner of the productivity commission. If the government of the day is proposing an appointment to a commissioner, we think it is only reasonable that that commissioner have abilities and is able to carry out their functions in such a manner that a majority on a parliamentary committee that is made up of elected representatives thinks is appropriate.

**The Hon. R.I. LUCAS:** This amendment, again, is an indication of what I said earlier. This is a clear indication of a political party that has not recognised the realities of what occurred on 17 March. That is, after 16 years of government they were turfed out of office because the people did not want them anymore and they said they wanted a new government with a new reform program. Now we have a situation where the Australian Labor Party, through the Leader of the Opposition in this chamber, wants to now dictate the appointment of persons to key bodies such as the productivity commission.

We are going to have potentially the extraordinary situation of the introduction of the Legislative Council equivalent of confirmation hearings that we see in the United States Senate. One could imagine, with the current powers of the Statutory Authorities Review Committee, they could require a commissioner to come down and give public evidence. They could trawl through the background of particular commissioners. They could seek to damage the reputation of people who have put themselves up for an important position as a productivity commissioner and subject themselves to a confirmation-type hearing by the Statutory Authorities Review Committee. That is what the Leader of the Opposition and the Australian Labor Party are asking the parliament to now introduce.

We have any number of important people in very critical positions that governments of the day have appointed. We have people who are appointed to the South Australian Employment Tribunal and to the courts who make critical life and death decisions. We have critical people who are appointed to run a \$30 billion funds management industry, Funds SA, on behalf of the superannuation investments of South Australians. Under the former government, we had an economic development board where a couple of the members of that particular board were helping to make decisions of executive committees of cabinet.

We have any number of important boards, authorities and positions, which governments of the day, because they have been elected, through their cabinet process, have actually won the right to make the decisions as to who should be appointed to those particular positions. The Liberal opposition accepted the sad reality, over the 16 years the Labor Party were elected to government, that they had the power and authority to make these decisions. We could have bellyached as much as we liked about a particular appointment but, ultimately, we accepted that they were the government of the day and they could make those particular decisions.

We did not impose, through legislative amendment of the Legislative Council, requirements that were going to subject good, honest South Australians or Australians who were prepared to put their names up for these sorts of positions in the public interest to confirmation-style hearings in the Legislative Council. The day we end up with United States Senate-style confirmation hearings, with or without the persons being required to be in attendance—and, as we know, the parliament has the power to compel the attendance of citizens, South Australian citizens at least, to attend before parliamentary committees.

Given the approach that the Leader of the Opposition and his members have adopted, it is quite clear that they would have no compunction at all in demanding the attendance of a potential nominee to appear before a parliamentary committee to answer a series of questions or allegations that the Australian Labor Party, or members of that particular committee, might want to make about that particular person's history.

To have that sort of situation for the first time ever being imposed in our process in South Australia is just anathema to me personally but also to the government in terms of proper process and proper governance. Let's accept the reality that governments are elected every four years and,



for the period of the four years, they have an entitlement, rightly or wrongly, to make appointments and they will have to be answerable to them, as indeed the Australian—

**The Hon. R.P. Wortley:** There's a new government in town and you want high-calibre people.

**The Hon. R.I. LUCAS:** The Labor government had to be answerable, and if the opposition wanted to criticise the fact that Kevin Foley had been appointed the chairman of Funds SA, that Annette Hurley had been appointed the chair of Super SA or that Bronwyn Pike had been appointed the chair of Renewal SA, the opposition of the day had a forum in the parliament to bellyache about that and to complain about it. However, it was not the position of the opposition-controlled Legislative Council to, in essence, say to the government of the day, 'We're going to prevent you from appointing the people that you want to appoint to important positions,' such as, in this case, the productivity commission.

To have a set of circumstances which, for the very first time, are going to be set up by the opposition in South Australia is absolutely unacceptable to the government, it is absolutely unacceptable to me and we will trenchantly oppose this particular provision and the related provisions, and we would urge crossbenchers to think again in relation to this particular amendment.

It sets a very dangerous precedent. If it ultimately passes the parliament at the end of this week, what will be the difference whenever any other appointment or act comes about regarding an important board like Funds SA or ReturnToWorkSA, or an economic development board, or a range of other important bodies where it might be argued that appointments need to be made, for the opposition to say, 'We are now going to require the non-government parties of a parliamentary committee in the Legislative Council to confirm or otherwise the suitability of this particular person for appointment to this particular committee'? It is a dangerous precedent and one which I would urge members to think very seriously about before they go down this slippery path.

**The Hon. K.J. MAHER:** I thank the Treasurer for his contribution. I would like to take issue with a couple of things that he said in his contribution though. This is not a Senate-style confirmation hearing of the whole of the Legislative Council; this is approval of a parliamentary committee. The Treasurer referred regularly to the entitlement of a new government. I do not think that is how many people see it: as an entitlement to do whatever you please, that an election entitles you to do absolutely everything and that you should not be fettered in how you go about doing what you do.

I think people reasonably expect that in parliament, when we make laws, we make sure there are checks and balances in place, that we do not just say, 'There's a new government and they have an absolute entitlement.' I think the Treasurer might reflect on his choice of language in using the phrase 'entitlement' in relation to a new government. We just do not agree that there is some sort of unfettered, absolute entitlement to do whatever you want just because you are in government.

The Treasurer talked about this being a case of the Labor Party not realising that we are in opposition. We absolutely do realise that, and that is why we are trying to improve legislation that is put forward. This is not about whether the Labor Party or the Liberal Party is in government; this is making sure that there is some scrutiny over what occurs.

**The Hon. R.I. Lucas:** Why didn't you do it when you were in government then?

**The Hon. K.J. MAHER:** The Treasurer interjects, 'Why didn't you do it while you were in government?' We did not establish a productivity commission—it is pretty simple. We did not establish a productivity commission, and I think that there are huge differences, huge distinctions, that can be drawn between this and some of the other red herrings that the Treasurer has thrown up. This is, by the Treasurer's own admission, a body they are intending to use to justify economic policy. This is very different to most of the red herrings the Treasurer has raised in other areas.

This is not intended, is not drafted and cannot be seen as a US Senate-style confirmation of the whole of the Legislative Council. This is simply giving a committee of the parliament, which is not solely populated by members of the opposition but includes Independent non-Labor or Liberal members of parliament, a say in what, by the Treasurer's own admission, is a very important role of government that will guide them on policies and the productivity of this state.

I take issue with the Treasurer's view that a new government has some sort of absolute entitlement. This is a very reasonable check and balance to make sure that such a good, honest person, as the Treasurer keeps referring to, who puts themselves forward, is approved, given, by his own admission, how important it is to sit on the productivity commission.

**The Hon. R.I. LUCAS:** It is interesting to note the sophistry of the language used by the Leader of the Opposition. He is unable to deny the fact that this will be a United States Senate-style confirmation hearing. The Leader of the Opposition says—and this is where the sophistry comes in—'It won't be the Legislative Council as a whole.' No-one has suggested that is the case. It will be an opposition-controlled Legislative Council committee—

**The Hon. K.J. Maher:** That's insulting the crossbenchers.

**The Hon. R.I. LUCAS:** No, I am insulting the Leader of the Opposition. Let me be quite clear, for fear that the Leader of the Opposition misunderstands who I am insulting. I am insulting the Leader of the Opposition because he is leading the charge in relation to this particular issue.

The Leader of the Opposition seeks to deflect the argument in relation to this to say that it will not be a Senate-style confirmation hearing. Indeed, it will. The only difference will be that, instead of being 21 members on the full floor of the Legislative Council—and, to be fair, my recollection of the Senate-style hearings is that they tend to be done by committees anyway in terms of confirmation hearings, if I remember some of the documentaries and movies that I have seen over the years in relation to Senate confirmation hearings.

**The Hon. K.J. Maher:** Episode 9, season 2 of *The West Wing*.

**The Hon. R.I. LUCAS:** Yes, indeed. My recollection, which I will correct if it is inaccurate, is that some, if not all, of the confirmation hearings are conducted by Senate committees. If that is the case, it will be exactly the case that we are talking about here, albeit that the Senate committees that I recall seeing in the United States Senate do have more than five members. They tend to have a semicircle of members sitting at the top desk, pitching questions at the nominee.

Putting that matter to the side for the moment, the reality is, whether it is five, 21 or 15, it is exactly the same process; that is, the Leader of the Opposition would be able to conduct public hearings, would be able to require the attendance of a nominee for this particular position to attend and would require that particular person to answer all sorts of questions in relation to his or her background and suitability, from the Leader of the Opposition's viewpoint, in relation to being appointed.

The other point I make, which is again not soundly based by fact or evidence from the Leader of the Opposition's argument, is that he says that this is a very important body, unlike some of the other bodies, which he infers were red herrings. It is a different body. This body has no power other than to, through force of its public argument and fact and evidence, recommend to the government of the day, and indeed to the parliament, proposed courses of action that improve productivity.

The other bodies to which I refer in some cases have very real power. The funds management body, Funds SA, makes final and lasting decisions in relation to the investment of \$30 billion of funds under their particular control and management. The Economic Development Board, through at least two of its members being on the executive committee of cabinet, had clearly significant influence in terms of the decisions of the former Labor cabinet, even though in other areas they too were an advisory body and did not have statutory power.

In many other areas, whether it is ReturnToWorkSA or a range of other bodies, those boards and people who either chair those particular boards or sit on the boards have power in relation to the issues that are within their control. It is not just an issue of recommending to the government a particular policy view. It is making the decision in relation to funds management or ReturnToWorkSA or a variety of other government boards and authorities to which they have been commissioned.

So the two arguments used by the Leader of the Opposition are easily blown out of the water through the mere rational argument and, clearly, looking simply at the facts and evidence that relate to the two claims made by the Leader of the Opposition.

**The Hon. K.J. MAHER:** I think this will be my last contribution and I do not think this point turns on whether people support this or not. Calling it US Senate-style confirmations, I think the Treasurer is probably both wrong and right. My recollection of how most US Senate confirmations work is it does, indeed, go to a committee at first instance which makes a recommendation and then to the whole of the Senate. Therefore, the Treasurer might be partly right and partly wrong in that it goes to the whole Senate. That is not what we are suggesting here. We are not suggesting that it goes—like a US Senate-style confirmation, if my memory is correct—to the whole of the Legislative Council for a vote; it is the committee that does that. That is correct. That is an important difference.

Quite simply, I think there is a very fundamental and different viewpoint here. The Treasurer thinks that a government has an absolute entitlement to do as they please. The opposition's view and the amendments being put up is: let's have a role for the parliament, including not just the opposition but any crossbenchers who may sit on particular committees from time to time. In his own words: it is the absolute entitlement of a government. The opposition's view is: let the parliament be involved sometimes.

**The Hon. J.A. DARLEY:** As a member of the Statutory Officers Committee for the last ten years, the sorts of positions that the Statutory Officers Committee preside over are the ICAC Commissioner, the Electoral Commissioner and the Ombudsman. As such, I will not be supporting the opposition's amendment.

**The Hon. F. PANGALLO:** I will be supporting the opposition.

**The Hon. T.A. FRANKS:** The Greens are somewhat concerned that there is the potential for some overreach but, at this stage, we believe the precedent has been set in terms of committee involvement in the appointment of important positions. If the government has concerns that that will be politicised, we are certainly open to hearing how those concerns could be addressed. However, at this point, we will support the opposition's amendment.

The committee divided on the amendment:

Ayes ..... 12  
 Noes ..... 9  
 Majority ..... 3

AYES

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

NOES

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

Amendment thus carried; clause as amended passed.

Clause 9.

**The Hon. K.J. MAHER:** I move:

Amendment No 5 [Maher-1]—

Page 4, lines 21 to 23 [clause 9(1)]—Delete subclause (1) and substitute:

- (1) The persons appointed as Commissioners must have qualifications, knowledge and expertise as follows:
  - (a) at least 1 Commissioner must have extensive skills and experience in commerce, economics, law or public administration;

- (b) at least 1 Commissioner must have extensive skills and experience in applying the principles of ecologically sustainable development and environmental conservation;
- (c) at least 1 Commissioner must have extensive skills and experience in dealing with the social effects of economic adjustment and social welfare service delivery;
- (d) at least 1 Commissioner must have extensive skills and experience acquired in working in Australian industry.

This inserts into the legislation some of the different skills needed for commissioners. I might ask the Treasurer, who can perhaps get some advice from parliamentary counsel: is it still capable of this continuing the legislation? That is, we have decided against the opposition's early amendments to require to have a full complement of commissioners. Can you still have this and, in effect, this being if there were more commissioners appointed these are the skills they have to have? In parliamentary counsel's advice, is this consequential on that amendment failing that this renders—given the last amendment failed?

**The CHAIR:** You can ask through—otherwise you can speak to parliamentary counsel.

**The Hon. K.J. MAHER:** Can the Treasurer give his viewpoint and maybe seek some advice?

**The CHAIR:** Treasurer, do you wish to make a contribution?

**The Hon. R.I. LUCAS:** I think the honourable member might like to speak to parliamentary counsel himself and seek his own guidance. I am reluctant to ever say—no, I should not say that. I was criticised previously for saying that I am a non-lawyer. However, I will repeat it: I am not a lawyer but as a non-lawyer I see that there is a problem with the member's current drafting because I think if he wanted to pursue it he would have to amend his amendment in some way.

This seems to infer that we do have five commissioners and in the event that we do not have five commissioners, and the government has indicated that we are going to have two or three, this would require us to appoint commissioners with five separate skill set bases and it would seem to be incompatible with where the committee has arrived at the moment. My suggestion to the honourable member is that it is sort of consequential and therefore should not be pursued. If the bill comes back at some stage then—no, I cannot suggest that because this amendment, I think, should be defeated. Anyway, he has taken his own advice and he can indicate.

**The Hon. K.J. MAHER:** One way to overcome this is moving that in the event that five commissioners are appointed then this apply. However, given that it was defeated previously, even though I indicated that I would be moving this, I indicate that I am not moving it now.

**The CHAIR:** Leader of the Opposition, because you actually did move it you will have to seek leave to withdraw.

**The Hon. K.J. MAHER:** I seek leave to withdraw amendment No. 5 [Maher-1] standing in my name.

Leave granted; amendment withdrawn.

**The CHAIR:** We now come to amendment No. 6 [Maher-1] to clause 9.

**The Hon. K.J. MAHER:** I move:

Amendment No 6 [Maher-1]—

Page 4, lines 33 and 34 [clause 9(5)]—Delete subclause (5) and substitute:

- (5) A Commissioner must not engage, without the approval of the Governor, in any other remunerated employment.
- (5a) An approval under subsection (5) must be published in the Gazette.

This is a pretty simple amendment that goes to greater transparency. It requires simply that a commissioner must not engage, without the approval of the Governor, in any other remunerated

employment. That is not to say, and it might not be desirable that they do not, but it just requires approval of the Governor if they do.

**The Hon. R.I. LUCAS:** The government is opposing this particular amendment. This particular clause, I am advised, was modelled on the equivalent clause in the Essential Services Commission Act. I guess the closest thing we have to the productivity commission and commissioners and the independence is the Essential Services Commissioners. We have had a number of those appointed by the former government and there is no equivalent provision in the Essential Services Commission Act.

I guess I should have used this—I could have used the Essential Services Commission as another example of an important body which actually does make decisions; it does not just recommend to government. The Essential Services Commission makes critical decisions. It could have been another example where you would not want to be having the upper house controlling or dictating the appointment of the Essential Services Commission. That certainly was not the model the former government asked the parliament to adopt in relation to the Essential Services Commission model.

In relation to this particular provision, these are the arrangements that Essential Services Commissioners operate under. I will just check one other thing. The other important distinction, I am advised, is that, under the government's model, we concede the particular position, as I understand it, that the minister is driving at; that is, if a commissioner is undertaking other employment there needs to be the approval of the minister, the representative of the government.

The particular model the Leader of the Opposition is seeking to impose is, in essence, the Governor, which means it would have to go to full cabinet and then be approved by the Governor. The Leader of the Opposition, as a former member of a former government, albeit for a three-year period, as I understand it, will understand the somewhat cumbersome process of having to go through a cabinet process and the Governor approving it for what might be a relatively simple, uncontroversial approval that the minister is quite capable of giving.

Ultimately, the commissioner and the minister are going to have to be answerable and therefore the government is going to have to be answerable anyway for decisions that are taken. All this is imposing is an additional layer where the whole cabinet has to be involved, and it is unlikely that if the minister responsible for the commission—who in this case would be the Premier, is it? Yes; it is highly unlikely, given that the minister is actually the Premier, if the Premier is approving the other remunerated employment arrangement, that the Premier is going to be rolled in cabinet if this additional requirement is provided. All this does is impose an additional layer of red tape and delay which really achieves no good purpose other than it being another amendment that is being moved.

**The Hon. K.J. MAHER:** I thank the Treasurer for his contribution on the amendment. It is true: it may be that the remunerated employment is minor in nature, but it also may be the case that it could be very, very significant and could in fact be remunerated employment in an area in which a commissioner is conducting an inquiry. All this does is simply require that there is transparency: that the remunerated employment be approved through the approval of the Governor and then that be gazetted. Then people can make their minds up about whether or not there is a conflict.

What has been proposed by the government—the government's don't-let-the-public-know regime, in effect—just requires the relevant minister to make that determination, and the public would have no idea about that other employment that a commissioner may be engaged in that may be absolutely and directly related to something they are inquiring into.

**The Hon. R.I. LUCAS:** I guess what the minister is saying is that the Premier is potentially likely to approve a commissioner conducting an inquiry into an area where he is separately engaged and has a significant conflict of interest. All I can say is that perhaps his experiences of Labor premiers is different to my experience of Premier Marshall. I can assure the honourable member, if he has such low regard for the capacity of premiers to, in essence, recognise that a particular conflict has existed and therefore should not be approved, that is not going to be the case under the model that is being recommended here.

As I said, again, even if you accept the fact that the premier of the day might be corrupt, the alternative mechanism that you have here is that the premier and the cabinet would actually be approving, knowingly or unknowingly, a conflict of interest position in relation to a commissioner and a particular inquiry that that commissioner is conducting. Again, the provision that is here is exactly the same, I am advised, as the provision in the Essential Services Commission Act, and that has not proved to be a problem since it was established, evidently, in 2002.

**The Hon. F. PANGALLO:** I will not be supporting the motion from the opposition on this. I will go back to what I said last week. I trust that the government will be making the appropriate appointment, but in the words of Associate Professor Gary Banks, the former head of the federal Productivity Commission, it needs to be appointments of 'competence without conflicts'; I think those were his words. He said:

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.

I trust that the government would be making the right choices there, but we will not be supporting the opposition's amendment.

**The Hon. T.A. FRANKS:** For the sake of keeping the conversation alive, we will be supporting the opposition's amendment. It might not be the wording that we would wholeheartedly support but, to keep this conversation alive, we will at this stage be supporting it.

The council divided on the amendment:

Ayes ..... 10  
Noes ..... 9  
Majority ..... 1

AYES

Bourke, E.S.  
Hunter, I.K.  
Parnell, M.C.  
Wortley, R.P.

Franks, T.A.  
Maher, K.J. (teller)  
Pnevmatikos, I.

Hanson, J.E.  
Ngo, T.T.  
Scriven, C.M.

NOES

Bonaros, C.  
Hood, D.G.E.  
Pangallo, F.

Darley, J.A.  
Lee, J.S.  
Stephens, T.J.

Dawkins, J.S.L.  
Lucas, R.I. (teller)  
Wade, S.G.

Amendment thus carried; clause as amended passed.

Progress reported; committee to sit again.

*Sitting suspended from 13:07 to 14:15.*

*Condolence*

**BASS, MR RODNEY PIERS (SAM)**

**The Hon. R.I. LUCAS (Treasurer) (14:15):** I move:

That the Legislative Council expresses its deep regret at the recent death of Mr Sam Bass, former member of the House of Assembly, and places on record its appreciation of his distinguished public service, and that as a mark of respect to his memory the sitting of the council be suspended until the ringing of the bells.

I rise on behalf of Liberal members to speak to this condolence motion. Sam Bass was elected in December 1993. He was one of that very significant number of Liberal members elected to the House of Assembly—there were 37 in total, out of a total of 47—on the back of the State Bank disaster of the early 1990s. He achieved about a 15 per cent swing in his electorate of Florey, as it was then known. I think it was about a 2 per cent or 3 per cent marginal seat, going into the 1993 election. He

achieved a 15 per cent swing and ended up with a 12 per cent margin on the back of that particular electoral result.

Sam's background was unusual for the Liberal Party at the time. It indicated accurately the broad church that the Liberal Party represents. I understand he might have been, or probably was, the first serving police officer to have been elected to the South Australian parliament. Certainly, I suspect he was the first ever union secretary, or previously union secretary, to be elected as a Liberal member of parliament. He was a Police Association secretary for about five years or so, as I understand it. He had had a colourful and illustrious policing career in terms of taking on the bikies and various other unsavoury elements.

Obviously, one would assume he was popular with enough police officers to have been elected as union secretary of the Police Association at that particular time. That was not a typical background for a Liberal member of parliament. It perhaps might have been a more typical background, other than the police officer bit but as a union secretary, to have been elected as a member of the Australian Labor Party. As I am speaking, I am trying to think of former police officers who might have represented the Labor Party.

**Honourable members:** Lee Odenwalder.

**The Hon. R.I. LUCAS:** Lee Odenwalder, of course. There have not been that many elected to the South Australian parliament, representing any political parties, frankly, when you think about it, compared to many other professions. I do not know what that says about police officers. Maybe they are too smart and sensible to put themselves up for parliamentary office but they have certainly been very small in number compared to other professions in terms of being elected to the South Australian parliament.

Sam Bass, as I said, had a colourful career and history. He certainly ran a colourful campaign. His maiden speech acknowledges the work of a former Legislative Council colleague in the Hon. John Burdett, who had been his parliamentary pair in that area. He traced the history of the electorate of Florey and its predecessor electorates such as the big electorate of Molly Byrne, a very famous hardworking Labor member for Tea Tree Gully, I think the seat was, in that particular area who had been swept out in an earlier election.

Sam won that particular election in a non-typical way, and he served in the parliament in a very Sam Bass way as well. I think he has been variously described as colourful and larger than life. I can assure you that, as I recounted to some of my colleagues over a long macchiato in the parliamentary bar earlier today, most of the stories I recall of Sam Bass I cannot actually recount on the public record, as tempting and delicious as they might be. He was, in the truest sense of the word, a very colourful character.

Given his background, I guess it is not surprising. He called a spade a spade, and he did not leave you wondering what his opinion or view was or what his opinion of your particular view on a particular topic happened to be. He was quite outspoken. Soon after 1993 were quite turbulent times for the Liberal Party with the ongoing division and disunity that was endemic at that particular stage within the Liberal organisation. As I said, Sam's capacity to call a spade a spade and speak bluntly to people was pretty evident.

I think perhaps there were some members of parliament who had been used to going about their business in a quiet sort of way, free of criticism. Sam Bass would front them and point-blank tell them what he thought of what they might have done or said in relation to a particular issue. As I said, the best stories in relation to Sam Bass at that particular time do not bear public recounting. Certainly, he worked assiduously on the committees. He was on the Economic and Finance Committee. He unashamedly behaved in a very independent manner.

He crossed the floor on a number of occasions. The media articles recall the fact that perhaps history does not treat him kindly, perhaps due to the time he crossed the floor on the legislation to ban smoking in restaurants. He and Heini Becker felt strongly about the nature of the laws that minister Michael Armitage, the minister for health at the time, had brought in under the Liberal government to commence what has now been a 20-year program, under Liberal governments initially and then Labor governments, to further restrict the capacity for smokers to smoke in various places.

In that first particular case, he and Heini Becker crossed the floor to express a strongly contrary view to the view the government was pushing. I saw the numbers in the house. I cannot remember now whether the Labor Party voted for or against it or whether it was a conscience vote, but it was most unusual. It was an overwhelming majority in support of the government legislation. Clearly, there were two Liberal members on the other side of the chamber, but it looked like there must have been a few Labor members on the other side of the chamber as well. Knowing some of the Labor members at the time, that is perhaps not surprising.

He had defeated a Labor MP, Bob Gregory, someone who I am sure Labor members on the other side of the house would either know of or would have known personally over the years. He, too, was a colourful character, so it was a good old battle between Bob Gregory and Sam Bass in 1993. Of course, that battle continued in the period leading up to 1997. This was Peter Duncan territory and Frances Bedford territory. If there was one thing that Peter Duncan did relatively well—if I can say so from the vantage point of a political opponent—he knew how to engage in hand-to-hand combat in terms of political campaigning.

It was one of the first occasions when we saw the use of strongly aggressive negative campaigning tactics in relation to parliamentary entitlements. Sam Bass had travelled overseas on a trip, I think it was, and I do not know in modern terms if he would rival some members who have travelled extensively on parliamentary entitlements but, nevertheless, there was this extremely colourful postcard supposedly from Sam Bass, I think lounging on a—what do you call those things you lounge on?

**The Hon. D.W. Ridgway:** A banana lounge.

**The Hon. R.I. LUCAS:** A banana lounge, yes—lounging on a banana lounge, somewhere, I suspect, in sunny climes overseas, saying, 'Wish you were here. Sam Bass.'

**An honourable member:** He was drinking cocktails.

**The Hon. R.I. LUCAS:** Drinking cocktails, I suspect, and probably with some indication of how much money had been expended at taxpayers' expense for his travel entitlement. It, together with a number of other particularly successful campaign techniques, led to Sam losing the seat four years later, in October 1997. He was one of a significant number of members elected in 1993 in that landslide of 37 to 10 who were unsuccessful in being re-elected in 1997.

To be fair, for a period of time I had a little bit of contact with Sam after that, but in recent years I did not have any contact at all to be honest. Sam went to the West Coast and did a bit of work for Graham Gunn, a colleague of ours in the House of Assembly. I think he continued—and the Hon. John Dawkins who might speak in a moment may know a little more detail of his recent travels, but I think he lived and worked for many years on the West Coast. I know the member for Flinders, Peter Treloar, is speaking on the condolence motion in the House of Assembly, so he has obviously had an ongoing connection with Sam and the West Coast.

In terms of his parliamentary record, Sam had very strong views in relation to gun laws, policing obviously, law and order issues, and the parliamentary record shows he was not fearful in expressing his frank views in relation to that particular area of public policy. I should acknowledge also that on his parliamentary record, he was parliamentary secretary to the minister for industrial affairs in the period March to December 1996, and also parliamentary secretary to the minister for recreation, sport and racing for that same period of time.

With that, on behalf of Liberal members, I acknowledge Sam's public service, and his service to his local community, firstly in the electorate of Florey and then in latter years on the West Coast; and I pass on our condolences to his family and his friends.

**The Hon. K.J. MAHER (Leader of the Opposition) (14:28):** On behalf of the Labor opposition, I rise to speak to and lend my support to the condolence motion for Mr Sam Bass, the member for Florey from 11 December 1993 through until 10 October 1997. Our thoughts and best wishes are with Mr Bass's friends and family at what is, no doubt, a difficult time.

As has been mentioned, Mr Bass won the seat of Florey from the Hon. Robert Gregory, the minister for correctional services, minister for labour relations and occupational health and safety, and minister for state services. It is no small feat to win a seat from a sitting member, let alone a



sitting minister, or to win a seat like Florey, which had for a long time been a relatively strong Labor seat and, as the Hon. Rob Lucas pointed out, with the campaigning cunning of the forces of Peter Duncan operating in the area over a long time—but it was actually quite a feat to win that seat from Robert Gregory.

Prior to joining the parliament, Mr Bass was a police officer, a detective sergeant, spending, I understand, 33 years in the force before becoming a parliamentarian. I have heard he conducted his career with some enthusiasm and gusto as a member of the police and, by all accounts from other members of parliament and, as the Hon. Rob Lucas pointed out, there are probably some stories that are not fit or do not bear putting on the parliamentary record, but certainly I have heard accounts from members of this parliament of stories about his time in the police force and the gusto with which he discharged his duties there.

Mr Bass, as has been pointed out, was also with the SA Police Association, in fact the secretary of that association, that union, and president, I am informed, of the Speedway Control Council. He occasionally, in sticking up for what he believed, broke ranks with his party and his government, as has been discussed, in relation to smoking bans and also in relation to things like proposed changes on firearm sales.

Mr Bass worked hard in his electorate and was a supporter of services to his electorate, and supported with enthusiasm things like the O-Bahn and Modbury Hospital. He also opposed things he believed would cause some harm. I am informed, for example, the instant scratchie vending machines was one area which he thought would cause harm and he opposed it.

Mr Bass was a significant contributor to parliament, and was parliamentary secretary to the minister for industrial relations and parliamentary secretary to the minister for recreation, sport and racing, in respect of industrial affairs and racing, as well as, I am told, the acting Speaker of the other place from time to time. Once again, on behalf of the Labor opposition, I extend our thoughts and best wishes to Mr Bass's loved ones and commend this motion to the chamber.

**The Hon. J.S.L. DAWKINS (14:31):** I rise to associate myself with the remarks of the Leader of the Government. I have some very vivid memories of Sam Bass. I did not have the privilege of serving in this parliament with him, because he lost his seat the day I was elected. However, I knew him pretty well for a long period. I first met him through some links I had with members of the Elizabeth CIB. As has been mentioned, he was a detective sergeant and, as many members of the CIB could be described, a character of the day. He has been described as frank and forthright and, as I think the Leader of the Government said, he never left you in much doubt on what he thought.

I also remember his role as the secretary of PASA (Police Association of South Australia), and he was emphatic in his support for police officers in general and their role and the support that they needed. He was ahead of his time. He was particularly concerned about mental health issues for police officers who had to witness some pretty horrific circumstances as part of their work.

I do recall vividly one day at a function him telling me that he was going to join the Liberal Party and was going to stand against Bob Gregory. At that stage, I suppose, the full facts about the State Bank had not quite come to light, so I, like others, wondered how he would go unseating a sitting minister. However, as we have heard, he had a very large swing and became the member for Florey.

When I was preselected to come into this place in February 1997, I suppose I had had quite a lot of activity in the north-eastern suburbs in the employ of then Senator Nick Minchin, but had also been involved in the campaign for Makin, when those great traits of Peter Duncan, the former member for Makin, did not serve him as well as they served other people. I had been campaign manager for Trish Draper when she beat Peter Duncan, and had had a lot to do with the north-eastern suburbs.

For that reason the Liberal Party allocated me as a candidate to not only Florey but also Wright and Playford. I did quite a bit in Wright and Playford, but Sam's attitude was, 'Well, if you want to come in the office and lick stamps, you can do that, but it's all under control, don't need any help from you, I'm good, I'm going to win the seat again.'

I am not sure whether it was a CPA trip or it might have been as an acting presiding member, but he went away on a trip to Vanuatu or somewhere like that. Before that campaign came to fruition, there was another postcard I think to do with guns, which was equally as effective—

**The Hon. I.K. Hunter:** An AK-47.

**The Hon. J.A. DARLEY:** An AK-47—I take the interjection from the Hon. Mr Hunter. Just before that all came to light I travelled with Sam down to the Royal Showgrounds. We were allocated together to the Liberal Party stand at the Show. He told me with great delight his thoughts about what he wanted to do with the rest of his parliamentary career. I think he had some ambitions to sit in the big chair in the House of Assembly.

Soon after that there was the very active Labor Party campaign against him, a campaign that was also associated with people who did not profess to be part of the Labor Party but had some strong links, one would suspect. One particular person, whose name escapes me—the Hon. Mr Hunter might help me later—drove around in the same sort of car that the Leader of the Government used to drive around in, a VW beetle.

Like the leader, after Sam lost his seat I did not have a lot of contact with him for a while. I was aware that he went over to the West Coast and he did work for Graham Gunn for a period. However, I bumped into Sam in Adelaide a couple of times. The last time I saw Sam I was in Ceduna with the Natural Resources Committee. We were staying in Ceduna and we bumped into Sam. He was there in his capacity as an ambulance training officer. He was very positive about the role he was playing, which was consistent with his earlier work of supporting emergency services workers. He proceeded to tell me all about the work he was doing within the Ambulance Service and for ambulance volunteers.

Sam was one of the most colourful characters to be in this parliament. Not everybody loved Sam Bass, but you never died wondering what he thought about an issue. As I said, I have some very vivid memories of his service not only to this parliament but to his community, as well as to his original profession, which was the police service of this state. I extend my sympathy to Sam's family.

**The PRESIDENT:** I join honourable members in expressing my condolences to Mr Bass's family and honouring his service. I ask honourable members to stand in their places and carry the motion in silence.

Motion carried by members standing in their places in silence.

*Sitting suspended from 14:39 to 14:51.*

#### *Parliamentary Procedure*

### **PAPERS**

The following paper was laid on the table:

By the Minister for Health and Wellbeing (Hon. S.G. Wade)—

Regulations under the following Acts—

Controlled Substances Act 1984—Phenibut

#### *Ministerial Statement*

### **STATE BUDGET**

**The Hon. R.I. LUCAS (Treasurer) (14:51):** I seek leave to make a ministerial statement on the subject of the 2017-18 budget result to be a significant deficit.

Leave granted.

**The Hon. R.I. LUCAS:** At the time of the 2017-18 Mid-Year Budget Review in December 2017, the former Labor government claimed razor thin budget surpluses of \$12 million and \$14 million for 2017-18 and 2018-19 and modest surpluses for 2019-20 and 2020-21. Analysis now conducted by Treasury shows that these claimed budget surpluses assumed massive budget cuts of \$247.7 million in 2018-19, building to \$715 million in 2021-22. The most significant component of

these budget cuts related to cuts to the health budget, ranging from \$141.3 million in 2018-19 up to \$445.5 million in 2021-22.

I seek leave to have incorporated into *Hansard*, without my reading it, a purely statistical table, which is a Treasury analysis of previous government savings commencing from 2018-19.

Leave granted.

Previous Government Savings Commencing from 2018-19 (\$'000)

Note: Agency allocations are pre Machinery of Government changes following the March 2018 Election

AGENCY (PRE-MOG)	EXISTING EFFICIENCY DIVIDENDS \$'000 (1)			
	2018-19	2019-20	2020-21	2021-22
Attorney-General	2,371	4,999	7,836	10,756
Child Protection	1,220	1,250	1,281	1,313
Communities and Social Inclusion	5,869	9,226	11,614	13,736
Correctional Services	2,116	4,457	7,104	10,139
Courts Administration Authority	509	1,050	1,649	2,273
Defence SA	153	311	477	604
Education and Child Development (2)	7,512	13,970	23,549	31,900
Electoral Commission of SA	-	-	-	-
Emergency Services	551	1,129	1,727	2,171
Environment, Water and Natural Resources	2,191	4,664	7,469	10,241
Environment Protection Authority	228	465	739	1,017
Green Industries SA	-	19	43	72
Health and Ageing	114,479	214,457	314,473	405,175
Housing SA	863	1,685	2,427	3,187
Lotteries Commission of SA	-	-	-	-
Planning, Transport and Infrastructure	4,153	10,145	16,322	23,598
Police	8,056	16,250	18,820	20,490
Premier and Cabinet	2,056	4,310	6,228	8,414
Primary and Industries and Resources	1,864	3,796	5,875	8,022
Renewal SA	-	-	-	-
SA Water	-	-	-	-
State Development	11,042	23,980	37,905	35,327
Tourism	577	1,165	1,871	2,696
Treasury and Finance	847	1,637	2,709	3,782
Total Savings	166,657	318,965	470,119	594,913

(1) Primarily relates to 1% Efficiency Dividend on Employee Expenses and 1% Efficiency Dividend on Net Cost of Services.

(2) Includes SACE and Registration Boards

AGENCY (PRE-MOG)	2017-18 MYBR EFFICIENCY MEASURES \$'000			
	2018-19	2019-20	2020-21	2021-22
Attorney-General	5,806	8,908	9,041	9,177
Child Protection	1,574	2,415	2,452	2,488
Communities and Social Inclusion	2,337	3,558	3,567	3,577
Correctional Services	1,504	2,309	2,343	2,379
Courts Administration Authority	1,585	2,433	2,470	2,507
Defence SA	120	184	187	190
Education and Child Development (2)	4,393	6,742	6,843	6,945
Electoral Commission of SA	81	124	126	128
Emergency Services	-	-	-	-
Environment, Water and Natural Resources	3,158	4,846	4,918	4,993
Environment Protection Authority	855	1,312	1,332	1,352
Green Industries SA	73	113	114	115

AGENCY (PRE-MOG)	2017-18 MYBR EFFICIENCY MEASURES \$'000			
	2018-19	2019-20	2020-21	2021-22
Health and Ageing	26,789	39,153	39,741	40,337
Housing SA	2,254	3,459	3,511	3,563
Lotteries Commission of SA	19	29	30	30
Planning, Transport and Infrastructure	7,407	11,365	11,536	11,709
Police	2,620	4,019	4,079	4,141
Premier and Cabinet	5,854	8,981	9,117	9,251
Primary and Industries and Resources	1,598	2,451	2,488	2,525
Renewal SA	488	748	760	770
SA Water	3,739	5,737	-	-
State Development	7,121	10,927	11,091	11,258
Tourism	138	212	215	219
Treasury and Finance	1,548	2,375	2,411	2,447
<b>Total Savings</b>	<b>81,061</b>	<b>122,399</b>	<b>118,371</b>	<b>120,100</b>

(2) Includes SACE and Registration Boards

AGENCY (PRE-MOG)	TOTAL EXISTING SAVINGS \$'000			
	2018-19	2019-20	2020-21	2021-22
Attorney-General	8,177	13,907	16,878	19,933
Child Protection	2,794	3,665	3,733	3,802
Communities and Social Inclusion	8,206	12,784	15,181	17,313
Correctional Services	3,620	6,766	9,448	12,518
Courts Administration Authority	2,094	3,483	4,119	4,780
Defence SA	273	495	664	794
Education and Child Development (2)	11,905	20,712	30,392	38,845
Electoral Commission of SA	81	124	126	128
Emergency Services	551	1,129	1,727	2,171
Environment, Water and Natural Resources	5,349	9,510	12,387	15,233
Environment Protection Authority	1,083	1,777	2,071	2,369
Green Industries SA	73	132	158	187
Health and Ageing	141,268	253,610	354,214	445,512
Housing SA	3,117	5,143	5,937	6,750
Lotteries Commission of SA	19	29	30	30
Planning, Transport and Infrastructure	11,560	21,510	27,858	35,307
Police	10,676	20,270	22,899	24,631
Premier and Cabinet	7,910	13,291	15,345	17,665
Primary and Industries and Resources	3,462	6,247	8,364	10,548
Renewal SA	488	748	760	770
SA Water	3,739	5,737	-	-
State Development	18,163	34,908	48,997	46,585
Tourism	715	1,377	2,086	2,915
Treasury and Finance	2,395	4,012	5,120	6,229
<b>Total Savings</b>	<b>247,719</b>	<b>441,364</b>	<b>588,491</b>	<b>715,014</b>

(2) Includes SACE and Registration Boards

**The Hon. R.I. LUCAS:** Budget figures for 2017-18 now show that the former Labor government's last budget was in very significant deficit rather than the claimed budget surplus. There were significant budget blowouts in a number of departments, but especially Health, Child Protection and TAFE SA. An example of the former Labor government's inability to manage the health budget is demonstrated by considering the financial performance of the Central Adelaide Local Health Network over the last five years.

As of 30 April 2018, it was estimated that the 2017-18 budget, under former minister Mr Malinauskas, would be overspent by \$255 million. I seek leave to have incorporated into *Hansard*, without my reading it, a purely statistical table, which is an analysis of the Central Adelaide Local Health Network variance to budget over the last five years.

Leave granted.

Central Adelaide Local Health Network—Variance to Budget

		2017-18 (EOY projected at 30 April 2018)	2016-17 (June PPR)	2015-16 (June PPR)	2014-15 (June PPR)	2013-14 (June PPR)
		'000s	'000s	'000s	'000s	'000s
Variance to Budget	Revenue excl Approp	-30,839	-12,240	21,935	26,862	23,812
	Expenditure	-224,301	-74,462	-167,715	-117,801	-81,451
	Net Over Spend	-255,140	-86,702	-145,780	-90,939	-57,639

**The Hon. R.I. LUCAS:** The table which has now been incorporated into *Hansard* shows that, over the previous four years, the Central Adelaide Local Health Network budget was overspent by between, at the lowest level, \$57.6 million and up to \$145.8 million per year. As I said earlier, in the most recent year 2017-18, under the former minister Mr Malinauskas, the estimated budget overspend was \$255 million in that year alone. Treasury analysis of the Labor government's management of the Health budget shows that budgeted savings targets were rarely if ever achieved.

In 2017-18, even with the reversal of savings of almost \$200 million, SA Health will not achieve any of the remaining \$70 million in savings required of it. Even with this record of non-performance, the former Labor government was estimating budget surpluses over the forward estimates period on the assumption that they would deliver budget cuts to Health of up to \$445.5 million per year. It is clear that the former Labor government was aware that its record demonstrated it could never achieve these claimed level of savings, yet it continued to use them to artificially prop up future predicted surpluses.

The true position of an underlying structural deficit was being masked by the one-off proceeds of privatisation proceeds such as the privatisation of the Motor Accident Commission. Now that those one-off privatisation proceeds have been spent and wasted, the true nature of the financial mess left by the Labor government is starkly revealed.

The Marshall Liberal government's first budget will be designed to tackle the former Labor government's waste and financial mismanagement and will replace funding for Labor government priorities with funding for new priorities to create jobs, lower costs and deliver better services.

#### OAKDEN MENTAL HEALTH FACILITY

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:56):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. S.G. WADE:** Monday 10 April 2017 was a dark day in this state's history. With the delivery of Dr Aaron Groves' Oakden Report we learnt that older South Australians with complex mental illness had been failed by the very system that was supposed to care for them.

The Marshall Liberal government has today released two reports that will pave the way for a new and improved way of caring for some of South Australia's most vulnerable older people. The Oakden oversight committee report and SA Health's response will help to ensure the systematic failings exposed at Oakden will never be repeated.

I would like to thank everyone who has been on this collaborative, co-designed journey to improve the experiences of and outcomes for older people with behavioural and psychological symptoms of dementia or mental illness. This includes the families who initially raised their concerns,

the former chief psychiatrist, the Principal Community Visitor and more recently Dr Tom Stubbs, chair of the oversight committee, Dr Duncan McKellar, head of the Older Persons Mental Health Service and the many people who have contributed to the expert working groups, particularly those with lived experience.

The reports provide a roadmap for the future care and management of older people with significant dementia or complex mental health needs. Under the leadership of the oversight committee, six expert working groups have spent almost 12 months exploring how to implement the former chief psychiatrist Oakden Report recommendations and planning for a new service that treats older people with dignity and respect.

Significant improvements have already been made, including the commissioning of Northgate House and planning for the development of a statewide neurobehavioural unit. While the state government supports the recommendations of 24 beds for extreme dementia, this may be in a single facility or two smaller specialist facilities, with the locations yet to be determined. We are committed to establishing a new unit but rather than focusing solely on a single service at Modbury Hospital proposed by the infrastructure/facility expert working group we are now looking into options of establishing the service on the site of the former Repatriation General Hospital.

At the time of the Oaken oversight committee deliberations the Repat was not considered because it was under contract for sale, but that contract has since been terminated. There are challenges with the Modbury option and opportunities at both the Repat and Northgate sites. Building a new older persons mental health facility for people with extreme behavioural and psychological symptoms of dementia will be explored as part of the community and staff consultation in the development of the master plan for the Repat site. We will also investigate the need for further hubs as the projected demand for beds for the management of BPSD grow, and to meet the needs of people with enduring mental illness.

To address the range of issues raised in the report SA Health will now develop a detailed implementation plan. The Oakden Response Implementation Plan will outline the steps required to deliver improved models of care, optimum staffing models and suitable infrastructure for this specific cohort of vulnerable people.

We have already made significant improvements since the former chief psychiatrist's initial review into Oakden. Reforms already in place include a new approach to the delivery of care at Northgate House ensuring the care team work collaboratively with each family so that residents get the personalised care they need and deserve. I have recently tabled legislation to protect vulnerable adults.

The Oakden Response Implementation Plan will have the oversight of senior executives in SA Health, including the chief executive and Chief Psychiatrist, and updates will be publicly reported every six months. The Oakden oversight committee report and SA Health's response are available on the SA Health website, [www.sahealth.sa.gov.au](http://www.sahealth.sa.gov.au).

#### **COOPER PEDY DISTRICT COUNCIL**

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:00):** I table a copy of a ministerial statement relating to the District Council of Cooper Pedy made earlier today in another place by my colleague the Minister for Transport, Infrastructure and Local Government and Planning.

*Parliamentary Procedure*

#### **ANSWERS TABLED**

**The PRESIDENT:** I direct that the written answer to a question be distributed and printed in *Hansard*.

*Members*

#### **MEMBER'S REMARKS**

**The Hon. R.P. WORTLEY (15:03):** First of all, I would just like to welcome the Hon. Mr Ridgway and the Hon. Ms Lensink to the chamber. It is good to see you here.

**The PRESIDENT:** I did not give you the call for humour.

**The Hon. R.P. WORTLEY:** Sorry, sir. On Thursday—

**The Hon. T.A. FRANKS:** Point of order, Mr President: I do believe it is unparliamentary to draw attention to the absence or presence of any member in the council.

**The PRESIDENT:** I uphold the point of order. You should have known better—

**The Hon. T.A. FRANKS:** I would have thought an ex-president might know that.

**The Hon. R.P. WORTLEY:** Thank you, Mr President. On Thursday 26 July, the honourable Assistant Minister to the Premier made the following comment:

...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.

This was in relation to my question on the appointment of a Dr Nannapaneni to the SAMEAC board. At no time, in all the times that I have mentioned his name, did I reflect on the integrity or the competence of Dr Nannapaneni. My questioning, every time, was in regard to the consultation process of his appointment.

**The Hon. T.A. FRANKS:** Point of order, Mr President: I believe the member is debating the question.

**The PRESIDENT:** The Hon. Mr Wortley, as I understand it, this is a point of order. From what you have just said, your—

*Members interjecting:*

**The PRESIDENT:** I do not need assistance from the government benches. As I understand what you have said, and if I link it to what you said last week, you are raising an issue that another member has made an injurious statement against yourself. Is that correct?

**The Hon. R.P. WORTLEY:** That is exactly right, under standing order 193. I ask the honourable member to withdraw those comments or for you to make a ruling under standing order 193.

**The PRESIDENT:** Could you remind me of the name of the honourable member?

**The Hon. R.P. WORTLEY:** The Hon. Ms Lee.

**The PRESIDENT:** The Hon. Ms Lee, do you have a response to what the Hon. Mr Wortley has said?

**The Hon. J.S. LEE (15:05):** Thank you, Mr President. The honourable member may have misinterpreted my remarks, but insofar as the member views that I have made injurious reflections on the member, then I withdraw my comments.

**The PRESIDENT:** Mr Wortley, I think that ends the matter.

*Question Time*

#### **SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION**

**The Hon. K.J. MAHER (Leader of the Opposition) (15:06):** My question is to the minister assisting the Premier in multicultural affairs. Does the assistant minister stand by her and her government's appointments to the board of the South Australian Multicultural and Ethnic Affairs Commission (SAMEAC)? Before those appointments were made, what due diligence did the assistant minister or her government conduct on those possible appointees?

**The Hon. J.S. LEE (15:06):** The government of the day certainly has done its due diligence by calling up different community leaders to verify the qualifications of those appointees on SAMEAC.

**SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION**

**The Hon. K.J. MAHER (Leader of the Opposition) (15:06):** Supplementary: does the assistant minister stand by her comments that the appointments are of the highest quality and calibre?

**The Hon. J.S. LEE (15:07):** Yes.

**SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION**

**The Hon. K.J. MAHER (Leader of the Opposition) (15:07):** My next question is to the minister assisting the Premier in multicultural affairs. Who recommended the appointment of Mr Mario Romaldi to the board of the South Australian Multicultural and Ethnic Affairs Commission? What were the exact criteria that the assistant minister or the government used? What contribution does the assistant minister think Mr Romaldi will make to the board and is she concerned about previous publicly available statements Mr Romaldi has made?

**The Hon. J.S. LEE (15:07):** Last night, when we gathered at the Olympic Hall for the Greek community of South Australia, putting together the thoughts and ideas to coordinate a committee that will raise funds to assist the victims of the fires in Greece, Mario Romaldi was one of the SAMEAC members who attended the meeting. Today, as honourable members will have seen, the title in the newspaper stated that 'Greek wildfire tragedy forges community spirit', as ethnic groups united in Adelaide to coordinate fundraising. The Hon.—

**The Hon. K.J. Maher:** Are you going to answer the question?

**The Hon. J.S. LEE:** I will get to that. It's my time to answer. You should listen.

*Members interjecting:*

**The PRESIDENT:** Order! Let the member answer the question.

**The Hon. J.S. LEE:** The Hon. Russell Wortley as well as the Hon. Irene Pnevmatikos were also there at the function last night. When it comes to appointments to SAMEAC, when it comes to the development of multicultural South Australia as a state, we always have received bipartisan support. I do not understand what the question is all about.

**SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION**

**The Hon. K.J. MAHER (Leader of the Opposition) (15:09):** Supplementary arising from the answer—

**The PRESIDENT:** It is going to have to be good.

**The Hon. K.J. MAHER:** The honourable member has raised attendance at events as an admirable quality of a particular appointee. Is she also concerned about publicly available statements the appointee has made?

**The Hon. J.S. LEE (15:09):** I have not seen any statements and public statements, so I do not know what the member is referring to.

**ROMALDI, MR M.**

**The Hon. K.J. MAHER (Leader of the Opposition) (15:09):** The honourable member has raised in her original answer the admirable qualities of attendance at events. Is the honourable member concerned about publicly available statements Mr Romaldi has made—

*Members interjecting:*

**The Hon. K.J. MAHER:** It's a different question—referring to a woman as a 'reckless backstabbing lesbian', referring to a woman as a 'patronising bitch' and referring to a woman as a 'divorced slapper'? Is she concerned about these statements?

**The PRESIDENT:** Leader of the Opposition, I'm going to rule that question out of order because it was not raised in the response. Another member of your party may wish to ask that question. The Hon. Ms Scriven, you have the call.



**SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION**

**The Hon. C.M. SCRIVEN (15:10):** My question is to the minister assisting the Premier. Does the assistant minister consider it an appropriate contribution for a member of the South Australian Multicultural and Ethnic Affairs Commission to call a woman either a 'reckless backstabbing lesbian', a 'patronising bitch' or a 'divorced slapper'?

**The Hon. J.S. LEE (15:10):** I can't make any comments to that because I have not seen those statements.

*Members interjecting:*

**The PRESIDENT:** The Hon. Ms Scriven. Order!

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

**The PRESIDENT:** The Hon. Mr Hunter, your own member is on her feet. Show her some respect.

**SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION**

**The Hon. C.M. SCRIVEN (15:11):** Is the assistant minister aware of the Premier's powers that can affect this issue under section 8 of the South Australian Multicultural and Ethnic Affairs Commission Act?

**The PRESIDENT:** Hon. Ms Scriven, that is a new question.

**The Hon. C.M. SCRIVEN:** It's in regard to the honourable member's answer.

**The PRESIDENT:** No, it is not. It did not arise. The member simply responded they were not aware of those comments. I rule that question out of order. Do you have another supplementary?

*Members interjecting:*

**The PRESIDENT:** Hon. Mr Ridgway, you are not acting in a manner I expect from a minister, and equally those comments can apply to the opposition. Hon. Ms Scriven, do you have another supplementary?

**SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION**

**The Hon. C.M. SCRIVEN (15:11):** A further supplementary: will the assistant minister now inquire into these outrageous comments that have been made by someone that her government has appointed to the South Australian Multicultural and Ethnic Affairs Commission?

**The PRESIDENT:** The first part of the question is fair. I will allow the question. The Hon. Ms Lee.

**The Hon. J.S. LEE (15:12):** I will take those questions on notice and provide an answer back to the parliament.

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

**The PRESIDENT:** The Hon. Mr Hood. The Hon. Mr Hunter, restrain yourself.

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

**The PRESIDENT:** The Hon. Mr Hunter, have you finished?

**The Hon. I.K. Hunter:** Thank you, sir.

**REGIONAL TOURISM**

**The Hon. D.G.E. HOOD (15:12):** We'll start with the sensible questions now.

**The PRESIDENT:** I don't need commentary from you, the Hon. Mr Hood. Get on with the question.

**The Hon. D.G.E. HOOD:** My question is to the Minister for Trade, Tourism and Investment. Can the minister please inform the chamber of his fourth ministerial trip into regional South Australia

to meet with tourism operators and the local business communities of the Murraylands and the Riverland?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:12):** I thank the honourable member for his ongoing interest in regional South Australia. Yes, last week I did another two of the Meet the Minister events in regional South Australia. I should congratulate the South Australian Tourism Industry Council. Following the release of the Regional Visitor Strategy, I said, 'Why don't we do some regional visits?' They said, 'We'll organise them for you.' There are 19 of these three-hour meetings across South Australia. We have concluded 14 now. We had one in Hahndorf last night.

It's a great opportunity for me to get out and mix with some of the people I know well across regional South Australia. Last Friday's early morning one was at The Bend, the motor racing facility, which I have driven past thousands of times on that road. I have been in for a quick look when the superbikes were there but I met Dr Sam Shahin there before the tourism meeting where she gave me a guided tour of the facility, and it is a spectacular facility. The Shahin family should be commended for the investment they have made in South Australia which will have a caravan park, some extra driving training facilities, an ANCAP testing area, and of course accommodation for motoring enthusiasts, and an air strip. I saw the old Mitsubishi Motors drag strip or test strip where Mr Shahin, Dr Shahin and their family are going to turn it into an air strip. It was great to have a look around.

We had great attendance at the Meet the Minister forum—over 50 people in attendance—and a whole range of good questions were asked. Regional tourism: there is some enthusiasm and excitement in that particular area. From there, I had a great opportunity to go to the Big River Pork processing facilities and abattoirs, which I hadn't been to before. I have been to a number of abattoirs and pig abattoirs in my time. This was certainly impressive and very up to date. I think they have some expansion plans because clearly there is a big demand for the high-quality produce they turn out.

I then went on to Renmark. Members will recall that last week I talked about the signing of the EasyMile MOU, which is the driverless vehicle—

*Members interjecting:*

**The Hon. D.W. RIDGWAY:** Obviously, members are quite excited about the visit to a pork abattoir. There were some familiar faces, I would have to say. I talked last week about the EasyMile trial at the Lyell McEwin Hospital and the old General Motors Holden car park. What I saw was fabulous. The Renmark council is now going to implement this EasyMile driverless bus in its community to connect a couple of retirement villages with the town centre, the hospital and doctors. It is a great initiative because so often new technology makes it into the city and is embraced by the city, but it doesn't get out to our regional areas. It was fabulous.

I commend the district council for having the foresight and vision to go down that path of having a driverless vehicle. Some of the citizens and residents at a couple of the aged-care facilities said they can now finally relinquish their driver's licences because they know they still have their independence. They can jump on this bus, go to the doctor, go to the hospital, go to the shopping centre and do all the things they would like to do. I think it's a great initiative for that regional community, and I look forward to the development that has been going on there. We also had a great turnout for the tourism workshop on the *River Murray Queen*, which is a spectacular facility. Matt and Susan Major are taking that from strength to strength.

I also had an opportunity to get up at the crack of dawn, as I often do, to look at the sunrise over the River Murray from Headings Landing, which was really spectacular. It is part of Mr Tony Sharley's great Murray River Walk. He is doing an incredible job of showcasing the river and local produce through his luxury guided walks. Again, it shows that there is so much we take for granted as South Australians that we need to share with the rest of the world. People like Mr Sharley share it in an exceptional way, and I congratulate him on what he has done.

We also had an opportunity to look at some other great businesses there. Mr Ben Haslett from Woolenook Fruits had a whole range of suggestions around trade, exports and growing the South Australian economy. I congratulate him and thank him for his suggestions. I look forward to

the five remaining regional visits that we will do over the next few weeks to complete the 19 three-hour meetings across regional South Australia.

### REGIONAL TOURISM

**The Hon. K.J. MAHER (Leader of the Opposition) (15:17):** A supplementary arising from the answer: I commend the minister for his previous answers in relation to supporting Indigenous tourism. Which Indigenous businesses, stakeholders or Aboriginal nations did the tourism minister meet with on this visit?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:17):** On this particular visit, I didn't meet with any Indigenous tourism operators or Aboriginal nations representatives, but we did talk to the Coorong council about the Coorong and the opportunities they have there. I don't think it's called the great Murray River Walk—that's Tony Sharley—but there is a River Murray walk that the Coorong council, the local RDA and tourism operators are talking about, clearly discussing opportunities for enhancing the visitor experience, showcasing Indigenous tourism and telling the stories. It was part of the conversation we had, but I didn't actually meet with anybody from that particular sector.

### FINES ENFORCEMENT AND RECOVERY UNIT

**The Hon. F. PANGALLO (15:18):** I seek leave to make a brief explanation before asking a question of the minister representing the police minister about the fines recovery unit.

Leave granted.

**The Hon. F. PANGALLO:** A constituent has written to me about a problem he had with the South Australia Police after being stopped twice for being suspended from driving. On the first occasion, he was informed that the suspension was in place because he had not paid a fine for having an unregistered dog. After immediately paying the fine, he was told his enforcement order was lifted. However, three days later he was stopped again for the same licence suspension and forced to sit on a footpath as police searched him and his vehicle and asked him questions dating back 20 years.

When he queried the matter with the fines recovery unit, the constituent was told SAPOL was having 'computer system issues and they were not receiving notifications of suspension orders being lifted'. The fines recovery unit is, of course, doing its job trying to claw back hundreds of millions of dollars owed in unpaid fines. My questions to the police minister are:

1. Are there problems with communications from the fines recovery unit to SAPOL?
2. How long have these problems existed and when will it be fixed?
3. How many fine defaulters who subsequently rectify the situation have been affected by these computer glitches?
4. Will apologies be issued to people who have been wrongly stopped for checks?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:20):** As minister representing the Minister for Police in the other place, I will take that question on notice and refer it to him.

### WOMEN'S AND CHILDREN'S HOSPITAL

**The Hon. K.J. MAHER (Leader of the Opposition) (15:20):** My questions are to the Minister for Health and Wellbeing:

1. Will the minister advise what the current costings advice is for the new proposed women's and children's hospital?
2. Is the expected publicised \$1.8 billion cost for the new women's and children's hospital to be fully reflected in this year's state budget?
3. What sites are under consideration for the new women's and children's hospital?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:20):** I thank the honourable member for his question. Perhaps the first cost for the women's and children's hospital I might refer to is Labor's costing. In October 2013, leading up to the 2014 election, the Labor Party told the people of South Australia that they were going to build a new women's and children's hospital alongside the new RAH at a cost of \$600,000—

**The Hon. D.W. Ridgway:** \$600 million.

**The Hon. S.G. WADE:** —\$600 million, sorry; even that would have defied logic. So, at a cost of \$600 million and they would do it by 2023. Two years later, after the election, as part of Labor's Transforming Health initiative, they promised that they were going to fast-track the project so that improvements in the care of women and children could be delivered even sooner. In 2017, Labor broke its promise to the South Australian community when it announced that it was going to build two hospitals, leaving the children's hospital stranded in North Adelaide for an indeterminate period.

In 2018, after the election, Labor claimed that the cost would be more than \$2.5 billion. That was a public statement by the Leader of the Opposition after the 2018 election. One's got to ask: why did he say that? We now know from the work of *The Advertiser* that there was a briefing provided to him in early February that suggested a price of \$1.8 billion. There have been subsequent articles in *The Advertiser* which have talked about options. I don't have access to either of these documents, so I don't know the date of the options paper, but the report suggests that it was produced before the March election.

I think Labor has to answer some very pertinent questions: why are they continuing to mislead the people of South Australia by promises that they never keep, and costs that run up and down the scale without any rhyme or reason. So what have I done? What I have done is honoured the commitment that the Liberal Party made—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. S.G. WADE:** —to the people of South Australia by establishing a task force to look at options. Mr Jim Birch—sorry, I think he might be Dr Jim Birch but, anyway, certainly illustrious. In many circles in Adelaide, he is already known as 'Saint Jim Birch' because he is held in such high esteem. He is leading a 15-person task force, which has been established to drive the project and develop a fully-costed plan with a view to achieving build completion by 2024.

The first meeting of that task force was held in early June, and there are five reference groups providing high-level advice. The task force will identify the capital cost of the project, the number of inpatient beds required and the statewide models of care required to support the hospital's day-to-day operations. Let me just remind the house why it is so important that we tackle this project. What the former Labor government did was, in 2017, to abandon the idea of a co-located women's and children's hospital in the NRAH precinct, and what would that have meant? If they had stumbled back into government this time, that would have meant that we would have had two separate builds, the women's hospital at the NRAH site, and the children's hospital at the North Adelaide site.

What we will continue to have is a situation where, in an emergency, gravely ill children will need to be flown to the Royal Adelaide as part of any medical retrieval and then transferred to the Women's and Children's Hospital by ambulance. That is a significant risk to children. In that context, I would remind honourable members of a statement by the Australian Medical Association. They said that they don't support Labor's plans because they are concerned that Labor's plans—and I quote—'will leave very sick neonates without on-site access to vital subspecialty medical and surgical services, specialised radiology and laboratory investigations.'

The second element for why Labor's plan would be so dangerous for the people of South Australia is for women. If the former Labor government had been re-elected and was implementing its plan, we would have a situation where sick mothers would be separated from sick babies. Having the women's and children's hospital next to the RAH would end the practice of separating seriously ill mothers from their newborn children and transferring them to another hospital for adult intensive care services.

So I, like other members on this side of the house, and I know from the crossbench, are looking forward to Jim Birch's task force report. It is due by the end of the year, and we look forward to seeing all the options, all the costings, and following through on an important commitment to the people of South Australia, particularly to women, children and babies.

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

**The Hon. K.J. MAHER (Leader of the Opposition) (15:26):** Supplementary arising from the original and extensive answer: given that the government's promised hospital will be opening in less than six years from now, is the minister's answer to this chamber that he has no preliminary or approximate costings or budget for what this might cost? Is that really what he is asking us to believe?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:26):** I, like other members of the house, am looking forward to Jim Birch's task force report.

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

**The Hon. K.J. MAHER (Leader of the Opposition) (15:27):** A further supplementary from the minister's original answer: given that the government has promised to open this hospital in less than six years, does the minister concede that, if there is nothing in this year's budget, which goes out to forward estimates of four years from now, there is no way this can be delivered in six years?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:27):** One thing that will be in the budget in relation to the Women's and Children's Hospital is sustainment effort at the current site. What we have had is a former Labor government, which was dilly-dallying over this project for years and years, and we have serious issues at the Women's and Children's Hospital that will require sustainment investment in spite of the project. The fact of the matter is that we need to minimise the transfer time because extending the transfer time will only increase the sustainment expenditures.

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

**The Hon. K.J. MAHER (Leader of the Opposition) (15:28):** A supplementary arising from the original answer: does the minister stand by his government's promise that a new women's and children's hospital will be open in less than six years from now?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:28):** The commitment of the Liberal government is that we will deliver a best practice health service for women and children, developing a fully costed plan, with a view to achieving co-location by 2024.

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

**The Hon. K.J. MAHER (Leader of the Opposition) (15:28):** A supplementary arising from the original answer on the task force that has been set up: has the minister excluded representative bodies from the task force, such as the Australian Nursing and Midwifery Association, and has this breached an election promise that the task force will include clinicians, health professionals and industrial organisations?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:28):** I don't know the election commitment the honourable member is referring to, but let me be clear: the task force is more than half clinicians. I insisted that, in selecting those clinicians, the views of employee organisations be sought, and I hardly think it is credible for this Labor Party to come into this chamber and talk about consulting with clinicians and their employee organisations.

For the last four years, while Transforming Health was being rolled out, continually we had the ANMF, SASMOA, the Health Services Union and other unions saying, 'Why won't the government talk to us?' They claim to be the party that is a political wing of the industrial movement, yet their behaviour belies that fact. Continually, clinicians were telling us that neither they nor their unions were consulted in Transforming Health and in other parts of the operation.

There's still a lot to be done in improving SA Health's engagement with its employees, but I can assure you that there are much greater prospects under this government, which respects clinicians and employees, unlike the former Labor government.

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

**The Hon. K.J. MAHER (Leader of the Opposition) (15:30):** Final supplementary arising from the original answer: has the ANMF been excluded from this task force?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:30):** No.

**The PRESIDENT:** The Hon. Mr Dawkins.

*Members interjecting:*

**The PRESIDENT:** No, I have given the call. I have given the call, minister, to the Hon. Mr Dawkins.

**CHILDREN'S HEALTH SERVICES**

**The Hon. J.S.L. DAWKINS (15:30):** My question is directed to the Minister for Health and Wellbeing. Will the minister update the council on children's health services?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:30):** If I could take the opportunity to clarify my previous statement. There are no representatives on the task force. There are no formal representatives of any employer organisation or any other organisation. The point is that members were appointed on their merits. Nominations came from within SA Health and from within other organisations.

I thank the honourable member for his question. The Marshall Liberal government is committed to delivering improved health services to all South Australians. As of this week, one special group of South Australians will receive significantly improved services as the new neonatal intensive care unit is opened at Flinders Medical Centre. The \$17.5 million purpose-built facility was officially opened on Saturday, with its residents being moved yesterday and today.

The redevelopment of the neonatal facility incorporates state-of-the-art technology and is based on a family-integrated model of care. Being 30 per cent larger than the old unit, the new neonatal intensive care unit includes a total of 50 beds, with 16 neonatal intensive care beds, 10 high dependency beds and 24 special care beds. The FMC neonatal unit has a national reputation for providing world-class care for high-risk, preterm newborns and babies, with a track record of clinical innovation, the use of information technology and research.

It is also recognised for having one of the highest rates of survival without disability of infants that are born extremely preterm—less than 28 weeks—in Australia and New Zealand. The new larger neonatal unit has been designed with families at the centre of their baby's care. It will reinforce that reputation and hopefully raise it even further. The redevelopment will not only benefit residents in Adelaide's south, it will continue to accommodate some of the most critical and complex cases from around the state and the Northern Territory. There are approximately 1,250 sick and preterm babies treated there every year.

The move yesterday and today from the old unit to the new unit will involve around 35 babies. The move has been meticulously planned with each vulnerable baby accompanied by a doctor and a nurse. This milestone for the unit comes just three years after it was threatened with closure. The former Labor government had proposed to close the Flinders neonatal intensive care unit under Transforming Health.

The neonatal unit is an integral part of the southern community and the proposed centralisation from Labor rightly outraged clinicians and families. This simply was another one of the former government's many backflips following the destruction of the South Australian health system under Transforming Health. The plan would have seen parents of some of the highest acuity babies having to travel an extra 15 kilometres to visit their newborns at the Women's and Children's Hospital. I wish the babies and their families all the best as they complete their journey to the new neonatal unit and begin the long journey of life.

**CROWN LAND SHACKS**

**The Hon. M.C. PARNELL (15:34):** I seek leave to make a brief explanation before asking the Minister for Human Services representing the Minister for Environment and Water a question about shacks on Crown land.

Leave granted.

**The Hon. M.C. PARNELL:** The Greens have been copied into some correspondence between a representative of a group of shack owners and the minister in relation to a dispute over shacks on Ewe Island in the Coorong. The land in question is Crown land. It is subject to a registered perpetual lease. Leaving aside the merits of the dispute between the shack owners and the Crown lessee, which I expect will end up in court, the correspondence includes some particularly alarming allegations. These include illegal construction of a roadway through a national park; unauthorised earthworks; unauthorised building demolition; unauthorised building construction; illegal burial of demolition materials, including asbestos; and unapproved wastewater disposal.

My question to the minister is: can the minister confirm whether all relevant planning and environmental laws have been complied with in relation to developments on Ewe Island? If not, what steps will he take to ensure that the laws are complied with?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (15:35):** I thank the honourable member for his question and for his interest in this area. Shacks are obviously an area that we have debated in previous parliaments numerous times. I will take those questions on notice and refer them to the minister in another place and bring back a response.

#### PRIVATE EMAIL ACCOUNTS

**The Hon. K.J. MAHER (Leader of the Opposition) (15:35):** I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing, regarding official correspondence.

Leave granted.

**The Hon. K.J. MAHER:** In the esteemed journal of record, the *Advertiser's* online news service, it's been reported that a spokeswoman for the minister stated that 'a few' work-related emails had been received by the minister on his personal email account. The 2014 ICAC annual report says about the use of private email to communicate official information that:

Such conduct might, at the least, amount to misconduct in public administration and be the subject of investigation and potential disciplinary action...The conduct therefore might also amount to an offence against section 17 of the SR Act. An offence against that section by a public officer while acting in his or her capacity as a public officer would amount to corruption in public administration under the ICAC Act.

My questions to the minister are: exactly how many work emails have been received on his private email account, on what I understand to be a private email server, that the spokesperson for the minister refers to as 'a few'? Has the minister ever sent official, work-related emails, in his capacity as minister, from his private email address that he apparently receives emails to? Has any member of the minister's staff ever sent the minister an email on his private address?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:37):** I do not use a private email account for ministerial or parliamentary business. I don't know how many have come in on that account, but it's very few. They are automatically sent to my parliamentary account, and of course they are subject to the Freedom of Information Act. In terms of members of my staff sending any emails to that address, I certainly am not aware of any.

#### PRIVATE EMAIL ACCOUNTS

**The Hon. K.J. MAHER (Leader of the Opposition) (15:37):** Supplementary question arising from the answer: when the minister says that emails are automatically sent to his parliamentary account, what does he mean? Which emails are sent? What address does he mean: does he mean the @parliament.sa.gov.au address?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:38):** If somebody sends me an email to my personal email address, a copy is sent to my parliamentary address (parliament.sa.gov.au).

#### PRIVATE EMAIL ACCOUNTS

**The Hon. K.J. MAHER (Leader of the Opposition) (15:38):** Supplementary arising from the original answer: does the minister consider work emails relating to his portfolio of responsibilities

are appropriate to be sent to an @parliament.sa.gov.au email address, rather than to his email address as a minister?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:38):** Let me assure you that the majority of the emails I get, in terms of the ones that come to me direct, don't go to my ministerial specific account; they go to my parliamentary one. I don't know what proportion of emails go to the generic email address that has been used by previous health ministers, but certainly I continue to get emails on my parliamentary account, related to ministerial business, and I often would be forwarding them on to the generic health minister's address.

#### PRIVATE EMAIL ACCOUNTS

**The Hon. K.J. MAHER (Leader of the Opposition) (15:39):** Supplementary question arising and for clarification purposes from the original answer: is the minister informing this chamber that he conducts official business as the Minister for Health using his parliamentary email address?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:39):** I get emails as the Minister for Health from both my parliamentary and my ministerial account. I do use both accounts and often I will respond to a person on the email that they sent me. However, let's be clear, I know that the Freedom of Information Act applies by the content not by the URL, so if it's ministerial business and it's on my parliamentary email account it's still ministerial business, it is still subject to the FOI.

#### PRIVATE EMAIL ACCOUNTS

**The Hon. K.J. MAHER (Leader of the Opposition) (15:40):** Supplementary arising from the original answer: when, as the minister has admitted, he receives portfolio-related emails on a personal account, what action does he take to make sure that that does not happen again? That is, does he send emails back, 'Saying this is a personal account. Please use my portfolio account'?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:40):** As I said before, the emails are few. That hasn't been my practice but certainly I'm happy to consider that.

#### PRIVATE EMAIL ACCOUNTS

**The Hon. K.J. MAHER (Leader of the Opposition) (15:41):** A final supplementary arising from the original answer: does the minister concede then that if he has done nothing to correct the record when emails come to his personal account and he conducts his portfolio business from a personal account he may have breached the State Records Act?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:41):** Let's be clear, I don't send any emails relating to parliamentary ministerial business from my personal email account. I have updated the autoreply on my parliamentary account to underscore the fact that my personal email is not for parliamentary or ministerial business.

#### DOMESTIC AND FAMILY VIOLENCE

**The Hon. J.S. LEE (15:41):** My question is to the Minister for Human Services and is about domestic violence services. Before I ask my question, can I firstly thank the minister for hosting Our WATCH lunch forum today. Can the minister update the chamber about the diversity of domestic violence in South Australia?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (15:42):** I thank the honourable member for her question. I thank the honourable members across the chamber and in the other place for their attendance at the Our WATCH event today. The Assistant Minister for Domestic and Family Violence Prevention and I have undertaken, through our domestic violence roundtables, to consult across South Australia. We have also been visiting a number of services and I would like to refer to some of them in response to the honourable member's question.

The office of the Women's Safety Services is located at Mile End. A number of members would be very familiar with it as it is also the location for the Zahra Foundation. Women's Safety Services South Australia is the organisation which runs a number of the cluster accommodations for women and families who are fleeing domestic violence.



On 12 July we were privileged to attend the Western DV Services with the CEO of that service as well as the CEO of Women's Safety Services South Australia to see some fairly recent and modern accommodation that is owned by the South Australian Housing Trust, and the services that are located there are provided through Women's Safety Services. We were also able to visit the relatively new service which is run by the St Vincent de Paul Society. It is a 20-room facility, staffed 24 hours a day and provides meals and similar services.

Families are also able to bring pets to the centre which is a very important initiative for a number of people. As honourable members may be aware pets are sometimes the reason why people don't flee domestic violence situations, because they are concerned about their pet's safety.

We also visited Yarrow Place, which is the sexual assault service. They expressed to us particularly that they were very supportive of the government announcement in relation to draft legislation, which has recently been announced, where strangulation is to be examined as a new form of assault under the legislation, and also Nunga Mi:Minar, which is the northern Aboriginal family violence service, which again is a particular cluster form of accommodation.

I would have to say that when we were at Nunga Mi:Minar, speaking to some of the board members there, they were very excited about the developments under the new Liberal government, where we have a new housing authority. I think they have already had contact with either the chair or the new CEO. They are aware that it is our intention to develop an Aboriginal housing strategy. Under the previous government, housing was mainstreamed. They are very keen to work with the new authority in terms of our strategy going forward.

The assistant minister and I also visited Catherine House, which a number of members would be familiar with, which is a service located within the metropolitan area for single women who are escaping domestic violence situations. It was really brought home to us at that particular visit about the trauma that a lot of people go through when they are fleeing these situations. It can take several months for people to work through that traumatic experience, and Catherine House provides a very invaluable service in terms of helping people to recover their independence and get onto a pathway where they can get on with rebuilding their lives.

I do thank all those service providers—I know that they have been very generous in the time that they provided—and participants, for want of a better word, who were there who shared their stories with us, which can trigger emotions for them that can be difficult to manage, but a very important part of our role is to understand the direct experiences of people. So I commend those services and thank them for the work that they do.

#### **SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION**

**The Hon. C.M. SCRIVEN (15:47):** I was pleased to be able to attend that event today, too, where it was stated that it's attitudes of lack of respect for women that is the root cause of violence against women and that parliamentarians should stand together to condemn the attitudes that lead to domestic violence. Given the minister is responsible for the status of women portfolio:

1. Does she consider that comments of a man calling a woman 'a reckless, backstabbing lesbian', a 'patronising bitch' or a 'divorced slapper' are inappropriate?
2. Will the minister condemn such comments?
3. If it is found that a member of a government-appointed board has made such comments, will she call for the Premier to have that person removed?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (15:48):** These matters have been taken on notice by the honourable Assistant Minister to the Premier.

**The Hon. C.M. Scriven:** Do you condemn them? Do you condemn those sorts of comments? They're outrageous comments. You should be condemning them without a second thought.

**The PRESIDENT:** The Hon. Ms Scriven, the question was hypothetical, and I gave you a lot of latitude with the question. The minister is keen to answer. Allow the minister to answer.

**The Hon. J.M.A. LENSINK:** I would take the same attitude on these sorts of comments as I did last year when the former Speaker of the parliament, someone who has been named in honourable members' maiden speeches, made sexually inappropriate comments on Twitter to another member of this house and myself. There were other comments—and it's regrettable that today's event is being politicised in this way—but there were members, very senior members of the Labor Party, who refused, including the Premier—

*Members interjecting:*

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

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.M.A. LENSINK:** In that instance, very senior members of the Labor Party, the Premier at the time, were bystanders, and it wasn't until another honourable member and myself had to push and push that there was any form of retraction. This went on for quite some period—I think it was something like 48 hours—and the silence of members of the Labor Party was deafening. I will not be lectured by the Labor Party, who are utter hypocrites on these issues.

#### **SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION**

**The Hon. R.P. WORTLEY (15:50):** Supplementary question: will the minister tell this council that she condemns any person using that disgraceful language, especially someone appointed to SAMEAC?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (15:50):** I will condemn that sort of language, and I will beg the members of the Labor Party to condemn the behaviour of their former Speaker and someone who has held a very senior position within the Labor government. Not one of them made public remarks to condemn his comments.

#### **SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION**

**The Hon. C.M. SCRIVEN (15:50):** Supplementary: will the minister call for anyone who has been appointed to a government board and has made such comments to be removed from that board?

**The PRESIDENT:** The Hon. Ms Scriven, that arises out of some of the minister's comments on the supplementaries; it does not arise out of the original answer. The Hon. Mr Darley.

#### **SPECIALIST MEDICAL FEES**

**The Hon. J.A. DARLEY (15:51):** I seek leave to make a brief explanation before asking the Minister for Health a question about publicly listing specialist fees and performance standards.

Leave granted.

**The Hon. J.A. DARLEY:** On 6 March 2017, the Consumers Health Forum of Australia released a statement calling for the establishment of an independent website to publicly list specialist fees and information about the performance standards of specialists. This recommendation was in response to a 2017 publication by the *Medical Journal of Australia*, which highlighted the dramatic variations in what specialists charge for the same service.

It was found that costs varied by more than \$100 for eight out of 11 specialities. Without this transparency, consumers cannot make informed decisions about their health or make a determination on whether higher fees represent higher quality. My questions to the minister are:

1. Can the minister advise what requirements specialists currently have regarding publication of their fees?
2. Are specialists required to publish their fees both online and at their surgery?
3. Is the government considering adopting the recommendation to establish an independent website to publicly list specialist fees and information about the performance standards of specialists?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:52):** I thank the honourable member for his question. The issue is probably better directed to the commonwealth government. The commonwealth is responsible for private health insurance and private health insurance regulation. In terms of the upcoming COAG Health Council, I know there is an item on the agenda there on out-of-pocket expenses, so it is a matter that is certainly in the commonwealth's mind. My understanding is that they have established a committee to look at that issue.

Personally, I believe that consumers should have information. Whether that is on a website and who would run it are matters for debate. I am particularly referring there to costs. When you move into the area of performance indicators, it is much more complicated, and I appreciate that a lot of specialists have concerns about specialist by specialist data. One of the concerns is that you don't want to encourage surgeons or other medical practitioners to avoid complex patients for fear that they might adversely affect such data. I certainly agree with the honourable member that that is an area that we need to explore, but we need to explore it carefully.

#### **SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION**

**The Hon. I. PNEVMATIKOS (15:54):** My question is to the minister assisting the Premier, but she doesn't appear to be in chambers.

**The PRESIDENT:** The Hon. Ms Pnevmatikos, you can't, under the standing orders, make reference to whether a member is in the chamber or not in the chamber.

**The Hon. I. PNEVMATIKOS:** Okay, I will just ask the question.

**The PRESIDENT:** No, the question needs to be directed to a particular member of the government.

**The Hon. I. PNEVMATIKOS:** I direct it to the Leader of the Government in this chamber.

**The PRESIDENT:** The Leader of the Government?

**The Hon. I. PNEVMATIKOS:** Yes.

**The PRESIDENT:** Fine, to the Leader of the Government.

**The Hon. I. PNEVMATIKOS:** Will the South Australian Multicultural and Ethnic Affairs Commission continue to deliver its women's leadership course for women from culturally and linguistically diverse backgrounds which helps women tackle the challenges they sometimes face as leaders?

**The Hon. R.I. LUCAS (Treasurer) (15:54):** I'm very happy to take that question on notice and refer it to the appropriate minister or ministers and bring back a comprehensive reply.

#### **SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION**

**The Hon. I. PNEVMATIKOS (15:55):** A supplementary.

**The PRESIDENT:** I don't think you're going to get a supplementary out of that.

#### **SMALL BUSINESS**

**The Hon. T.J. STEPHENS (15:55):** My question is to the Treasurer. Treasurer, can you comment on the results of the Sensis small business survey regarding small business confidence in South Australia?

**The Hon. R.I. LUCAS (Treasurer) (15:55):** I am sure all members in this chamber, irrespective of their political flavour, hue or complexion would have been delighted to have seen the reports this morning about the Sensis small and medium-sized business index survey. There is no doubting that everyone would concede that South Australia is built on the backbone of small and medium-sized businesses. For a variety of reasons, the number of big businesses or large businesses and large employers has never been and continues to not be a significant employer in South Australia. South Australia is largely dependent on its small and medium-sized businesses.

The Sensis survey publicity today: I think the encouraging parts were the report that confidence in the small and medium-sized business sector in South Australia climbed nine points to

their index of +45, which was the strongest result since December 2013. Further on, the key small business index finding for South Australia was that South Australia has become the most optimistic state in terms of its view of the economy, up 22 points to +30. As I said, I think irrespective of your political view, I'm sure all members in this chamber, even members of the Labor Party, would be delighted and encouraged that small business confidence, small business views about the future directions of the economy and small business views about even the new government have taken such a lift in the last few months.

I hesitated to even read out this particular part of the press release from Sensis but I guess in terms of accuracy I should read it out, so I add no personal comment myself, lest I be accused of lack of humility—and that is I, on behalf of the government, not I personally. Let me quote the Sensis paragraph and then I think I need say no more:

A standout result was a 37-point rise in support for the SA Government—elected into office in April 2018 and ending 16 years of Labor government in the state. This saw a net rating of +18—the highest score we have on record for SA. The outgoing government was the least popular in the nation last quarter while the new government is second most popular this quarter, behind the state government of Tasmania.

### PORT ADELAIDE TOURISM

**The Hon. F. PANGALLO (15:58):** I seek leave to make a brief explanation before directing a question to the Minister for Trade, Tourism and Investment, the Hon. David Ridgway.

Leave granted.

**The Hon. F. PANGALLO:** On a lighter note, you may have seen recently where the Mayor of Port Adelaide Enfield, Gary Johanson, is calling on the government to consider buying lock, stock and barrel a 1950s vintage car museum valued at around \$9 million that has been put up for sale in the Eastern States and have it set up in Port Adelaide.

Mr Johanson sees Port Adelaide as becoming an exhibition hall, with museums already there for maritime, rail and aircraft plus the restoration of the *City of Adelaide* clipper by the Port River and believes that adding an automobile museum would provide an enormous boost to the area's tourism. My question to the minister is: will the government explore the possibility and consider purchasing this unique collection which will add to the state's already impressive vintage and classic car motor vehicle collection currently housed at the Birdwood Motor Museum?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:59):** I thank the honourable member for his ongoing interest in things in Port Adelaide and the Mayor of Port Adelaide Enfield, His Worship Gary Johanson. I think it was *The Advertiser* or *Messenger* that contacted me—Mr President, I should make my comments through you, of course.

**The PRESIDENT:** Yes, you should.

**The Hon. D.W. RIDGWAY:** Yes. I wanted to pay some respect to the Hon. Mr Pangallo, but I know I should make my comments through you. I can't recall whether it was *The Advertiser* or *Messenger* that contacted me after the mayor suggested that this collection, worth \$9 million, should be purchased by the state for display at, I thought, Port Adelaide Enfield, not at the Motor Museum at Birdwood. I may have got that wrong.

What I did at the time was make some comments to the media that we would like to have a look at Mr Johanson's—or the mayor's, or Port Adelaide Enfield council's—business plan for the purchase of this particular collection and how it might be seen as good value for the South Australian government, or whoever, to invest in. I'm still waiting for a copy of the business plan from the Port Adelaide Enfield council and Mayor Johanson. When we get a copy of that business plan, I will refer it to the Tourism Commission to have a look.

### SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

**The Hon. T.T. NGO (16:01):** My question is to the minister assisting the Premier. Did Mario Romaldi's affiliation with the Liberal Party or alleged donation through his construction company play a role in him being appointed to the board of SAMEAC?

**The Hon. J.S. LEE (16:01):** I'm not privy to that information.

**MEDICAL CANNABIS**

**The Hon. T.A. FRANKS (16:01):** I seek leave to make a brief explanation before addressing a question on access to medicinal cannabis to the Minister for Health and Wellbeing.

Leave granted.

**The Hon. T.A. FRANKS:** In April 2018, the commonwealth and state and territory health departments announced that they would work collaboratively to streamline access to medicinal cannabis for Australian health practitioners. This announcement of course made reference to a single-in application process through which medical practitioners could notify or apply to both commonwealth and the relevant state and territory health departments, where applicable, to prescribe and supply medicinal cannabis products via a single application.

Historically, of course, this is necessary in terms of streamlining the process, which has proven cumbersome and difficult. Certainly, GPs have indicated in recent surveys undertaken by the Lambert Initiative that they are finding the process unduly difficult. I understand that South Australia has one of the most simple processes; however, this week the one-stop shop went online for medical practitioners across the country and, unfortunately, South Australia is not in the system. Can the minister please provide an update on when South Australian medical practitioners will be able to access the one-stop shop TGA portal?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:03):** I thank the honourable member for her question. She is certainly correct in that the commonwealth particularly, in cooperation with New South Wales, developed a single portal approach.

**The Hon. T.A. Franks:** No. New South Wales, Victoria and Queensland went online this week with the one streamline, which is meant to have everyone.

**The Hon. S.G. WADE:** Sorry. I am trying to answer the honourable member's question. My understanding—I could be wrong—is that New South Wales was one of the particular proponents. I am not disagreeing that other people are not doing it. This is an issue that has been brought to my attention. The value of the portal, as the honourable member knows but for the benefit of the chamber, is that there are both requirements under the TGA and requirements under South Australian legislation.

The benefit of having a portal-based approval process is that it gives people the opportunity to access that without needing to go through two different jurisdictions. As a government that believes in minimising regulation and particularly in improving services for South Australians, that's of interest to us. This matter was discussed at the last COAG Health Council. In particular, the commonwealth and New South Wales were urging states to get involved.

One of the issues is that we need to meet performance criteria before we can engage. This is an issue that is being discussed within SA Health and I assure the honourable member that we want to provide a patient access pathway which does not provide unnecessary encumbrances, and I will come back to the member with a more detailed response as to what SA Health is doing in that regard.

**MEDICAL CANNABIS**

**The Hon. T.A. FRANKS (16:05):** In what time frame will medical practitioners have the ability not to be doing two lots of paperwork, but one single lot of paperwork?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:05):** I took that to be the original question and, as I said, I am happy to come back with an answer on that specifically.

**ROMALDI, MR M.**

**The Hon. J.E. HANSON (16:05):** My question is to the minister assisting the Premier—sorry, is that correct, Mr President?

**The PRESIDENT:** The Hon. Ms Lee, who is parliamentary secretary.

**The Hon. J.E. HANSON:** Parliamentary secretary. Thank you, Mr President, for your protection. My question is: is she aware if Mr Romaldi is or was ever a member of the Liberal Party

or if his business has ever donated to the Liberal Party, or if he has ever attended any Liberal Party fundraising events with her?

**The PRESIDENT:** The Hon. Ms Lee.

*Members interjecting:*

**The PRESIDENT:** The Hon. Ms Lee, you have the call.

**The Hon. J.S. LEE (16:06):** I am not privy to that information.

**The PRESIDENT:** Does a crossbencher have a question? Does the crossbench have a question? Hon. Mr Pangallo, would you like to ask a question?

*An honourable member interjecting:*

**The PRESIDENT:** No, I've gone to the crossbench. We will come back to you in a sec. In the absence of any crossbencher, the Hon. Leader of the Opposition.

*Members interjecting:*

**The PRESIDENT:** Order! I have given the call to the Leader of the Opposition.

#### **SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION**

**The Hon. K.J. MAHER (Leader of the Opposition) (16:06):** My question is to the minister assisting the Premier—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. K.J. MAHER:** —on Multicultural Affairs. My question is to the minister assisting the Premier on multicultural affairs. Did the minister assisting the Premier have any discussions whatsoever with the Premier about the appointment of Mr Romaldi to the SAMEAC board?

**The PRESIDENT:** The Hon. Ms Lee.

**The Hon. K.J. MAHER:** You know what you discussed. You can't say you're not privy.

**The PRESIDENT:** Leader of the Opposition, allow the member to answer the question in silence. We do not need a commentary.

**The Hon. J.S. LEE (16:07):** Of course I have discussions with the Premier about SAMEAC. I also have discussions—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.S. LEE:** —I have discussions—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. J.S. LEE:** —with many of my colleagues and that is a matter for the internal party room.

#### **SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION**

**The Hon. K.J. MAHER (Leader of the Opposition) (16:07):** A supplementary arising from the answer.

**The PRESIDENT:** Yes, it's going to be hard.

**The Hon. K.J. MAHER:** The minister informed the chamber that she has had discussions about appointments to the Premier. Did she have discussions about this particular appointment, yes or no?

**The PRESIDENT:** You can't put words in the mouth but the question was fair. The Hon. Ms Lee.

**The Hon. J.S. LEE (16:08):** Those matters that have been discussed is a matter for our party room not theirs.

*Members interjecting:*

**The PRESIDENT:** Order!

*Members interjecting:*

**The PRESIDENT:** Order! Hon Ms Franks, is it a supplementary or a new question?

### SA HEALTH

**The Hon. T.A. FRANKS (16:08):** My question is to the Minister for Health and Wellbeing. Can he assure South Australians that, unlike in Tasmania, the Department for Health will not reveal private health information of people, as has happened with the case of the former employee of Cricket Australia?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:08):** I don't know the details of which the honourable member refers to, but I can assure the house that under the Health Care Act, there are very clear confidentiality provisions. SA Health is in the practice of actually naming people who inappropriately access records and we take privacy very seriously.

### Motions

### BONAROS, HON. C.

**The Hon. R.I. LUCAS (Treasurer) (16:09):** I move:

That this council welcomes the Hon. C. Bonaros, elected to this council at the state election held on 17 March 2018.

In doing so, on behalf of government members and Liberal members, we are delighted to acknowledge through this special motion the opportunity for the honourable member to make her first speech to the Legislative Council. I can assure the honourable member that I am sure all members will give her the due courtesy that first speeches are entitled to receive. After that it might be fair game, but we certainly look forward to and welcome the Hon. Ms Bonaros to our chamber.

**Honourable members:** Hear, hear!

**The Hon. C. BONAROS (16:10):** From the outset, I offer my sincere congratulations to you, Mr President, on your elevation to the position of President, and the sterling job you are doing in the most prestigious of roles in this chamber. Given some of our shared values and beliefs, I am looking forward to some lively debates on the floor of the chamber, which I am sure will arise over the coming weeks, months and years ahead.

I thank also, somewhat belatedly, His Excellency the Governor for opening this session of parliament. I offer my congratulations and heartfelt best wishes to other newly-elected members in this place, namely: my friend and colleague the Hon. Frank Pangallo, who I also thank for his continued support as we serve our first term together and drive the SA-Best agenda; the Hon. Emily Bourke, whom I have known for a long time as a staffer; the Hon. Clare Scriven; and the Hon. Irene Pnevmatikos. I thank you all for your kindness, particularly very recently.

I am sure you all share my sense of privilege in having been elected to serve the people of South Australia in this place, a privilege that we know is only bestowed on a very select few South Australians. I am extremely humbled and excited by the opportunity. Lastly, I offer my congratulations to our new Clerk and his team, and I wish our former Clerk, Ms Jan Davis, all the very best on her retirement.

I also acknowledge retiring members: the Hon. Gail Gago, the Hon. John Gazzola, and the Hon. Gerry Kandelaars, who was replaced by the Hon. Justin Hanson. Further, I acknowledge the Hon. Kelly Vincent and the Hon. Robert Brokenshire, who both missed out on being re-elected earlier this year. Like so many other members, I would like to pay special tribute to the outstanding work of

the Hon. Kelly Vincent in particular. Her election to this place some eight years ago marked the beginning of a much more inclusive and progressive era for the Legislative Council. I am sorry that my party's offer to help her by way of preference flows at the March election did not help her get over the line, but I know that this is just the beginning for her and, importantly, I look forward to working with her on some issues that she championed so passionately for in this place.

I am often asked why I put my hand up to run as a candidate for SA-Best. For me the answer is simple. It begins with the courageous and gracious Melissa Haylock, a young wife and mother struck down so tragically in the prime of her life by the insidious disease mesothelioma, and her devoted husband Garry.

It also includes, but is not confined to, a list of people, including: Di Gilchrist and her husband, Ian Humphrey, deceased; Belinda Dunn, deceased; Evie Mackay and her son Mathew, deceased; Julie Macintyre and her son Lee, deceased; Carolyn Watkins and her husband Andrew, deceased; Sandra and Dale Cooke and their father and husband John Cooke, deceased; Julie Wilson and her two beautiful sons Chris and Mark Wilson, both deceased; my dear friend Andrea Madeley and her son Danny, deceased; Lee and Carol Salvemini and their son Jack, also deceased; and, lastly, my dear friend Terry Miller, who only recently lost his battle to mesothelioma.

These are the names of individuals who have suffered unspeakable and imaginable losses of life and losses of loved ones—the loss of mothers, wives, husbands, fathers, sons and brothers. They are also the people who inspire me each and every day to be the best that I can be. What strikes me most when I think of this select group of people is the courage, strength and determination that women like Melissa, Di, Belinda, Julie, Evie, Carolyn, Julie, Sandra, Dale and Andrea in particular show in the face of life's greatest challenges. Life kicked them in the guts, but instead of crashing to the ground in a crumbling heap they stood tall and fought fearlessly for their families.

Their brave and courageous fights, at a time when their personal lives had been turned upside down, to this day have gone on to help countless others. In Di Gilchrist's case, the very first project to which I was assigned as a staffer to the inspiring and visionary Nick Xenophon, it resulted in a royal commission and sweeping changes to our criminal law. In Melissa's case, it resulted in life-changing legislation for asbestos victims and their families.

Melissa's plight is one that will always hold a special place in my heart. As some of you may be aware, Melissa was the face of the dust diseases campaign, which resulted ultimately in the passage of the Dust Diseases Act and the establishment of a fast-tracked compensation scheme for victims of dust diseases. Without hesitation, this is the single most rewarding project I have been involved in over the past 13 years.

Melissa suffered from mesothelioma, which she contracted because of exposure to asbestos as a child through renovations to the family home. Belinda Dunn shared a very similar story. Melissa was an exceptionally spirited woman, she was also exceptionally beautiful and exceptionally brave. She was a devoted wife to Garry and a besotted mother to her triplets: Imogen, Ethan and Molly. Hers is a family I think of often. Each year, when I attend the asbestos memorial, I take a moment to reflect on her life and her memory. Her strength, courage and conviction will always inspire me to do my utmost to help those individuals fighting for justice.

She did not have to put herself out there as the face of the campaign; in fact, she did not really want to, but she knew it was much harder for the government of the day to look her in the eyes and tell her law reform was not needed than it was to look us in the eyes and tell us the same thing. Melissa knew that with the public on her side she would be able to force the government to agree to meaningful law reform. And it worked. It was Melissa's campaign that really taught me about the power of grassroots campaigning.

I am extremely proud to have worked with these women and men in their fights for justice and thank them for the invaluable lessons they taught me along the way. There is one family in the aforementioned list, Lee and Carol Salvemini, whose fight is, in many respects, still ongoing. To them I say that I will continue to do all that I can to help you achieve the closure you so deeply ache for.

My family history is not dissimilar to many other recent members in this place. In fact, in many respects it bears a striking resemblance to that of the Hon. Irene Pnevmatikos—and I am sorry again that I missed your first speech—a resemblance that I attribute to my Greek heritage. I am the



product of Greek parents: Dimitrios, who is here today, and Dimitra—or, as they have become more commonly known in Australia, Jim and Toula.

My father, Jim, emigrated to Australia from Pylos in the Peloponnese, together with his mother and siblings, when he was just 11 years old. Two years prior, his father had made the long journey and set about forging a new life for his family here. Together with members of the extended family, they eventually settled in Adelaide. Like many Greeks who made the move to Adelaide, my paternal grandparents, Haralambos and Fotini, purchased a home in the heart of the CBD in Little Sturt Street.

To this day I am absolutely amazed at the number of Greek friends, associates and family members who tell us that they, too, lived in Sturt Street or Little Sturt Street. If you have ever been to Little Sturt Street in the city you would know that there are literally only a handful of cottage-type homes in the street. Those who lived in the street made the most of the space they had. My grandparents were no exception, sharing their five-roomed home with their three newly-wed children. It was not until one of my aunts had her first child that my parents decided it was time to fly the coop and settle into their own family home.

My mother emigrated to Australia from Paradeisia, Arkadia, also in the Peloponnese, when she was in her late teens. She has always hated when I repeat this, but she fudged her birth date to travel to Australia on her own. She was meant to be accompanied by one of her siblings, her sister, but she backed out at the last minute. Even though mum made the trip alone, the intention was always that either she would return to Greece or that her family would one day follow her to Australia. Neither of those two things eventuated and she remained here and eventually met and married my father—a wonderful love that lasted for over 52 years.

They became the proud parents of three children: my sister, Tina; my brother, Harry; and me, the surprise baby. Later, we three siblings were fortunate enough to be joined by our adopted brother, John. John was not adopted in the true sense of the word, but he is a true part of our family. As children, my sister and brother enjoyed having a younger sister, if only to boss and torment me—a lot. I do not share their fair skin and I do not share their light-coloured hair, so it was not a stretch for me to believe them when they tormented me about not really being one of mum and dad's kids.

This was something that seemed all the more likely to me when, in my 20s, I discovered that I had spent my whole life celebrating my birthday on the wrong date. If ever I needed proof of all the taunts over the years this had to be it, but it was not. The Queen Victoria Hospital archives confirmed that for me. It seems that, somewhere along the way, my parents mixed up the dates, and I celebrated my birthday on the 24<sup>th</sup> instead of the 21<sup>st</sup> for the first 23-odd years of my life.

I grew up with my family in Plympton and attended Plympton Primary School and Plympton High School. My father was an opal miner and opal dealer, so we spent much of our time as children travelling between Adelaide and Coober Pedy. That remote, isolated outback town and Little Sturt Street provided some of my fondest childhood memories. I grew up in and still have a very close-knit extended family. My cousins and I did absolutely everything together. When my grandparents babysat, they did not look after one or two of us, but rather half a dozen. My dad was always the favourite uncle because he would not just take his kids out to the beach; he would drive to his sister's house and his brother's house, beep the horn, and keep taking kids until the car was absolutely full.

We got up to a lot of mischief. On one occasion in Coober Pedy, all bar one of us kids were playing in one of the family cars. It was an Easter weekend, and our parents had retreated indoors for a siesta after a few celebratory drinks. My cousin Chris was playing with matches and a pillow. He accidentally set fire to the pillow and, not knowing what to do in his panic, threw the pillow under the same car that we were all playing in. His brother pulled us out of the car before it was well and truly alight. I ran and hid, thinking we were all in a world of trouble. At the same time, my poor mum was being dragged away from the burning car because she thought I was still inside.

My mother has always attributed my interest and work in politics to her side of the family. Her dad, Aggeli, was actively involved in the local politics of Greece, and he was also local mayor of his home town. I was fortunate enough to spend a year living with my mother's family in Greece when I was in my early 20s. It was life changing in many respects. I have many fond and nostalgic memories of Greece, having spent six or seven months there with my family when I was just four or

five years old. I will never forget rediscovering smells and places I had visited as a child, the tiny lift to my aunty's apartment, the local patisserie and especially my mum's village and childhood home and the home of my maternal grandparents, Konstadina and Aggeli.

There are countless poems and traditional songs written about the Greek diaspora and 'xenitia'—songs about longing for home, of loss and love and trying desperately to cling to your heritage and even about a lack of belonging in new-found lands. In one of his most well-known songs, *Patrida m'araevo se*, legendary Greek singer Stelios Kazantzidis sang about the difficult times of the migration exodus of the 1950s through to the 1970s, which saw more than a million Greeks emigrating to the US, Canada and Australia, driven mainly by political and economic reasons. That is my family story. He sang about the fact that, for so many Greeks, there is a sense of being foreign. One of the lyrics in the song reads, 'In foreign lands I am Greek and in Greece I am a foreigner'.

It was not until I visited Greece in my 20s that I finally understood what that meant. For the first time, I felt that I had discovered my family history, my roots. I visited the birthplaces of my parents and I felt an overwhelming sense of belonging, but everyone I met, including my own family—my mother's family—referred to me as an Australian. Back home in Australia, I had spent my entire life being referred to as a Greek. It was at this point in my life when all those songs and poems that I had struggled to understand as a child finally made sense, and it gave me a renewed sense of pride in my Greek heritage.

Greek families tend to make huge efforts to maintain traditions and cultural ties. It is the reason that so many of us are fluent in the Greek language. While other kids went off to after school and Saturday morning sporting activities, my cousins and I were at Greek school and Greek dance school. Finally, all this effort on the part of our parents made sense. Like many immigrant families, today mine is a true reflection of the melting pot that Australia has become. I am extremely proud of all of them and I am pleased that so many of them could be here today.

Most of you would know that this election was my second crack at being elected to this place. I also ran as a candidate in 2014. In the lead-up to that election I was invited to give an address at the YWCA. During that address I spoke of my first job interview as a law graduate. I was told by a very prominent male senior lawyer in Adelaide that I had not one but two things going against me in terms of my career prospects in the legal profession: (1) I was female and (2) I was Greek. I was gobsmacked. It was disheartening but I could not complain: who would I complain to?

However, I was not going to let it deter me either. My parents taught me better than that. My father taught me that when people try to bring you down you stand even taller. He and my mother taught me not to be defined by what others say about you but by your own beliefs and your own actions. So long as those actions are based on your convictions and on what is right nothing else counts. It is a lesson that has held me in good stead throughout my personal and professional life.

I do not have to tell any of you in this place about the need to have a thick skin in the world of politics. Mine has certainly thickened a lot in recent years. I have always gone about my work less interested in the views of those who seek to cast aspersions but absolutely committed to helping others. It is the reason I joined Nick's team in the first instance and the reason I am standing here today. I am under no false illusion as to how I got here.

I fondly recall the day I sat in the interview room, just outside here, at Parliament House and chatted with Nick's advisor, Corinne, who is also here, and she would go on to become one of my dearest friends in this place. We sat and chatted before the door flung open and in flew this man who I recognised only from the TV news. He sat down and asked me a couple of friendly questions before his phone rang. This is something I became extremely familiar with over the next 13 years. It was Leon Byner.

He turned to me and said, 'It's Leon Byner. Do you know Leon Byner?' I very nervously said, 'Yes, he's from FIVEaa.' It was a complete and utter stab in the dark. I did not listen to Leon. I did not listen to FIVEaa but, boy, was I lucky and thankful that my husband did. Nick called me later that night to tell me that I had the job, and I have listened to AM radio ever since.

I met my husband John, who is also here, while I was still at university and he still takes the credit for me landing the job with Nick. Truth be known, he had nothing to do with it. For that I will always appreciate the roles of my two friends, mentors and colleagues, Claire O'Connor QC and

Patrick Byrt, both of whom played an integral role in me landing the job with Nick and the invaluable experience I gained while working with Claire and my friend Abby Hamdan will be something I will cherish forever.

However, my husband gets half the credit for our greatest gift in life. Just over 2½ years ago, we became the very proud parents of our little boy, Paul John, the centre of our universe. John and I were not willing to sacrifice home life by having two full-time working parents, so John jumped at the chance to stay home and be a full-time dad. For the first six months, with the help and support of our mothers, we muddled our way through parenthood. I returned to work very soon after Paul's birth. When he was just five months old I began commuting between Adelaide and Canberra. The separation anxiety was torture, although I did secretly enjoy some nights of uninterrupted sleep, unlike my poor sleep-deprived husband. However, never did he once complain, such is his devotion to Paul and to me.

As parents, we were determined to make it work so I invested in a very good breastfeeding pump and a sturdy little esky and each day I would excuse myself from Stirling's office, lock myself away in the ensuite and do my thing. Anybody who is familiar with these pumps knows that they are not particularly quiet, so we did have some very interesting moments in the office. One thing is for sure: everybody knew not to try the tastings in the freezer.

At the end of the week hotel staff would load up my esky with ice, and I would return home with a week's supply of liquid gold for my son Paul. It is fair to say I usually also had a bit of explaining to do at airport security, but it was all worth it. By the time I would get home at the end of another gruelling week, my husband, equally exhausted beyond belief, would be very quick to hand over our son. I still remind him how lucky he is to have spent those precious few months and indeed first couple of years with our son, something not nearly enough fathers have the privilege of experiencing.

To be honest, I do not know how he did it, but I will always be grateful for his support during my years at uni and at work. I am particularly grateful for all the quick lessons and hot tips on subjects that I know absolutely nothing about—he is quite the general knowledge enthusiast. John is an amazing dad and an even more amazing husband, and he has done an outstanding job raising our son through some pretty challenging times, the recent election, which was the most targeted and bitter campaign I have ever been involved with—and I have been involved with a few—being no exception. But that has only driven me to be more determined than ever in striving to make SA-Best a force to be reckoned with.

SA-Best prides itself on being a party of scrutiny. Our influence from the sensible centre of politics continues to be the driving force of everything we do. Our core focus on cost-of-living pressures for families, gambling reform, ice rehabilitation, health, energy, education and economic development is centred on improving the lives of all South Australians, and we will continue to initiate policies and support legislation to that accord.

Integral to our role in this place, SA-Best will implement and support positive reforms that determine how the state is governed, how essential services are delivered more effectively and how our problems are tackled and solved. We will strive for major parliamentary reforms and big improvements to our government transparency and accountability designed to ensure our ministers and senior bureaucrats are held to account for their performance to ensure the \$19 billion state budget, paid for by hardworking South Australians—taxpayers—is spent wisely and well. We will continue to address the disconnect between our communities and government departments, which impacts the lives of so many.

SA-Best will never bow to the pressures from the major parties or vested interest groups. As a state, we know we need to rebuild our population, especially in our regions. We need to establish clear growth strategies and population targets for South Australian regional centres. The fact that we have fewer young people—18 to 34 year olds—living in South Australia today than 35 years ago is symbolic of the state's decline. Our aim is to play a lead role in introducing and supporting positive outcomes that will see the exodus of our young reversed, as well as encouraging business migrants to our state. We also need to establish clear growth strategies and population targets for South Australian regional centres.

Protecting our most vulnerable people, including our aged and disabled, is a fundamental responsibility of government. The current laws and systems in South Australia are wholly inadequate to afford vulnerable people over the age of 18 even the most basic of protections. SA-Best will work hard to address these matters as priorities. SA is a great place to live, work and play. We all need to work hard in this chamber and in the other place to ensure it reaches its true potential. We owe it to the generations ahead.

Mr President, as you are aware, none of us get to this place without the help, support and guidance of many people, so I would like to thank a few of them today. Firstly, to Nick Xenophon: thank you for opening my eyes to so many wrongs; thank you for the opportunities you have given me; thank you for your friendship, wisdom, wise counsel and mentoring; but above all thank you for trusting in me. I will not let you down; I will not let our team down.

To my dear friend, Carren Walker, thank you for everything, W. To our federal colleagues, Stirling, Rebekha, Rex and our former senator, Skye Kakoschke-Moore, who is here today, I look forward to keeping up the good fight with you for years to come. I am particularly grateful to Stirling for the opportunity to work with him at the federal level, amongst all the craziness more recently. I know we are both immensely proud of the work that we did on immigration matters in particular and the fact that we were able to defeat the federal government's mean-spirited citizenship bill that would have seen families like mine excluded from eligibility for Australian citizenship.

To our team here at SA-Best—the one and only amazing talented Pat, my Canberra spouse and ever so entertaining roommate; our amazing wordsmith, Sean; the ever efficient Amanda; the studious Joe; and our latest recruits, Marley and Evan—welcome, and thank you for your outstanding work so far. To my federal staff colleagues, many of whom are here today, we know that behind every member there is a great bunch of people who keep the wheels turning—thank you. To Rachel, Dr Des, Maria, Anna, Michael T and soon-to-be-dad Jono, thank you for helping me through the craziness that was Canberra and getting to where we are today.

I thank our loyal and committed SA-Best members and supporters, our outstanding candidates and team behind the scenes who went into battle for us at the state election, especially Natan, Shane, Blake, Sarah, Anna, Tina, Sammy, Ebony, Sophie, Taya, Michael, Ange, and four exceptional women—Fiona, Marilyn, Maggie and Kristina—who, can I just say, were at the campaign literally from 8.30am until 5 or 6 or 7 or even 8 in the evening, every single day; they were absolutely amazing. I also thank Maureen and Graham. Without you all, neither Frank nor I would be here in this chamber representing you. We have a lot of work to do and we will not fail you.

To my girlfriends and friends, there are just too many of you to name, but thank you for your unwavering support. To my loving family, to my parents and two best friends, where do I begin? I am so immensely proud to be your daughter and grateful for everything you have taught and given me. I will cherish you both always, and I love you. To my sister Tina, my brother Harry and, of course, John, and all my beautiful nieces and nephews—Samuel, Alice, Dimitri, Angelo, Kristina, Jake, Logan, Antoni, Luka and Ari—the gifts that keep on giving, I call them: I love you with all my heart.

To my other favourite person in the world—and I hope she is listening—Mary, I am so proud of you and I love you, cuz. To Uncle Steve, I do not need to tell you what you mean to me. To our dear friends, Michael and Valerie—or, I should say, Valerie and Michael—thank you for blessing our son with life's most precious gift. To my godfather, Andrew, another constant in my life, who is truly one of the most giving and caring people I know, we love you dearly. To Paul and Fil, my son's nonno and nonna, thank you for all your support, and to our dear friend Tina, thank you does not even begin to cut it for seeing us through to today.

Now to my handsome and long-suffering husband, John, whom I know I have already spoken about, but he deserves another mention. You are an amazing person. I know I drive you absolutely insane, but your love is, and always has been, unconditional. Thank you from the bottom of my heart for your patience, your support and your selflessness. Thank you for looking after my beautiful Millie when I told you there would be no need to. Above all, thank you for the amazing job you are doing raising the apple of our eye, our beautiful son, Paul John. I love you both so very much. Paul, I hope I can instil in you the very same values my parents—your grandparents—instilled in me, and I hope I can make you as proud of me as I am of my parents.

Mr President, a friend recently told me of an interview she had heard about the infinite nature of the universe. I dug up the article this interview was based on, which talked about the fact that the earth is just a speck, a tiny blue dot in that universe. It is also the only dot where life as we know it is said to exist. If the earth is tiny, we are even smaller, especially compared to the quadrillions of ants and other species, and the trillions of galaxies around us. This made me think. We are all striving so hard to make a mark in life, fighting against competing forces and searching for relevance, and it is tough.

We all do it in here every single day, and in the grand scheme of things, what we achieve may not be greatness in the true sense of the word but if our actions make someone else's life that little bit easier, then I believe they are truly worth it. It may not be rocket science, it may not be earth shattering. We do not have to change the world through our actions but changing someone's life could mean the world to them. I believe in doing good, and if that is all I can achieve through my work here, then it will all be worth it. If I can make a difference no matter how small to the lives of others, then my job will be done.

Mr President, as you know, this is a speech I had planned to make in very different circumstances and it is with a heavy heart that I have made it today. On 6 June this year, just 15 days shy of her 74<sup>th</sup> birthday, my mother fell asleep. She did so surrounded by her family, listening to a pre-recorded interview I had done with SA sports legend Graham Cornes as part of his popular Conversations with Cornesy segment on FIVEaa. Anybody who knows my mum knows she is an extremely private person, so my constant questions about her life, her early life in Australia, were always met with the same 'Why do you need to talk about me?' response.

When I sat down with Graham for that interview, I knew Mum was ill but the last thing I wanted to do was break down on radio, so I focused on the light-hearted stuff. The truth is Mum made a massive sacrifice for her kids and her family. They were her universe and she ours. The year I was born, she was diagnosed with non-Hodgkin's lymphoma. Up until the late 1980s, she went in and out of remission more times than any loved one deserves to. As kids, we had absolutely no idea. We always knew when Mum was unwell but never had any idea of the extent of her condition.

Growing up, I would often accompany her to medical appointments and I later learned that she would tell her specialist not to mention her lymphoma or the true extent of her condition while I was in the room. She tried to shield us from it all, and to a large extent she fought in silence. In fact, it was not until 2008 that we learned about the true extent of Mum's condition when the lymphoma resurfaced. It was at that time that I made the decision to stop working as a federal staffer and return to state parliament to spend more time with my family and, importantly, to keep a close eye on my Mum. I drove her absolutely crazy.

In recent years, Mum would recall all the times she had undergone chemotherapy or radiotherapy when we were kids, even while Dad was away working. She would even drive herself to and from treatment. It really started to dawn on me at that time how hard it must have been for her with her own parents and siblings a world away in their homeland. As I said, family was everything to Mum, regardless of their geographical location.

When the lymphoma came back in 2008, it shook us to the core. Mum had been in remission for 20-odd years up until that point. But Mum being Mum, she courageously and without fuss fought it off once again. When it raised its ugly head again some three years later, she did the same. Her strength is absolutely amazing. But none of this deterred her from getting ahead. Despite her illness, she pushed ahead to run one business after another. She single-handedly managed to establish a very successful family business, much to the surprise even of my father. Mum went about everything she did without any fuss or fanfare. She never complained but she has always gone above and beyond to ensure her kids and grandkids have everything they need.

She has always been known for her amazing cooking and her kids have always been known for going to Mum and Dad's for Greek 'meals on wheels' at least every other night. When my son was born, she found a new spring in her step. It was like she had reversed the ageing clock by 10 years. She was there with us every single day. In March of this year, Mum was diagnosed with endometrial cancer. She fought until there was just no fight left. Her passing was sudden and

completely unexpected. It has left a massive and unfillable void in our lives. She is the heart and soul of our family, and we miss her terribly.

I pause here to make special mention of the Hon. Kyam Maher's speech in this place last week when he spoke of the love and devotion he has for his own mum. What resonated with me during his tribute to his mother was his particular reference to the theme for NAIDOC Week: 'Because of her, we can!' Those poignant words hit home as they bear a striking resemblance to a quote made by another person, well-known Aboriginal advocate Tauto Sansbury, who used similar words to describe his own mother's influence on his life: 'Because of her, I did.'

I get great comfort from knowing that mum fell asleep listening to the radio segment with Graham Cornes. She took her final breaths just after I finished telling Graham about her life story, her sacrifices and about attributing my love of politics to her side of the family. She fell asleep knowing that 'because of her, I did'. Mr President, with those words I thank you once again and look forward to making my mark in this place over the years to come.

**Honourable members:** Hear, hear!

**The PRESIDENT:** May I add my own congratulations on your election and wish you every success in this place.

Motion carried.

### *Bills*

## **SOUTH AUSTRALIAN PRODUCTIVITY COMMISSION BILL**

### *Committee Stage*

In committee (resumed on motion).

Clauses 10 to 13 passed.

New clause 13A.

**The Hon. K.J. MAHER:** I move:

Amendment No 7 [Maher-1]—

New clause, page 6, after line 9—After clause 13 insert:

13A—Disclosure of interests

A Commissioner must disclose their interests in accordance with Schedule 1.

This is in relation to the disclosure of interests of members of the productivity commission. It is about greater transparency for disclosure of financial interests. They must be made to the parliament, not just to the minister, and we say published accordingly. I foreshadow, for the benefit of the chamber, in relation to the disclosure regime, it is not in this clause but when we arrive at clause 14 there are further amendments that have been circulated this afternoon which replace the amendments that have been previously filed.

So that members are aware before we get there, these relate to the disclosure of pecuniary and all personal interests. When we get to clause 14, this is an abbreviated disclosure regime, which is in line with the regime that came back from the lower house in relation to the health boards bill. So the disclosure regime that the lower house decided to support for the health boards bill will be the replacement set of amendments that were filed this afternoon. As we are on a clause about disclosure, I thought I would alert the chamber to that fact.

**The CHAIR:** Are you going to pursue both options, just for the purposes of—

**The Hon. K.J. MAHER:** When we get to clause 14, we will not be pursuing both options. I am foreshadowing that when we get there I will be moving the amendments that are being circulated this afternoon and not the previously filed amendments to clause 14 in relation to disclosure of pecuniary or personal interests.

**The CHAIR:** Can I ask you to speak to the Clerk to ensure that we have the same amendments on the committee table? While the Leader of the Opposition is clarifying that, does anyone else have a contribution to make on amendment No. 7 [Maher-1]?

**The Hon. R.I. LUCAS:** I seek clarification from the honourable member on how this all fits together. Obviously, we have not seen the new amendments until this afternoon, so we will not have a position on those, but I am just not sure how his new proposed amendments fit with the package of amendments he has. At some stage, for the benefit of committee members, it will be useful to see what the package to be proposed by the honourable member actually looks like.

For the benefit of the Hon. Mr Maher, if I can make sense of what I think he is trying to do. I would have thought that the new amendment that he is suggesting replaces this amendment and schedule 1, so I do not see that they actually fit together. So it would not appear to make sense to do this one and defer debate on the other one if what he is proposing subsequently is to replace both this amendment and his original schedule 1 amendment. Far be it from me to try to explain what the member is trying to do, but if that is the case it would not make sense to proceed with this.

**The Hon. K.J. MAHER:** I can indicate, having looked at notes and taken advice, that that is exactly what this is proposing to do: that the amendment No. 7, which fits together with schedule 1, is replaced by just this. I am foreshadowing that I will not proceed with amendment No. 7 or schedule 1, but will, when we get to clause 14, instead be moving this amendment. Therefore, I seek leave to withdraw amendment No. 7 standing in my name.

Leave granted; amendment withdrawn.

Clause 14.

**The Hon. K.J. MAHER:** I move:

Amendment No 1 [Maher-2]—

Page 6, lines 10 to 26—Delete clause 14 and substitute:

14—Disclosure of pecuniary or personal interest

- (1) A Commissioner who has a pecuniary or personal interest in a matter being considered or about to be considered by the Commission must, as soon as possible after the relevant facts have come to the Commissioner's knowledge, disclose the nature of the interest at a meeting of the Commission.  
Maximum penalty: \$25,000.
- (2) A Commissioner who has a pecuniary or personal interest in a matter being considered or about to be considered by the Commission—
  - (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.
- (3) Subsection (2) does not apply if—
  - (a) a Commissioner has disclosed an interest in a matter under subsection (1); and
  - (b) the Commission has at any time passed a resolution that—
    - (i) specifies the Commissioner, the interest and the matter; and
    - (ii) states that the Commissioners voting for the resolution are satisfied that the interest is so trivial or insignificant as to be unlikely to influence the disclosing Commissioner's conduct and should not disqualify the Commissioner from considering or voting on the matter.
- (5) Despite section 15, if a Commissioner is disqualified under subsection (2) 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 (2) 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) at a meeting of the Commission 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 (2) to a matter includes a reference to a proposed resolution under subsection (3) in respect of the matter, whether relating to that member or a different member.
- (11) A contravention of this section does not invalidate any decision of the Commission.
- (12) Section 8 of the *Public Sector (Honesty and Accountability) Act 1995* does not apply to a Commissioner.

I foreshadow that, when we come to the schedule at the end, I will not be moving such. This replaces both the schedule and the amendment I sought leave to withdraw. This disclosure regime, as I am instructed, is very much in line with, if not identical to, the disclosure regime that has ended up in the health board bill; that is, the Legislative Council, when considering the health boards bill, put in a disclosure regime that was more consistent with the schedule 1 that I will not be moving. It went down to the House of Assembly and was amended to something that is this disclosure regime. Effectively, when it came back here the Legislative Council supported the lesser disclosure regime, which is what we are moving here, given that is the way the Legislative Council supported the regime in the health boards bill.

**The Hon. R.I. LUCAS:** The government, obviously, does not have a position in relation to this particular amendment because we have not seen it until just now. Given the bill is likely to go backwards and forwards between the houses, the government will not oppose the amendment at this stage, but that does not indicate that we support the amendment. I suspect that crossbenchers, given their voting record thus far on the bill, are more likely to support the opposition's amendment than the government's position.

We were not supporting the Leader of the Opposition's original set of amendments and we had a position on that, but in relation to this one it is sight unseen, so we are at a disadvantage. We have not had a chance to consider it or even discuss it with the Premier and that does make it difficult in terms of how we manage the process, but I will take executive responsibility to say that we will not vote against it, but we reserve our position in terms of having a chance to look at it when it gets to the House of Assembly. It may well be that we support it, oppose it or maybe even move a further amendment.

I understand that the point, I think, the honourable member is making is that this is evidently something that is in the health governance bill. I did not follow that debate at all because it was not my bill, so I have no knowledge of that, but I do not dispute what the member is saying. My advice is the current government bill exactly reflects the Essential Services Commissioners bill, so it is sort of duelling conflict of interest provisions, one which exists in relation to the Essential Services Commissioner, which we think is probably more akin to the work that the productivity commissioners are likely to do, that is substantive across the whole board, productivity-related work.

Whether there is also an argument that the provisions that relate to the health commission governance bill might also be applied to productivity commissioners, we will have to reserve a position as a government.

Amendment carried; clause as amended passed.

Clause 15.

**The CHAIR:** We have an amendment from the Leader of the Opposition, amendment No. 8 [Maher-1].



**The Hon. K.J. MAHER:** This is consequential on an amendment that failed earlier, that is, requiring not just the chair and one member, but all five members appointed. Given that, it is not being moved. I move:

Amendment No 9 [Maher-1]—

Page 6, after line 37—insert:

(5a) The Commission must cause accurate minutes to be kept of its proceedings.

Amendment No. 9 [Maher-1] is not consequential. This is a rather simple amendment in clause 15 which relates to meetings of the commission. It simply requires that the commission must cause accurate minutes to be kept of its proceedings. We think this is—

**The Hon. R.I. Lucas:** Is that opposed to 'inaccurate'?

**The Hon. K.J. MAHER:** Accurate minutes to be kept of its proceedings. We think this is a sensible way to make sure what goes on at meetings is accurately recorded.

**The Hon. R.I. LUCAS:** I interjected, but let me put it on the record. This amendment says that the commission must cause accurate minutes to be kept of proceedings. I am asking the honourable member: as opposed to 'inaccurate' minutes? I think it is superfluous language, in the first instance. We are not going to die in a ditch over what one would imagine would just be normal governance procedure, that is, that the minutes are actually kept. I think having to write into statute that you have to keep accurate minutes, as opposed to inaccurate minutes, is certainly not something that I can recall seeing in drafting—I might be wrong.

I am not a lawyer, as I have said earlier, in relation to these things. I do not know whether, on reflection, the member would be objecting to 'the commission must cause minutes to be kept of its proceedings'. As I said, I cannot imagine that anybody, such as the productivity commission, or indeed any commission, would not keep minutes of its meetings—a simple record of what goes on. I would have thought that it is obviously logical that once you are keeping minutes they would be accurate minutes, as opposed to inaccurate minutes.

**The Hon. K.J. MAHER:** I thank the honourable member for his contribution. If it is in there and the honourable member does not think it is necessary, then it does no harm and there is no reason to oppose it. I note that later on in clause 15 it helpfully instructs us that each commissioner present at a meeting of the commission has one vote on any question arising. Again, this would seem to be normal and logical meeting procedure, that each person has one vote. It does go on to say that the chair may exercise a casting vote, but the fact that they have one vote each is logical and normal meeting procedure. We agree that keeping an accurate record of the meeting would be logical and normal procedure, but we think it does no harm to spell it out, just as it does no harm to spell out that each member of the commission has one vote.

**The Hon. T.A. FRANKS:** This seems to be majoring in the minors and seems wholly unnecessary. The Greens will not be supporting it.

**The Hon. F. PANGALLO:** We will not be supporting it either.

Amendment negated; clause passed.

Clauses 16 to 19 passed.

Clause 20.

**The Hon. K.J. MAHER:** I move:

Amendment No 10 [Maher-1]—

Page 8, lines 3 and 4 [clause 20(1)]—

Delete 'the Minister, by written notice, refers to the Commission.' and substitute:

—

- (a) the Minister, by written notice, refers to the Commission; or
- (b) either House of Parliament, by resolution, refers to the Commission.

This amendment follows on from the vote taken previously about who can refer matters to the commission: either the minister or one chamber of parliament. This inserts 'either House of Parliament' where it states 'the minister'. If it is not consequential-ish, it flows from the previous amendments we passed.

**The Hon. R.I. LUCAS:** We see it as related as well and therefore, whilst we oppose it, we will not divide.

Amendment carried.

**The Hon. K.J. MAHER:** I would suggest that the next series of amendments, Nos 11 to 17—and I would be keen to make sure that the government agrees with this—are consequential on amendment No. 10 passing; that is, in the next series of amendments, Nos 12 to 17, where it talks about substituting the referring authority rather than just the minister, and in just written notice from the minister, they are saying 'or resolution' from a chamber of parliament. So I would suggest that amendments Nos 11 to 17 are consequential on the passing of amendment No. 10.

**The CHAIR:** You can move amendments Nos 11 to 14 as consequential.

**The Hon. K.J. MAHER:** I move:

Amendment No 11 [Maher-1]—

Page 8, line 5 [clause 20(2)]—After 'written notice' insert 'or resolution (as the case requires)'

Amendment No 12 [Maher-1]—

Page 8, line 6 [clause 20(3)]—Delete 'The Minister' and substitute 'The referring authority'

Amendment No 13 [Maher-1]—

Page 8, line 7 [clause 20(3)(a)]—Delete 'Minister' and substitute 'referring authority'

Amendment No 14 [Maher-1]—

Page 8, line 14 [clause 20(4)]—Delete 'Minister' and substitute 'referring authority'

They all relate to clause 20 and are consequential on amendment No. 10 having passed.

Amendments carried; clause as amended passed.

Clause 21.

**The Hon. K.J. MAHER:** I move:

Amendment No 15 [Maher-1]—

Page 8, after line 18 [clause 21(2)]—Insert:

(aa) the referring authority; and

Amendment No 16 [Maher-1]—

Page 8, line 25 [clause 21(3)]—Delete 'Minister' and substitute 'referring authority'

They put in 'referring authority' instead of just the 'Minister' and I propose they are consequential on the passing of amendment No. 10.

Amendments carried; clause as amended passed.

Clause 22.

**The CHAIR:** I understand that this amendment is consequential.

**The Hon. K.J. MAHER:** I move:

Amendment No 17 [Maher-1]—

Page 8, line 29 [clause 22(1)]—Delete 'Minister' and substitute 'referring authority'

It is an identical amendment to the ones that we have just passed.

Amendment carried; clause as amended passed.

Clause 23.

**The Hon. K.J. MAHER:** I move:

Amendment No 18 [Maher-1]—

Page 8, after line 34—Before subclause (1) insert:

- (a1) The Commission must, from time to time during an inquiry—
  - (a) prepare a draft report; and
  - (b) publish the draft report on its website at the same time that the draft is provided to the referring authority.

This relates to the reporting of the commission. The effect of the opposition's amendments are that it would require the commission to prepare a draft report in relation to an inquiry and to publish the draft report into the inquiry at the same time that it is provided to the referring authority, be that the minister or the house of parliament.

We see from the federal Productivity Commission that draft reports are regularly published and we think that is a reasonable and sensible way to go about things, in that draft reports then give an opportunity for the subject matter to be agitated further before the final report.

**The Hon. F. PANGALLO:** We support this amendment in principle but I wonder if the Leader of the Opposition would consider changing it from a 'draft' report to an 'interim' report.

**The Hon. K.J. MAHER:** I take the honourable member's point. I think draft report is the language that is often used in this area. I note that the federal Productivity Commission publishes draft reports that are then subject to change, rather than interim reports. I am keen to see if the government has a view on this but I think 'draft' report might be the language that better suits this, given that it can then be defined as not a final position, just a draft rather than an interim.

**The Hon. R.I. LUCAS:** The government's position is not to support the amendment, whether it is called a draft report or an interim report. Let me outline some of the circumstances where that might, in our view anyway, make sense. Whether it is under the government model of a government-initiated inquiry or whether it is under the opposition model of a Legislative Council-initiated inquiry, there may well be some inquiries which are so restricted or limited in their scope and therefore also their time and effort that the whole notion of having to have a draft report or an interim report makes no sense at all.

It might be such a targeted inquiry that the commission has to do that the whole notion of having a draft or an interim report makes no sense at all—that is, they can move quickly, they formed a view decisively in relation to what their position was, and it may well be in some circumstances that time requires a quick response. In other words, time does not allow for a draft or interim report, further consultation on that and public debate, and then a final report in relation to an issue.

The model the government is supporting is one which allows both. Given that I think the model that is being contemplated by non-government members of this chamber is, in relation to the final report, to allow a period of time for the minister and the government to consider its position in relation to the report, at least one can understand the argument behind that. That is the way, traditionally, reports from these sorts of commissions are conducted.

The former government commissioned former judge Mansfield to do a review of the Return to Work Act, and the provisions that were given to him were that within so many days the report had to be tabled in parliament. That was on the basis that the government of the day, whether it was a re-elected Labor government or a new Liberal government, would have time to consider the report, to go through its processes and to decide what its position was going to be.

What this is contemplating is actually that the draft or interim report would automatically go public and be published at the time the draft or interim report had been conducted. I am not familiar with the commonwealth arrangements in relation to draft reports, to be honest. I know there are some draft reports, but whether or not the minister or the government has them for a period of time prior to them being published, I am not sure.

From the government's viewpoint, we prefer the model that we have outlined, which is one which provides the flexibility that, if circumstances require a draft report, then that should be

produced, but if something is limited in scope or there is no need or time for a draft report then one is not necessarily required. It just seems that in some cases it will be superfluous if the commission has made up its mind, knows what it wants to do and the draft report goes out, and then fairly soon afterwards a final report follows in exactly the same terms.

**The Hon. K.J. MAHER:** I thank the government for outlining their view. We do not think there is any harm in having this as a requirement. It might be that in some cases, if there are in fact very quick reviews, the initial interim or draft report may not vary much at all from the final one. That may be the case. I think in the history of many of these things, though, that would seem to be rarely the case, so we think it is a sensible amendment.

I might indicate to the Hon. Frank Pangallo that we are not wedded to the word 'draft', so I am happy to seek leave to move it in an amended form to substitute the word 'draft' with the word 'interim' report. We think it has the same effect.

**The Hon. T.A. FRANKS:** The Greens will not be supporting this amendment. Again, it seems to be meddling in the operational matters. Certainly, we have concerns that the productivity commission serves the state, that it is something that is transparent, that it is accountable and that pecuniary interests are declared, but in terms of giving them operational advice on their day-to-day workings, we think we can trust the productivity commission to work out when a draft report is required, when an interim report is required or when they can just go and put out a final report.

**The Hon. J.A. DARLEY:** I indicate that I agree with the Greens on this situation, and I will not be supporting the amendment.

Amendment negatived.

**The Hon. K.J. MAHER:** I move:

Amendment No 19 [Maher-1]—

Page 8, lines 35 and 36 [clause 23(1)]—Delete 'to the Minister' and substitute:

—

- (a) in the case of an inquiry referred by the Minister—to the Minister; or
- (b) in the case of an inquiry referred by a House of Parliament—to the presiding member of the relevant referring House.

Maximum penalty: \$5,000.

This has the same intent to amendment Nos 11 to 17, in that it is consequential on the passing of amendment No. 10, and where it says 'the Minister' they are replacing it with a reference to the 'House of Parliament'.

Amendment carried.

**The Hon. K.J. MAHER:** I move:

Amendment No 20 [Maher-1]—

Page 8, after line 36—After subclause (1) insert:

- (1a) The Commission must, in all reports on matters referred to it, include a variety of viewpoints and options presenting alternative means of addressing the issues in the report.
- (1b) If a report on an inquiry relies on formal mathematical economic modelling, the Commission must—
  - (a) if practicable—utilise at least 2 different economic models, with the assumptions and results of those models made explicit in the report; or
  - (b) if it is not practicable to utilise at least 2 different economic models, appoint, and report on the views of, an independent reference panel on the modelling.

This amendment is based on the commonwealth act that establishes a commonwealth productivity commission. The commonwealth act requires that the commonwealth Productivity Commission use two different economic models when conducting inquiries, or a proxy for a second model, to ensure that different viewpoints on issues are adequately researched and canvassed in the reports the

Productivity Commission makes. We think this should also be a requirement of the South Australian productivity commission.

One thing that I learnt from my time at university, studying and obtaining an economics degree, is that the model that is used in economic modelling has a very large impact on the results and conclusions that you can draw from putting a particular scenario through an economic model. I think, sensibly, the commonwealth Productivity Commission requires that two different economic models be used when conducting inquiries to make sure that at least in some way you can account for the variations that can occur depending on how you model something, and we think that is a reasonable thing to do in the South Australian context.

**The Hon. R.I. LUCAS:** Again, the government does not support this particular amendment for a state-based productivity commission, distinguishing it from a federal-based productivity commission. I am not sure how much the federal Productivity Commission costs or what its budget is, but it is certainly much more considerable than the modest state-based productivity commission that we are talking about. We outlined at least the initial budgeting costs of about \$2.5 million a year.

My advice is that, certainly within South Australia, I am not even sure we actually have one comprehensive economic modelling outfit or unit capable of doing the sort of modelling that the national Productivity Commission is able to commission at the national level in terms of the impact of some of the decisions that it might take in relation to penalty rates, HFE or whatever it might happen to be.

There are a couple of very well-resourced modelling units out of Melbourne University and one of the other Eastern States universities or think tanks, I think, but my knowledge or recollection is that we have a fairly rudimentary input-output modelling thing, which the former government and the new government, I guess, will need to utilise on occasion, but it is certainly not what one would call formal mathematical economic modelling along the lines of what the federal Productivity Commission would give the tick of approval to. So, if this particular amendment is passed, it will result in a significant increase in the budget cost of running the productivity commission, and there is just not the budget for this sort of requirement to be imposed on the productivity commission.

As I said, one can understand a national Productivity Commission which has access to a much bigger budget and has the capacity to commission nationally based, comprehensive economic models for the impact of some of their decisions. With all of the strengths and weaknesses of economic modelling—and I say this as someone who, whilst I am not a lawyer I have an economics degree—with all of the acknowledged strengths and weaknesses of economic models, they are the modern-day equivalent of sausage machines. You pump something in and something comes out the other end. Some of them are very sophisticated and, as I said, very expensive in terms of the modelling.

Under this model the opposition is suggesting that the small number of inquiries given to the commission from the government and an unknown number of inquiries the Legislative Council is going to recommend that the commission undertakes, we are going to have unlimited economic modelling costs for the bulk of those particular inquiries, if they require estimates of job impacts and impacts on inflation and economic growth and those sorts of economic indicator aggregates that most of these models churn out.

I hear what the Leader of the Opposition says, but from the government's viewpoint this is really getting involved in the nitty gritty of how the productivity commission conducts its business. It will be expensive and we just do not have the budget to do it, even if we agreed that it made sense to do it for each and every inquiry, which frankly we do not.

**The Hon. K.J. MAHER:** I thank the Treasurer for his contribution. I think it was the Treasurer who stated that the initial budget is about \$2.5 million a year for the productivity commission. What portion of that \$2.5 million a year is currently thought to be paying for economic modelling for the productivity commission?

**The Hon. R.I. LUCAS:** The honest answer is I do not know. There are some very broad estimates of the productivity commission. I think the earlier questions we were asked were about how many inquiries, and how long would each of them be? The answer is that we do not know. There

have just been some estimates done. My recollection of the discussion I had with advisers when we talked about this from a budget sense was that there was a broad estimate of what the number of the salary costs and on-costs would be of the commission.

We have added into that the hardworking people from the Simpler Regulation Unit who are in Treasury who are being transferred across to be the staff for the productivity commission, so their salaries went into it. I think then there was a notional sum for consultants as part of that particular budget. If you work through the salaries of the commissioners and the salaries of the Simpler Regulation Unit, which the former government had, their salaries go into it.

We are not talking about large sums of money out of \$2.5 million, and you have accommodation costs and all of that sort of stuff. We are not talking large sums of money whatever it is. But I honestly cannot give the Leader of the Opposition a breakdown of the budget in relation to how much was budgeted for economic modelling because it has not been done.

**The Hon. K.J. MAHER:** I thank the Treasurer for that response. I think it is part of the problem that the Treasurer says it is too expensive to do this and, when we ask how expensive it is, the answer is 'We do not know.' To claim it is too expensive to do it without knowing whether it is expensive or not seems a nonsensical sort of answer.

What we would say is that if the justification for not doing things that the commonwealth Productivity Commission does—and in earlier discussions the Treasurer implored us to follow more closely what the commonwealth and other states do when it suited his argument in relation to amendments—but when it is following the commonwealth to make sure an inquiry relies on not just one model, then you should depart from what the commonwealth does. I think it simply comes down to this: if it is too expensive to do it properly, then why would you bother doing it at all?

**The Hon. R.I. LUCAS:** In relation to the member's first contention, he constructs his own straw man and destroys that, but that was not at all the argument I put. We certainly know that nationally commissioned economic modelling, properly done, is expensive; I have never indicated that it is not expensive. What I have said is that there is a budget allocation of \$2½ million. I cannot answer for the member how much of the \$2½ million has been set aside for economic modelling.

What I can tell the member is that, contrary to his assertion, if you commission two national economic modelling groups from the Eastern States to do economic modelling of any number of inquiries, it will be very expensive and it will be more than the allocation, whatever it might be, out of the \$2½ million. We do not have that particular allocation of funding available in this budget.

**The Hon. F. PANGALLO:** I will not support the Leader of the Opposition's amendment. I see where the Treasurer is going. It could easily blow out the costs of the commission as it is set up to get two different economic models each time there is an inquiry. We will not support it.

**The Hon. T.A. FRANKS:** The Greens will support this amendment. This is one that goes to the heart of why we would have a productivity commission. Why would we want substandard reports, and why would we not want the full benefit of more information rather than less? Certainly, this element of the opposition's amendments is actually one of the key ones for the Greens in terms of ensuring a productivity commission that is not simply a shadow of what it could be.

**The Hon. J.A. DARLEY:** For the record, I will not support this amendment.

Amendment negated.

**The CHAIR:** The next amendment is amendment No. 21 [Maher-1], deleting the number 90 and substituting 30.

**The Hon. K.J. MAHER:** The amendment standing in my name is in relation to when reports are published. The bill proposes to allow 90 days—three months—for the report to be published after it is received. We think that is an extraordinarily long period of time. We do not oppose the idea that a government that receives a final report ought to consider it and consider its response to that final report. We think that is reasonable, but we think that three months to hang on to a report before it has to be released is unreasonable and a period of 30 days is more reasonable.

I am speaking to the amendment without having moved it. I note that there are two further amendments on this clause. Mr Chair, will the further amendments from the Hon. Mr Pangallo and

the Hon. Mr Darley be put to a vote first, or does this amendment get put to a vote first and then the other ones will be considered?

**The CHAIR:** Hon. Mr Pangallo, you wish to make a contribution?

**The Hon. F. PANGALLO:** I was just going to move the amendment in my name.

**The CHAIR:** I think we have three choices. Hon. Mr Pangallo, if you can just hold for a moment. Obviously, I have not had an opportunity to read the amendments myself.

**The Hon. R.I. LUCAS:** I am going to suggest a possible course of action. There appear to be three alternative amendments. I am almost suggesting the parliamentary equivalent of a straw poll. The government is supporting the Darley amendment. If anybody else is supporting the Darley amendment, and every member can indicate what they are supporting, if there is a majority of us, the simplest thing would then be that whomever has the lucky one with the majority, that they move that amendment and we can vote on that. That might be a course.

**The Hon. K.J. MAHER:** As much as it pains me to say this, I was thinking along similar lines to the Leader of the Government.

**The CHAIR:** I came to that position myself.

**The Hon. K.J. MAHER:** To help this flow through, I might indicate that the opposition will be supporting the Pangallo amendment, which I understand he may be moving in amended form for 30 days instead of 90 days, but if that fails, the opposition will then be supporting the Darley amendment.

**The Hon. R.I. LUCAS:** It may well be if there is a majority for the Darley amendment, we will not have the Pangallo amendment.

**The Hon. K.J. MAHER:** If that's what people indicate, yes.

**The Hon. T.A. FRANKS:** The Greens will be supporting the Darley amendment.

**The CHAIR:** As far as I can see the will of the members, the Darley amendment may have the consensus of the council.

**The Hon. F. PANGALLO:** I am not actually wedded to the change to 30 days. I could live with the 90 days.

**The CHAIR:** What is normally the case is that we put it to the council where the amendment comes; however, I think given what honourable members have advised the chamber, there will be success in relation to amendment No. 3 [Darley-1]. That is for the benefit of all honourable members. I am going to ask the Leader of the Opposition to put his amendments formally if he so chooses, or you can withdraw them or not move them.

**The Hon. K.J. MAHER:** I am not going to move my amendment, having seen the views of the chamber.

**The CHAIR:** I thank the honourable member. We now come to amendment No. 3 [Darley-1] which the Greens have indicated they will support, and the Leader of the Government has indicated they will support. Hon. Mr Darley, can I ask you to move your amendment?

**The Hon. J.A. DARLEY:** I move:

Amendment No 3 [Darley-1]—

Page 9, after line 4—Insert:

- (3) The Minister must, within 90 days of receiving a report delivered to the Minister by the Commission under subsection (1), provide a response to the Commission on its report and the Commission must publish the Minister's response on its website.

This amendment will obligate the government to provide a response to the commission's reports within 90 days. That is to say that the government must indicate whether they agree with the recommendations or not, and what they will be doing about it, if anything. I understand the Hon. Frank Pangallo has filed similar amendments; however, they are more prescriptive than mine in that they

outline that the government needs to give an indication of whether they will be adopting or taking action on the recommendations and if not, why not.

My amendments are not as prescriptive but the intentions are the same. I am not sure what else the government would put into a response other than whether they will be adopting the recommendations or not, and the reasons for their decision. I hope the house will support my amendment. I am relaxed about which ones will be successful but I am hopeful that at least one will be accepted.

**The Hon. F. PANGALLO:** As the Hon. John Darley said, ours is more prescriptive. With this amendment, within 90 days following receipt of the final report, it must provide the reasons for either carrying out the recommendations made by the commission and the manner in which they will be carried out. I point out that the amendment we are to move is actually identical to the one in the Coroners Act, which had government support previously.

**The Hon. T.A. FRANKS:** I want to clarify that, from the Greens perspective, again we are getting into the operational side of things and being too prescriptive, which is why we are voting the way we are.

**The Hon. K.J. MAHER:** I rise to indicate that we prefer the more prescriptive measures in the amendment and prefer the Pangallo amendment to the Darley amendment. However, I can count to 10 and I can also count to 11, so I can see where the numbers lie on this. I can see that the Darley amendment will succeed over the Pangallo amendment, but place on the record that Labor prefers the more prescriptive terms, but prefers the Darley amendment over nothing, which is what we had before.

Amendment carried.

**The CHAIR:** The Hon. Mr Pangallo, given the success of that amendment, there is no need for you to move your amendment.

**The Hon. F. PANGALLO:** Yes, thank you, Mr President.

**The Hon. K.J. MAHER:** I move:

Amendment No 22 [Maher-1]—

Page 9, after line 4—Insert:

- (3) The Chair must, at least once in each year and at such other times as is required, appear before the Economic and Finance Committee established under the *Parliamentary Committees Act 1991* in relation to a report on any inquiry conducted by the Commission.

This, again, is one of the oversights and transparency amendments that the opposition has moved and requires that the chair of the commission 'must, at least once in each year and at such other times as is required, appear before the Economic and Finance Committee established under the Parliamentary Committees Act 1991 in relation to a report on any inquiry conducted by the Commission'.

We think it is a sensible amendment. It gives oversight to the parliament in relation to the conducting of the inquiries that the commission is doing, and we do not think it is overly onerous. I am not a Treasurer, but I suggest that this would not blow the budget, like other things, as has been claimed.

**The Hon. R.I. LUCAS:** The Leader of the Opposition will be delighted to know that I will not use an argument that has no substance in relation to the cost of this amendment—I only use that where it has some substance, and that was the modelling amendment. The government does not support this, although, ultimately, if it is the will of the parliament, so be it. The government's model of the productivity commission is that it would be as a statutory authority subject to the review of the Statutory Authorities Review Committee; that is, capable of an inquiry being conducted by the Statutory Authorities Review Committee.

It is true to say that there is no statutory requirement for them once a year to go to the Statutory Authorities Review Committee; that would have to be a decision of the Statutory Authorities



Review Committee, if they so choose. So the government's position is not to support this; however, if ultimately that is the case then so be it.

**The Hon. F. PANGALLO:** We will be supporting the Leader of the Opposition's amendment.

**The Hon. T.A. FRANKS:** The Greens will be supporting the opposition's amendment. This seems a reasonable level of transparency, and certainly SARC could call the productivity commissioners before them as well.

**The Hon. J.A. DARLEY:** For the record, I will not be supporting the opposition's amendment.

Amendment carried; clause as amended passed.

Clause 24.

**The Hon. K.J. MAHER:** I move:

Amendment No 23 [Maher-1]—

Page 9, lines 6 to 10—Delete the clause and substitute:

24—Annual report

- (1) The Commission must, on or before 1 October in each year, prepare a report on the administration of this Act.
- (2) The report must—
  - (a) relate to the financial year preceding the making of the report; and
  - (b) describe—
    - (i) the number and general nature of the inquiries held by the Commission; and
    - (ii) the performance plan and budget submitted to the Minister under section 18 in relation to the financial year preceding the making of the report; and
  - (c) deal with any other matters prescribed by the regulations.
- (3) A copy of the report must be delivered to the President of the Legislative Council and the Speaker of the House of Assembly within 10 sitting days of 1 October in each year.
- (4) The President of the Legislative Council and the Speaker of the House of Assembly must, on the first sitting day after receiving a report, lay it before their respective Houses.

This amendment deletes clause 24 of the bill, which is in relation to the annual reporting requirements, and puts in a not overly onerous but a more rigorous annual reporting requirement. As the annual reporting requirement currently stands in the government's bill, it merely requires:

(1) The Commission must, within 3 months after the end of each financial year, deliver to the Minister a report on the administration of this Act...

and it requires the report to be tabled in parliament within 12 sitting days after the receipt of the report.

What the opposition's amendment does is tighten up on what is required to be reported, and also the time frames on reporting: 'on or before 1 October in each year, prepare a report' and 'within 10 sitting days'. The large difference is:

- (2) The report must—
  - (a) relate to the financial year preceding the making of the report; and—  
importantly—
  - (b) describe—
    - (i) the number and general nature of the inquiries held by the Commission; and
    - (ii) the performance plan and budget submitted to the Minister under section 18 in relation to the financial year preceding the making of the report...

We think this is an important one in relation to the budget, given the huge uncertainties even within the government about the budget for the commission and how it works.

**The Hon. R.I. LUCAS:** The budget will be on 4 September—an outline as to what the budget will be. The Leader of the Opposition is asking questions in relation to budget issues without the budget having been formally brought down in total. When the budget is brought down, it will have a budget for the productivity commission, assuming the legislation passes and the body is to be established. I do not think the Leader of the Opposition should assume the information he receives in July is the information that will be available publicly when the budget is released on 4 September.

The member says that this is tightening up on provisions. The government's bill provides:

- (1) The Commission must, within 3 months after the end of each financial year, deliver to the Minister a report—

and the Leader of the Opposition has changed that to 'must, on or before 1 October'. Is that not the same time? I do not know how that tightens it up. You have changed it to 1 October—whoops do.

**The Hon. K.J. Maher:** On or before.

**The Hon. R.I. LUCAS:** Yes, whoops do. The government has used the phrase 'within 3 months,' which is July, August, September, so by 1 October or 30 September. This is momentous amendments just for the sake of making amendments.

With great respect to the Leader of the Opposition, that is part of the problem. There is a desperation to be able to amend every particular provision and clause just to delay the passage of legislation and cause grief. What is the problem with describing it as 'within 3 months'? They have gone to the trouble of crafting an amendment to say 'on or before 1 October', and this somehow provides greater transparency.

I just illustrate that as an example. We talked in an earlier amendment about accurate minutes. It is really just amending legislation for the sake of 'we're no longer in government and we now want to draft the bills in the way we actually want them to be drafted', which is great, but there is a lot of time going to be taken up in the committee stage for not much productive use, if that is the approach that is going to be adopted.

In relation to delivering a copy of the report, the government amendment says 12 sitting days and the Leader of the Opposition has moved 10 sitting days, so there is a tightening-up requirement of two sitting days in relation to the aspect of reporting to parliament. In relation to the budget issue, the budget will be public and, as the leader would know as a former minister, clearly all of these bodies, once established as statutory authorities, will have to provide financial reports and financial statements on whatever their budget is. If it is \$2.5 million dollars, they will have to have audited statements and all of that sort of thing. It is just a part of a normal annual report.

Upon closer scrutiny, the whole notion of this as some bold new thing is really not that, in terms of providing greater transparency. The budget is the budget, and it will be revealed. It is not as if it is a secret budget. Once the body is established and it is given a budget, Treasury will be aware of it. It will be in the budget in the aggregate, and when it reports each year on its audited accounts it will have to have those accounts reported. I assume the Auditor-General would do the normal audit, so there is no great secret in relation to this.

If it is a body established by the government, it is going to be subject to the general controls that most of these bodies are subject to. So we do not support it. We think this is amending for amending's sake. We do not believe that it provides any greater transparency in relation to what is being proposed.

**The Hon. K.J. MAHER:** I thank the Treasurer for his contribution. A couple of times in relation to clauses in this bill, the Treasurer has said, 'We're going to do this anyway. It will happen.' If it is the case that that is going to happen anyway, there is absolutely no harm in making absolutely sure of it by passing this amendment.

**The Hon. F. PANGALLO:** We will not be supporting the opposition on this one. It is quite clear cut what an annual report is going to contain. The honourable leader's amendment goes into

quite a deal of minutiae, but I accept the way that it has been drafted by the government. I will not be voting for the amendment.

**The Hon. J.A. DARLEY:** I will not be supporting the opposition's amendment.

**The Hon. T.A. FRANKS:** Just for the record, the Greens will not be supporting it either.

Amendment negatived; clause passed.

Clause 25 passed.

New clause 26.

**The Hon. J.A. DARLEY:** I move:

Amendment No 4 [Darley-1]—

New clause, page 9 after line 24—Insert:

26—Review of Act

- (1) The Minister must cause a review of this Act and its administration and operation to be conducted on the expiry of 3 years from its commencement.
- (2) The review must be completed within 6 months and the results of the review embodied in a written report.
- (3) The Minister must cause a copy of the report to be laid before both Houses of Parliament within 12 sitting days after receiving the report.

This amendment is fairly self-explanatory and would cause a review of the act to be undertaken three years after commencement to see if improvements or modifications to the act need to be made. It is important to do this as the bill establishes a new entity, and often new entities need modification after they have been in operation for a few years. Often kinks cannot be identified or ironed out at the beginning, and it is only with lived experience that this can occur.

**The Hon. T.A. FRANKS:** The Greens will be supporting this amendment.

**The Hon. K.J. MAHER:** The opposition will be supporting the Hon. John Darley's amendment.

**The CHAIR:** The Hon. Mr Pangallo, whilst the Treasurer is taking some advice, do you wish to take the opportunity to indicate your view?

**The Hon. F. PANGALLO:** On Mr Darley's amendment?

**The CHAIR:** On Mr Darley's amendment No. 4 [Darley-1] inserting a new clause 26. You are not obliged to have a comment; I am just giving you the opportunity.

**The Hon. R.I. LUCAS:** Is this the one about the review?

**The CHAIR:** Yes, this is inserting a new clause 26.

**The Hon. R.I. LUCAS:** In the interests of getting this bill through, we are delighted to support the Darley amendment in relation to a review. It is traditional that the Hon. Mr Darley moves amendments in relation to a review of new proceedings and we will support the amendment.

**The Hon. F. PANGALLO:** I am inclined to agree with that.

**The CHAIR:** The amendment has been moved by the Hon. Mr Darley, so I will put the question that new clause 26 as proposed to be inserted by the Hon. J.R. Darley be so inserted.

New clause inserted.

**The CHAIR:** There is a further amendment to be moved by the Treasurer, amendment No. 1 [Lucas-1]. This is inserting schedule 1, related amendments.

**The Hon. R.I. LUCAS:** I withdraw the amendment standing in my name. It is consequential on an earlier debate that we had about competitive neutrality.

Title.

**The CHAIR:** I assume, Treasurer, you are not going to move amendment No.2 [Lucas-1].

**The Hon. R.I. LUCAS:** Is that about competitive neutrality as well?

**The CHAIR:** That is making amendment to the long title.

**The Hon. R.I. LUCAS:** Again, it is consequential and I will not be moving that amendment.

Title passed.

Bill recommitted.

Clause 9.

**The Hon. R.I. LUCAS:** I hope that with at least the concurrence of a majority of members in this place, I move:

That inserted new subclauses (5) and (5a) be deleted and original subclause (5) be inserted.

There was an earlier vote of the council where two members were at a very important domestic violence summit doing good work. I do not think the bells rang; the lights might have flashed, but the work was so important that they did not get back in time for the vote. So I hope, with the concurrence of the committee—well, it has obviously been recommitted—that we can recast our vote. I think that, with a full complement, there is support for the position that I am putting.

**The Hon. M.C. PARNELL:** I think it is beholden on all of us to do our best to get to divisions, but I was at the same event, and I know that in that room in parliament the bells are not loud and the light is very high. However, I urge both the government and the opposition to remember this moment. When someone, through no fault of their own, doing important parliamentary business, does miss a vote I would like to think that it was good practice and would become the practice of this committee to recommit clauses so that the numbers are fairly reflected and so that people do not take advantage of those who are missing through no real fault of their own.

**The Hon. R.I. LUCAS:** As someone who has been in this chamber much longer than anybody else, can I indicate that the convention and practice in my time, which I certainly as Leader of the Government would wish to seek the concurrence of all parties to, if that is possible, is to do not only that but more. With the major parties, when a member through no fault of their own—sometimes no fault of their own; occasionally it might be their fault—has not turned up, the whips have previously informally paired.

There would be no formal pairing arrangement, but if two government members missed the vote, two opposition members were withdrawn or vice versa. That has been an informal convention between the whips and between the parties.

I would certainly indicate on behalf of government members a willingness to work that way as we have in the past. That would not necessitate having to go through recommittal proceedings. In relation to crossbench members, if we were aware that someone had gone missing or had not got to a vote in time—

*The Hon. T.A. Franks interjecting:*

**The Hon. R.I. LUCAS:** Yes, and the Hon. Kelly Vincent sometimes found it very difficult to get from one end of our environs to here within the two minutes or whatever it is that the bells ring for, if we stick to the strict policing of the ringing of the bells, and there were occasions where, when we knew where she was, we would pair as well.

I will not delay the committee proceedings any longer. I think what the member suggests is fine, but I think there is another practice which would mean we would not have to recommit on all those particular occasions as well.

Amendment carried; clause as further amended passed.

Bill reported with amendment.

*Third Reading*

**The Hon. R.I. LUCAS (Treasurer) (18:04):** I move:

That this bill be now read a third time.

Bill read a third time and passed.

### **EVIDENCE (JOURNALISTS) AMENDMENT BILL**

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 5 July 2018.)

**The Hon. K.J. MAHER (Leader of the Opposition) (18:05):** I rise today to indicate that Labor will not oppose the journalists shield laws being introduced through the Evidence (Journalists) Amendment Bill 2018. Various amendments are being proposed by a number of crossbenchers, and we will listen with interest during this debate to see which, if any, the opposition will support. This is an area that has been of significant interest to both the media and the public. We indicate also that we are amenable to seeing how these laws operate in practice and, if needed in the future, coming back and looking at further amendments, depending on how these laws operate in practice.

That said, I indicate that we supported in the House of Assembly the bill as it stood in progressing to this place, knowing that there were amendments and concerns that had been raised on a couple of issues. Regarding the definition of 'journalist', concerns have been raised with the Labor opposition that the definition as prescribed in the bill before us is too stringent and ought to be more accommodating, given the fragmented nature of journalism today and particularly with online presences of the different forms of news media and journalism that take place.

We have also had representations that it is too wide in its scope as it currently stands. Some of the alternative suggestions that have been put have included such things as having a journalist defined by adherence to a code of ethics or as a member of an organisation that represents journalists. We have certainly had representations made to us in terms of the definition of journalists, to make it tighter or to make it looser, in effect, than what is in the bill.

Another major concern that has been raised in consultation is that of essentially lifting the veil of the shield and how that can be done. The bill currently allows the shield to be lifted either by a court on application of a party to a particular proceedings or by the court on its own motion. I think we have had representations on the desirability of leaving the 'of its own motion' part in there.

I know that a number of amendments have been filed from crossbenchers in relation to the issue of its own motion. If the government has a view on those amendments and what they do or do not support, I suspect that will help greatly in the flow of this bill through the committee stage.

**The Hon. J.A. DARLEY (18:08):** I rise in support of this bill, which is similar to my 2013 and 2014 bills, which also addressed the issue of providing protections for journalists from revealing their sources. The issue of confidentiality is very important when people speak to journalists to expose matters. Individuals need to have confidence that when they are speaking out about important matters they will not be persecuted or punished for the information they provide to journalists.

Similarly, journalists need to be sure that they will be protected from having to reveal their sources. It creates trust between the journalists and the informant which can lead to important information being exposed to the public. The bill will do this by amending the Evidence Act and providing a protection for journalists from liability if they fail to provide information that would identify their sources.

The definition of 'journalist' is a point of contention which has been debated in this chamber before when it has considered previous versions of this bill. In 2014, the last time I introduced a similar bill, that version contained the same definition as the federal act. I note that the government has diverted from this; however, the Hon. Mark Parnell has filed amendments which will change the definition and I am supportive of this.

I understand another major issue which has been flagged is the use of the word 'reasonably' in 72B(1)(d) of the bill. Concerns have been put to me that by having such a word included it would insert a discretion as to whether a person reasonably expected their identity would be kept confidential. Requests have been received to have this word removed.

However, I understand that by having the word 'reasonably' in the bill it actually broadens the scope and the shield would have a wider application thereby protecting more people. The provision was in my original bill and I believe the public would be best served by retaining the word in the bill. People should be protected even if they only have a reasonable expectation of confidentiality rather than an explicit expectation.

Another major point of contention is whether courts should be able to remove the shield on their own motion or not. I note there have been amendments filed which will remove the ability for courts to do this; however, again, going back to my 2014 bill, this provision was clearly inserted into the bill then, albeit with slightly different wording, which allowed the Supreme Court to remove the shield on its own motion, if they believe there is a public interest to do so. I understand the Hon. Mark Parnell has moved amendments to this provision and I believe this is a good compromise position which deserves my support.

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

### **CRIMINAL PROCEDURE (MISCELLANEOUS) AMENDMENT BILL**

#### *Second Reading*

Adjourned debate on second reading.

(Continued from 21 June 2018.)

**The Hon. K.J. MAHER (Leader of the Opposition) (18:12):** I will not speak for long on this and I indicate that we will not have any questions during the committee stage. We thank the Attorney-General's office for the briefing that was provided. These are matters that need fixing up, essentially. It is in relation to previous amendments to legislation that were made under the Labor government that at the time had consequences that could not have been foreseen that have emerged, and we are happy to support the government. We think this is a sensible way to deal with those unforeseen consequences that have since emerged.

**The Hon. R.I. LUCAS (Treasurer) (18:13):** I thank the honourable member for his indication of support for the bill.

Bill read a second time.

#### *Committee Stage*

Bill taken through committee without amendment.

#### *Third Reading*

**The Hon. R.I. LUCAS (Treasurer) (18:16):** 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 26 July 2018.)

**The Hon. K.J. MAHER (Leader of the Opposition) (18:17):** I rise today as having conduct of this bill in the Legislative Council. I indicate that the opposition will support this bill but with one amendment that I believe was filed this morning. Our amendment will ensure that people who have suffered from childhood abuse have the opportunity to seek a civil remedy for the harm they have endured regardless of what form that abuse takes. At its core, the amendment is about fairness and equality. It ensures that we do not create a system of more worthy and less worthy child victims who have suffered abuse.

Abuse that impacts a child and can be proven in a civil court should be recognised and recompensed no matter whether that abuse is sexual, physical, mental, emotional or in the form of neglect. As the law currently stands, a person who has been the victim of child abuse has until their

21<sup>st</sup> birthday to make a civil claim against their abuser or abusers. This is an unrealistic expectation for many young victims of abuse, whether that abuse is sexual, physical, mental, emotional or by neglect.

Many victims are not able to acknowledge their abuse let alone disclose it until well into adulthood, and most of us instinctively understand that. There are countless studies to prove it, but as humans we can recognise that experiences of abuse might be repressed or kept secret for self-preservation. A young person might not disclose the abuse due to fear or a lack of trust in adults or authorities. A person might feel shame and not want others to know about their childhood abuse.

In some instances, victims have waited until the death of relatives or perpetrators before coming forward. Young victims may also be unaware of the legal remedies available to them, both criminal and civil, or how to go about navigating the justice system. It is also the case that community attitudes towards victims have changed over time. It is a good thing that victims of childhood abuse are increasingly believed and supported but that has not always been the case.

If we reflect on the Mullighan royal commission and the removal of the statute of limitations for criminal cases, it gives us some indication of just how many victims were unable to disclose their sexual and physical abuse, or find people who believed them, or to navigate the criminal legal system until much later in life. The age of an individual and the mental effects of their abuse should not be a barrier to them later seeking redress for crimes committed against them as a child.

This amendment also recognises that the abuse of a child often involves several forms of abuse, either committed in one instance or in different instances over time. A sexual offender may also physically abuse a child. In committing a sexual offence, the perpetrator may also employ physical or mental abuse. A person who commits sexual and physical abuse may also subsequently perpetrate emotional and mental abuse upon a victim.

A child who is subject to neglect may also be the victim of mental and emotional abuse. Each of these forms of abuse may be able to be proven in different ways and to different degrees in the civil jurisdiction. Why should a person who was sexually abused as a child not also be recognised for the physical abuse they have also suffered? Why should a sibling who suffered physical abuse not be able to take civil action just as their sibling can take civil action for sexual abuse? The opposition submits this as plainly unfair and unjust, not to mention a nonsensical approach.

Physical abuse and neglect can have damaging impacts on the development of a child akin to the impact of sexual abuse, according to many child protection advocates and experts. Physical abuse can include torture and, sadly, we have seen cases involving systematic torture of siblings in our criminal courts over recent years. Why should those victims not be able to pursue civil remedies just as a person who was sexually abused as a juvenile can? Sadly, we have also seen several instances of serious neglect. In some cases, those children's future health, development, progress and mental capacity have been limited for life by that neglect.

Often the impacts of such neglect are not fully realised until adulthood or are exacerbated over time. It is highly problematic to grade types of abuse to say one form of abuse is more or less harmful to a child. The context and circumstances are important, and it is up to our courts to determine the facts and decide the appropriate remedies.

Our amendment also goes to another point in achieving justice. Anyone who commits a crime against a child should not enjoy any kind of protection. The law as it stands provides protection to sexual perpetrators in that as long as the victim does not commence legal action within the first three years of adulthood, an offender need never fear a civil action, and we support the legislation that changes this. But surely any child abuser, whether they abuse a child sexually or physically or otherwise, should not have that privilege of immunity from civil action after the victim turns 21.

Our amendments will ensure that no child abuser can rest comfortably after their victim turns 21 in the knowledge that they will never be pursued in civil courts. The Deputy Premier has introduced this bill in another place to remove the barrier for victims of sexual abuse seeking justice for the crimes committed against them by civil remedy. This bill seeks to do that by amending the Limitations of Actions Act 1936 to specify that an action for damages resulting from the sexual abuse of a person

when the person was a child (a) may be brought at any time and (b) is not subject to a limitation period under this act or any other law.

This bill is not the first such piece of legislation that we have seen in this chamber. I note the Hon. John Darley introduced a similar bill in relation to this, I think in 2017, and I commend him for the work he has done on this important issue. That bill from the Hon. John Darley expanded on a previous private members' bill by the then shadow attorney-general. The bill now picks up and applies that to all children, not just those abused in state institutional care, and we submit that it ought to apply not just to sexual abuse but to other forms of abuse.

There will be arguments that this may impose extra costs on the state, and certainly that has been raised. However, for the reasons I have outlined before, we do not think trying to delineate between the different forms of abuse is fair and equitable.

All the usual levels of evidence and proof required by a court will still be required by a court. If the passage of time has diminished the ability, that will still be something taken into account by a court, and it will still be the same burden of proof required for all forms of abuse as will be required by the removal of limitation for sexual abuse.

While we certainly support the intent of the new bill, the opposition is seeking a further amendment to strengthen it, with the extension of the legislation to include all victims of childhood abuse and not just sexual abuse. As I have said, as it stands, the bill does not deal with abuse that is physical, emotional, mental or as a result of the neglect of a child.

Our amendment is simple and short, but it means that, as I have said, a perpetrator of this abuse cannot, after the victim turns 21, carry on their life comfortably in the knowledge that they are barred from civil action if it is non-sexual abuse, as would be the case if it was just this bill that was passed.

By limiting the bill to only sexual abuse, we are sending a message to victims of other forms of abuse that their abuse ranks lower, that it is not as serious or damaging as sexual abuse and that they are not as deserving of access to civil remedies. All forms of abuse, not just sexual abuse, are harmful to children and we submit that, as a parliament, we have an opportunity now to recognise that. I commend the bill, and also the Labor opposition amendments, to this chamber when we consider it in committee.

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

## **CRIMINAL ASSETS CONFISCATION (MISCELLANEOUS) AMENDMENT BILL**

### *Second Reading*

**The Hon. R.I. LUCAS (Treasurer) (18:27):** I move:

That this bill be now read a second time.

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

Leave granted.

Mr President, the Bill I introduce today is the Criminal Assets Confiscation (Miscellaneous) Bill 2018.

This Bill retains three amendments from the Statutes Amendment (Drug Offenders) Bill 2017, which lapsed when Parliament was prorogued in November 2017.

At the time when the previous Bill was put to the Parliament it included an additional proposed amendment.

The Bill included an amendment such that if a person was seen entering or leaving premises which the police reasonably suspected as being used for the manufacture, distribution or storage of illicit substances or chemicals, then the police had the power to search that person and/or their vehicle.

That was a recommendation in part from the former Government's Ice Taskforce, a report that was thin in nature and hastily developed.

The former Government inserted this clause without precedent in other Australian jurisdictions. At the time, there was nowhere else in Australia where the police have this power to search anybody or any vehicle going in and out of a suspected property.



This Bill has not included that same amendment in it, however mirrors the other aspects from the 2017 legislation, and is simply a Bill of a different name.

The Bill amends the *Criminal Assets Confiscation 2005*, including some provisions inserted into the Act by the *Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Act 2016*, which commences in August this year. The amendments in this Bill facilitate the operation of the prescribed drug offenders amendments when they come into operation in August this year, and also address issues raised by the Office of the Director of Public Prosecutions in relation to the operation of the Criminal Assets Confiscation Act as a whole.

A new section 59B will be inserted in to the Act, to allow the court to make an order that property which has been subject to automatic forfeiture under the prescribed drug offender provisions be excluded from the operation of that automatic forfeiture because it is contrary to the financial interests of the Crown or it is otherwise not in the public interest for the property to be forfeited.

It is easy to envisage a situation where there may be something of value, such as a motorcycle, that the Crown would ordinarily be happy to seize, but the offender has bought it using a loan and the bank still owns 90% of the value of the motorcycle. It would simply not be economical for the Crown to seize that asset in that case.

The Bill makes a minor amendment to section 209 of the Act. Section 209 allows for administration costs to be covered by money received from seized assets, and the amendment removes some potentially narrowing terminology from that section to ensure that the term 'administration' is broad enough to cover the work undertaken by agencies in administering the legislation, and dealing with the assets that are forfeited to the Crown.

Section 219 will be amended to allow the court to make a consent order reflecting an agreement between the parties that a monetary sum be paid to the Crown in lieu of property being forfeited. It is vital that the Director of Public Prosecutions (the DPP) be able to negotiate agreements with offenders, particularly in cases where the assets may not be solely owned by the offender, but may have multiple interests involved, such as a business. Rather than having to deal with complex arrangements and paying off multiple third party interests in a property, the DPP will be able to come to an agreement with an offender for an agreed amount to be paid.

Section 227 will be amended to clarify that the court may not award punitive or exemplary damages against the Crown if an applicant is successful in an action against the Crown to have their property excluded from a forfeiture order.

There is currently a risk that, because of the way the section is worded, the Crown could be liable for huge punitive cost orders because an offender's property has depreciated in value or been otherwise damaged whilst being held in storage whilst proceedings progress.

Often the aggrieved party bringing the application has not helped themselves by providing information in a timely manner which would allow proceedings to progress efficiently. In the Government's view, a regular award of costs typical for civil proceedings is sufficient for successful applications against the Crown.

An amendment is also being made to the regulation making power provisions in the Act to provide that regulations may be made that prescribe that the matter about which the regulations are being made is determined at the discretion of the Minister or the DPP.

All of the amendments in this Bill will ensure that the DPP will be able to maximise the worth of property being forfeited to the Crown, and ensure that their resources are used efficiently to target those assets which are of the most value.

Finally, this Bill, alongside others currently before the House including the Statutes Amendment (Drug Offences) Bill and amendments to the Corrections Act shows this Government's genuine commitment to fighting the scourge of drugs in our society.

We are limiting drug diversions, increasing maximum penalties, ensuring drugs do not enter our prisons, and giving the community confidence that real action is being taken on this important issue.

Mr President, I commend the Bill to Members.

#### Explanation of Clauses

##### Part 1—Preliminary

##### 1—Short title

This clause is formal.

##### 2—Commencement

Operation of the measure will commence on 10 August 2018, which is the day on which the *Criminal Assets Confiscation (Prescribed Drug Offenders) Amendment Act 2016* commences. However, if the measure is not assented to before that date, it will commence on assent.

##### 3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Criminal Assets Confiscation Act 2005*

4—Amendment of section 56A—Prescribed drug offenders

This amendment is consequential on the insertion of section 59B by clause 5.

5—Insertion of section 59B

This clause inserts a new section.

59B—Exclusion orders based on financial interests of Crown etc

Proposed section 59B provides a mechanism for excluding property from forfeiture under the prescribed drug offender provisions of the Act. Property may be excluded by order of a court on application of the DPP if the court is satisfied that—

- it would be contrary to the financial interests of the Crown for the property to be forfeited to the Crown; or
- it is otherwise not in the public interest for the property to be forfeited to the Crown.

An order of the court under section 59B (an *exclusion order*) must direct that the property be excluded from the operation of the deemed forfeiture order that would otherwise apply to the property under Subdivision 1A.

6—Amendment of section 209—Credits to Victims of Crime Fund

Section 209 is amended by this clause so that there is no implied limitation on the meaning of 'costs of administering this Act'.

7—Amendment of section 219—Consent orders

Under section 219 as amended by this clause, a court will be authorised to make an order giving effect to an agreement between the DPP and another person if—

- the agreement provides for the person to make a payment to the Crown instead of property of the person being forfeited under the Act; or
- the agreement provides for the person to make a payment to the Crown instead of the DPP applying for a confiscation order against the person.

If an order of this kind is made, the property is taken to not be liable to forfeiture under the Act. If any forfeiture of the property occurred before the order, that forfeiture is, on the making of the order, taken to be of no effect, subject to an order of the court to the contrary.

8—Amendment of section 227—Costs and exemplary or punitive damages

This clause inserts a new subsection that provides that a court may not award exemplary or punitive damages to a person in relation to whom the Crown is ordered to pay costs under section 227.

9—Amendment of section 230—Regulations

A standard regulation-making provision is inserted so that regulations under the Act may—

- be of general application or limited application; and
- make different provision according to the matters or circumstances to which they are expressed to apply; and
- provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or the DPP.

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

**TERRORISM (POLICE POWERS) (USE OF FORCE) AMENDMENT BILL**

*Introduction and First Reading*

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

*Parliamentary Committees*

**ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE**

The House of Assembly appointed Mr Ellis to the committee in place of Mr Basham.

*Bills*

**PUBLIC FINANCE AND AUDIT (MISCELLANEOUS) AMENDMENT BILL**

*Final Stages*

The House of Assembly agreed to the bill without any amendment.

**PAYROLL TAX (EXEMPTION FOR SMALL BUSINESS) AMENDMENT BILL**

*Introduction and First Reading*

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

At 18:30 the council adjourned until Wednesday 1 August 2018 at 14:15.

*Answers to Questions***SA HEALTH**

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (24 July 2018).

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

1. I have been advised a Silver Chain group board member signed the offer under seal and a Silver Chain group staff member, not Dr McGowan, was the key contact person throughout the entire procurement process.
2. The procurement of services to deliver the SA Health—SA Community Care Program was overseen by an independent probity advisor who was engaged on 9 October 2017.

The State Procurement Board approved SA Health to undertake an open invitation to supply for the provision of these services on 15 January 2018 and delegated the approval of the purchase recommendation to the SA Health Procurement Approvals Committee.

The evaluation team recommended four suppliers to provide the required services and under its delegation, the SA Health Procurement Approvals Committee approved the recommendation on 8 May 2018. The procurement approval was made by the committee the day after the commencement of Chris McGowan as chief executive of SA Health on 7 May 2018, with no involvement from Dr McGowan.

The procurement brief and recommendations were progressed by the deputy chief executive and the chief executive was verbally briefed on them.

On 25 May 2018, I met with the chief executive and deputy chief executive, SA Health, about the term of the contract. I agreed with the chief executive's suggestion to reduce the term of the contract. This decision was based on increasing the options for the new government. This brought the opportunity to engage and consult with community members to consider the way in which services could be delivered to better meet the needs of the community.

As required under Treasurer's Instruction 8, SA Health sought my approval to enter into contract for one year with the four suppliers and to incur expenditure for 2018-19 with extension options of 1 + 3 years.

The briefing that was submitted to my office was authorised by the deputy chief executive, SA Health, and not by the chief executive, SA Health, which I am advised was in line with probity advice.

The department sought Crown legal advice and the advice was that the action was appropriate.