

## LEGISLATIVE COUNCIL

Wednesday, 24 October 2018

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

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

*Parliamentary Committees*

### LEGISLATIVE REVIEW COMMITTEE

**The Hon. T.J. STEPHENS (14:16):** I bring up the ninth report of the committee.

Report received.

*Parliamentary Procedure*

### PAPERS

The following paper was laid on the table:

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

Investment Attraction South Australia—Report, 2017-18

*Ministerial Statement*

### GRASSROOTS SPORTS GRANT

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:17):** I table a ministerial statement on the grassroots sports grant on behalf of the Minister for Recreation, Sport and Racing made today in another place.

### GOODS AND SERVICES TAX

**The Hon. R.I. LUCAS (Treasurer) (14:17):** I seek leave to make a ministerial statement, entitled SA government welcomes federal GST funding 'no worse off guarantee'.

Leave granted.

**The Hon. R.I. LUCAS:** The Marshall government has been a longstanding supporter of the current objective of horizontal fiscal equalisation, which is to provide states and territories with the capacity to provide services and the associated infrastructure at the same standard or, in other words, full equalisation. These arrangements have served the nation well for many decades by adjusting transfers to states and territories in response to changing economic conditions and jurisdictional specific circumstances.

In line with these views, the South Australian government's preferred position is that current GST distribution arrangements are retained. Whilst we would prefer to maintain the current GST arrangements, we acknowledge that the federal government and parliament have the ultimate power to change the GST distribution arrangements without the support of the states and territories.

When the federal government announced its intention to change the GST distribution arrangements, commitments were provided that no state or territory would be worse off. Under the assumptions made by the federal government in their modelling of the proposed changes, all states and territories would be better off over the transition period to 2026-27. However, this is only one of a number of many potential future scenarios.

Modelling undertaken by the states and territories shows that under different assumptions jurisdictions could be worse off as a result of the new arrangements, with an overall reduction in GST revenue compared with what would have been delivered under the current arrangements. It was

these concerns that prompted the Board of Treasurers to write to the former federal treasurer seeking an explicit no worse off guarantee to be included as part of any proposed changes.

These concerns were reiterated at the October meeting of the Council on Federal Financial Relations. The proposed amendment bill now includes a cumulative no worse off guarantee for the states and territories over the transition period to 2026-27. South Australia welcomes this commitment. However, the potential impact of the changed revenue distribution arrangements are ongoing. The South Australian government's preferred position is that the guarantee should also be ongoing, consistent with the risks to the states and territories.

It is also important that the additional funding to be added to the GST pool and any payments required under the no worse off guarantee are not offset by a decrease in other funding to the states and territories. Yesterday, I provided a submission outlining these points to the Senate Economics Legislation Committee inquiry into the amendment bill currently being considered by the federal parliament and I have written to the federal Treasurer, Mr Josh Frydenberg, reinforcing these points.

There has been an ongoing convention that the GST distribution arrangements would not be changed unless there was support from all states and territories. This has been an important convention, which the South Australian government continues to support because it has served the nation and South Australia well. Given the federal government, on this occasion, has chosen a different course of action, then the inclusion of a no worse off guarantee is an essential element of the amendment bill for the states and territories.

#### COOBER PEDY DISTRICT COUNCIL

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:21):** I table a copy of a ministerial statement from the Hon. Stephan Knoll, Minister for Transport, Infrastructure and Local Government, on the topic of the District Council of Coober Pedy.

#### *Parliamentary Procedure*

#### ANSWERS TABLED

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

#### *Personal Explanation*

#### DARLEY, HON. J.A.

**The Hon. C. BONAROS (14:22):** As indicated last week, I seek leave to make a further personal explanation, notice of which was given last week, to speak in more detail on the unprecedented personal attack made on me and my character in this place by Mr Darley.

Leave granted.

**The Hon. C. BONAROS:** Mr President, at the conclusion, I will seek your guidance on the most appropriate course of action from here. While I do not intend, at this stage, to go into specific detail of all the allegations levelled against me—they do not deserve the dignity or the oxygen of a response—I will say this: I believe that most people in this chamber will agree with me when I say that everyone in this place is in an extremely privileged position. It is bestowed on very few people. Like you, Mr President, and others in this chamber, I am humbled by my position and take that responsibility extremely seriously.

My overriding duty as a legislative councillor is to this parliament and specifically to this chamber. With such privilege also comes great responsibility and most of us accept that responsibility with the utmost respect of the traditions of parliament. There was absolutely nothing honourable or even half decent in respect to what happened in this place last week. The completely untrue and utterly devastating character assassination of me that Mr Darley made under the protection of parliamentary privilege is, as I said, unprecedented in this place. Why he chose that course of action, thereby disrespecting this chamber, speaks volumes.

It is absolutely true that I did visit Mr Darley's wife to talk about her husband—I never shied away from that fact. Nor was this a rarity. Mrs Darley and I shared a loyal relationship and I have

visited the Darley home on more occasions than I can recall. For a long time, Mr Darley has enjoyed and, indeed, hidden behind a certain level of protection afforded to him by many.

As I went into great detail to explain to Mrs Darley on the day in question, my visit was out of genuine concern for her husband's health and wellbeing. Over the course of several months leading up to my visit to his wife, Mr Darley's mental aptitude appeared to be waning. That was not just my view and mine alone, but that of those who work closely with him. I am prepared to go into specifics and details of times and meetings when those concerns were highlighted, and highlighted in writing if necessary. I will not at this point, and I will explain my reasons for that later.

On the day in question, I gave Mrs Darley an honest and frank view of the concerns being raised about her husband, not only by me but by those around him and those who worked closely with him. To be clear, this was not just limited to staff and/or members of his own party, but extended outside of their respective offices. As you would expect, Mrs Darley was overwhelmed by what I told her. It was an emotional time for both of us, a day I will never forget. As I explicitly repeated numerous times on the day to Mrs Darley, I knew that Mr Darley would be unhappy once he had knowledge of my meeting with his wife.

Mr Darley claims that these matters were not raised with him prior to my meeting with his wife. With respect, nothing could be further from the truth, and he knows it. Fortunately for me, the concerns over his deteriorating behaviour were the subject of many discussions with his peers, with his personal staff and with him. The warning signs were there for all in the team that the current working environment was becoming increasingly unworkable and untenable, given Mr Darley's behaviour, and that it was not going to end well for anybody.

I was working in Canberra when breaking point finally arrived. So genuine were my concerns for Mr Darley, an indication of my close relationship with him at the time, that I made the decision to seek a leave of absence from my job in Canberra to fly back to Adelaide and, in a last-ditch effort, reach out to his wife. I have always known Mrs Darley to be a compassionate and level-headed person, and took the drastic step to approach her in the hope that her influence over her husband would make him see sense.

In an effort to make her appreciate that this was not motivated by self-interest, I suggested to Mrs Darley that Mr Darley could go to visit his doctor to ascertain whether he had any underlying health issues responsible for his changing behaviour. I said to Mrs Darley that if that was not the case then clearly it was more about personalities at play and that we would have to deal with that if that was indeed the case.

Far from his allegations of self-interest on my behalf, I made it very clear—abundantly clear—to Mrs Darley that I had little to gain personally if Mr Darley left parliament. My position as a candidate had already been determined internally by our party. Had Mr Darley resigned or retired from this place, I would have been expected to step into a vacant position and thus take on a lesser term in this place.

To this day, I do not shy away from the growing concerns I and others had about Mr Darley's health and wellbeing. As he pointed out last week, and as many people in this place know, I worked with him over many, many years as one of his closest confidants. That does not mean I agreed with everything he did and said. To suggest that I did not raise this issue with him personally is both inaccurate and absolutely untrue, and those close to him today and previously know that.

I also do not shy away from the fact that it was my view, and the view of others, that our party thought that Mr Darley ought to stand down. This had nothing to do with him personally or with any personal gain on my behalf, but everything to do with what his close work colleagues viewed as increasingly erratic and unpredictable behaviour, with his increasing forgetfulness and his strong denial of conversations ever taking place. It occurred not only with me but with many of our work colleagues and other political acquaintances, a number of whom have reached out to me in support since his outburst.

I chose to reach out to Mrs Darley as a last resort, due to the fact that there was absolutely no reasoning with Mr Darley himself. I tried, and I tried in vain. Despite Mr Darley's claims that I had left his employ and was working for another politician, painting a picture that I was somewhat isolated

from the party and from his personal work activities, that is also completely untrue. Again, he knows that, and my concerns for his wellbeing stem back well before the time that I was working for another member of our party.

When Mr Darley found out about the meeting at the time—and I knew he would—I explained my reasons for doing so. While he was disappointed that I had taken it upon myself to visit Mrs Darley, he was sympathetic when I explained my reasoning and understood that reasoning.

I was also deeply offended—deeply offended—when Mr Darley used parliamentary privilege to raise a deeply personal matter pertaining to issues of a financial loan. Despite the fact that this has absolutely no correlation with the issue he raised in the context of a bill before this house, Mr Darley went into some detail to outline matters that are deeply personal to me and to my entire family and matters that he had absolutely no knowledge about in detail.

I am not going to dignify those comments with a detailed response in relation to this matter other than to say that, as those who know me well would attest, I would move heaven and earth to protect my family. There is no shame in that for me. The very fact that Mr Darley continues to this day to politicise this issue, despite him knowing full well it is of a very private and sensitive nature, and despite him knowing full well that this matter has been put to bed, speaks volumes.

Mr Darley might anger me with his actions—and, believe me, he has angered me—but he does not scare me and he does not intimidate me and he cannot hurt me. On the contrary, given his actions, I pity him. As many in this place know, I worked with Mr Darley for a number of years. I know only too well how he conducts himself, and through you, Mr President, I say to Mr Darley and to those around him, who clearly have their own agenda, that since coming to this place I decided to draw a line in the sand and get on with my very important work as a member of this place and the great responsibility that comes with it.

That said, I cannot accept the sort of behaviour and abuse of privilege any further. I cannot accept Mr Darley's continual defamatory comments against me to others inside this place and outside this place. I know from the very people he speaks to that that is happening. I cannot accept Mr Darley's continual mocking of me when I rise in this chamber to speak on issues of importance. And, Mr President, I remind you that on the day prior to Mr Darley making his speech I approached you with my concerns regarding that behaviour.

Mr Darley might not like the fact that I have been elected to this place, but he will treat me with the courtesy and respect that I deserve not only as a member of this chamber but, above all, as a decent human being. I cannot accept anything less. If Mr Darley and those around him do not abstain from their agenda, I will no longer afford him the level of protection he has hidden behind thus far. He is on notice.

I turn now to standing order 193, which reads as follows:

The use of objectionable or offensive words shall be considered highly disorderly; and no injurious reflections shall be permitted upon the Governor or the Parliament of this State, or of the Commonwealth, or any Member thereof, nor upon any of the Judges or Courts of Law, unless it be upon a specific charge on a substantive Motion after Notice.

I therefore request that Mr Darley withdraw his comments in relation to his injurious reflections on me. When I last spoke on this matter I indicated that I would seek leave to have the matter referred to a privileges committee. Whilst I stand behind that decision, I understand the priority with which this matter would have to be dealt with and the position in which it would place not only my colleagues and those close to me but also Mr Darley and his family.

I do not want to give this unsavoury matter any more oxygen than it deserves. On that note, I apologise unreservedly for wasting this chamber's valuable time with this matter. I apologise because that is exactly what it is: it is a waste of time that detracts from the work of this chamber and the issues that we are required to debate and determine in this place. It is clear to me that Mr Darley has abused his position in this place and breached standing order 193 by using objectionable or offensive language and making injurious reflections about me.

As a member of this place, I have sought the appropriate advice and I believe it is appropriate to request that Mr Darley withdraw his comments. I do not want his apology, frankly, but I do expect

that I have the right to request that he withdraw his comments. If Mr Darley refuses, I reserve the right to pursue this matter further.

If there is one positive, just one positive to come out of all of this unparliamentary display from Mr Darley, it is the support that I have received from people far and wide. This place can be extraordinarily lonely so I am extremely grateful to members of this chamber and the other place, and to others, who have reached out to me with their words of support.

**The PRESIDENT (14:35):** The Hon. Mr Darley, I invite you to withdraw.

**The Hon. J.A. DARLEY (14:36):** Thank you, Mr President. Let me say I stand by my account of the events that I have described in my contribution to the bill. Because I have been asked by you to withdraw, I withdraw any injurious reflection that the member may have interpreted from the tone I used.

#### *Question Time*

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

**The Hon. K.J. MAHER (Leader of the Opposition) (14:36):** I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding the National Partnership Agreement on Remote Indigenous Housing.

Leave granted.

**The Hon. K.J. MAHER:** It's been nearly four months since the previous remote Aboriginal housing funding agreement expired between the state and federal governments. There have been numerous questions in this chamber about this and the minister responsible has previously claimed in this place that negotiations with the federal government were nearing completion and that there would be an agreement signed imminently. Very recently, media reports indicate the new Prime Minister, Scott Morrison, is having a very, very different view, and I will quote what the new Prime Minister, Scott Morrison said:

Housing is the responsibility of the state and territory governments...We've provided support up in the Northern Territory because there are quite specific responsibilities we have, because it's a territory and the nature of the Commonwealth leasehold arrangements around the housing in the Northern Territory. But for states like Western Australia, like Queensland and others, they actually have the responsibility for dealing with those issues.

This is what the new Prime Minister had to say about the ongoing negotiations that had been taking place between Western Australia, Queensland and South Australia, effectively bringing to a close any chance of a so-called deal that the minister has referred to. In a not dissimilar vein during budget estimates, the Premier, despite occasionally incorrectly being referred to as the minister for Aboriginal affairs in this state, denied any responsibility for Aboriginal housing. It beggars belief that there is no minister for Aboriginal affairs to advocate for the most basic rights of Aboriginal people, particularly housing. My questions to the minister are:

1. How did the minister respond to the funding offer put on the table by the federal government for three years of remote Aboriginal housing funding following the meeting between the Premier, the minister, and the federal minister responsible?
2. Does the minister stand by her previous statements that there was actually a meeting that she attended with the Premier and the federal minister responsible, minister Scullion, on this matter where this issue was raised?
3. What is the minister's plan B now that the federal government has walked away and the Prime Minister has said it is the sole responsibility of the states for remote Aboriginal housing?
4. Can the minister outline the remote Aboriginal communities affected by this stand-off that she has personally liaised with?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:39):** I thank the honourable member for his questions. I would have to say that were he liable for making misrepresentations to the parliament, we would say 'Hook, line and sinker.' In relation to the first question—

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

**The Hon. J.M.A. LENSINK:** Deliberately misleading the house would be something quite serious, but fortunately—

*Members interjecting:*

**The Hon. J.M.A. LENSINK:** Deliberately misleading.

*Members interjecting:*

**The PRESIDENT:** Order!

*Members interjecting:*

**The Hon. J.M.A. LENSINK:** Tick, tick, tick—

*Members interjecting:*

**The PRESIDENT:** Leader of the Opposition!

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

**The PRESIDENT:** Leader of the Opposition! Control yourself! I warn you.

**The Hon. J.M.A. LENSINK:** Fortunately for the people of South Australia, the Leader of the Opposition is on the opposition benches, so we have the opportunity for some competence at South Australian government and leadership level to extract the best deals on behalf of South Australians.

I would like to check the exact wording in the quote the Leader of the Opposition used in his preamble. I think he referred to housing per se. Clearly, the federal government has already, in relation to the national homelessness and housing agreement, signed off on funding to South Australia, which we have accepted, so I think he is potentially misrepresenting the words of the Prime Minister.

In relation to his second question—do I stand by the fact that a meeting took place—well, yes, I was there, so yes, I do stand by the fact—

**The Hon. K.J. Maher:** And were minister Scullion and the Premier there as well?

**The Hon. J.M.A. LENSINK:** Indeed.

**The PRESIDENT:** Leader of the Opposition! Use your question.

**The Hon. J.M.A. LENSINK:** Indeed, I was there, in a meeting—

**The PRESIDENT:** Minister! Do not respond to his commentary.

**The Hon. J.M.A. LENSINK:** I apologise.

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

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

**The Hon. J.M.A. LENSINK:** I apologise.

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

**The PRESIDENT:** Otherwise, no supplementaries, alright? I am losing patience. Minister, get on with your answer.

**The Hon. J.M.A. LENSINK:** Yes, thank you, Mr President, for the opportunity to address this important matter. And yes, I was there, unless I was hallucinating, but I have no reason to think that I would have been hallucinating, because I don't take illicit substances or anything that may induce hallucinations, so—

**The PRESIDENT:** Minister, stay on point, and don't bait the Leader of the Opposition.

**The Hon. J.M.A. LENSINK:** I was there. I'm not quite sure how many more times I can say I was—

**The PRESIDENT:** Answer his questions.

**The Hon. J.M.A. LENSINK:** I was there in a meeting with the Premier and Nigel Scullion. There we have it. Yes, I was there. He has also, in relation to his questions, been trying to—well, he used the word 'stand-off' between state and federal government. I can inform him that negotiations are continuing. They continue between the Department of Treasury and Finance, the Department of the Premier and Cabinet, the South Australian Housing Authority, federal Treasury and the Department of the Prime Minister and Cabinet—PMC officials.

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

**The Hon. K.J. MAHER (Leader of the Opposition) (14:42):** Supplementary question: is the minister aware that the Premier, at his budget estimates, in relation to Aboriginal affairs, categorically ruled out having met with minister Scullion since the state election? You're not aware of that?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:43):** I am not aware of the—

**The Hon. K.J. MAHER:** So who's lying, you or him?

**The Hon. J.M.A. LENSINK:** I haven't read the rest of the estimates.

**The Hon. K.J. MAHER:** Who's lying? You or him?

**The PRESIDENT:** Leader of the Opposition! I am very generous with supplementaries; it does not mean you can sit down and fire other questions to the minister which interrupt my ability to listen to the minister and then possibly respond to your points of order. Minister, I did not hear that; can you please respond to the Leader of the Opposition's questions.

**The Hon. J.M.A. LENSINK:** I am not aware of those comments, because I haven't actually taken the opportunity to read the rest of the estimates *Hansard*.

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

**The Hon. K.J. MAHER (Leader of the Opposition) (14:43):** Will the minister go away and have a read of the *Hansard* from the Premier's estimates and then come back and tell us who is lying, the Premier or the minister?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:43):** I don't think I need to read the other estimates' *Hansard*. I have provided a response to where I have been, and that's what I'm responsible for.

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

**The Hon. K.J. MAHER (Leader of the Opposition) (14:43):** Supplementary arising from the original answer: what's the minister's plan B? If the federal government is true to their word, and they're not lying in this, what's the plan B? What is the state going to do if the federal government provides no money and there's no future agreement? Is the state actually working on any sort of plan B to go it alone?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:44):** We don't need a plan B, because plan A is still in process.

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

**The Hon. K.J. MAHER (Leader of the Opposition) (14:44):** Which Aboriginal communities has the minister met with to explain her inactions on this?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:44):** I have met a number of Aboriginal people since I became minister, and I have had a number of meetings with staff and board members of the housing authority. Indeed, we recently announced the new housing authority board members, which includes an Aboriginal representative, Ms Shona Reid, who would be known to a number of members of this parliament, specifically to work on an Aboriginal housing strategy.

The feedback that the housing authority and the government has had so far is that Aboriginal people feel that they had lost a voice within government in terms of Aboriginal housing. Under the watch of the previous premier, when he had the portfolio of housing, Aboriginal housing was mainstreamed within the Housing Trust portfolio, and we are working to rectify that. I recently met with a particular group which has a focus on Aboriginal homelessness services as well. They are very pleased that we are going to be developing a strategy and they raised a number of issues with me.

We have been reaching out to Aboriginal people on this issue and we will be developing an Aboriginal housing strategy as part of our requirements under the National Homelessness and Housing Agreement to develop a general housing and homelessness strategy in South Australia, and I think that will be very warmly welcomed.

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

**The Hon. K.J. MAHER (Leader of the Opposition) (14:46):** Supplementary: given the importance the minister feigns to place on this issue, what communities that are affected by remote Aboriginal housing has she actually met with?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:46):** I am not able to say off the top of my head exactly which communities but I have met a number of people from various nations and we have a commitment to a strategy, so we are going to be doing it. We are going to be doing a much better job than the former government. They should hang their heads in shame in terms of this policy area because it was sadly neglected. As I have said, the feedback that we have had from a number of Aboriginal people is that in this particular space they felt that they had lost a voice and we are seeking to restore it.

**The Hon. K.J. Maher:** I do agree that they have lost a voice since the Liberal Party came in.

**The PRESIDENT:** It's not a debate; ask a supplementary.

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

**The Hon. K.J. MAHER (Leader of the Opposition) (14:46):** My supplementary question is: can the minister name one single remote Aboriginal community affected by this that she has met with—just one single community?

**The PRESIDENT:** We have the question. I will allow it. Minister.

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:47):** I have answered this question.

**The Hon. K.J. Maher:** Name one; you can't name a single one.

**The Hon. J.M.A. LENSINK:** I have answered this question.

**The PRESIDENT:** Leader of the Opposition, you are trying my patience.

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

**The PRESIDENT:** You are trying my patience. I have been very generous with that line of questioning, including allowing you to ask those questions by ironical expressions and imputations. Accept my generosity and be seated. The Hon. Ms Scriven.

#### **SUPPORTED ACCOMMODATION**

**The Hon. C.M. SCRIVEN (14:47):** I seek leave to make a brief explanation before asking the Minister for Human Services a question about supported community accommodation services.

Leave granted.

**The Hon. C.M. SCRIVEN:** Labor in government recognised that changes would need to be made with the introduction of the NDIS, and that is why the former government carefully examined the matter, consulted with the sector and stakeholders, and set up a statutory authority to manage supported community accommodation services. My question to the minister is: why did you mislead



the South Australian public yesterday by saying that Labor was going to privatise this service when you knew that was not true and, in fact, that it is your plan to privatise the service and not the former government's?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:48):** I thank the honourable member for her question. Once again, the Labor Party practises the art of misrepresentation of people's words in this place but—

*Members interjecting:*

**The Hon. J.M.A. LENSINK:** Regardless of their protestations and a range of objections in terms of trying to rewrite history books, the National Disability Insurance Scheme is actually changing the way that services are funded in a very significant way. I'm not sure whether the Labor Party has recognised that. In terms of a range of services that have been provided by the South Australian government, the former government had a program of withdrawing from those services.

Domiciliary Care was the first service. That was a process that was certainly started under the former government and completed at the end of the 2017-18 financial year. Child and Youth Services is in the process of being transitioned to an employee mutual. That, again, was a process which was commenced under the previous government, effectively towards a new ownership model. The employees will own that, but it is certainly a non-government service.

We also have the adult therapy services, known as ASSIST, which is in transition. There is a range of services in South Australia that have been provided traditionally by state governments, which going forward will not be. I must say this is entirely consistent with what other states and territories are doing as well, whichever hue they may happen to be.

Disability services were particularly developed at a time when the government was the funder and provider of services. They were not designed to be provided under the national disability insurance model, where clients receive individual supports and they can then choose their own provider. This particular decision allows the Department of Human Services to gradually move management of services to the non-government sector, and services can be redesigned to work under the new funding arrangements.

These things are entirely consistent. I encourage all those who may be affected by this to be involved in the consultation processes that we are in the middle of, because they are complex matters. We understand that change is—

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

**The PRESIDENT:** Leader of the Opposition, this is not helping anybody. I cannot hear the minister.

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

**The PRESIDENT:** This is not a debate, Leader of the Opposition. This is a question and answer session.

**The Hon. J.M.A. LENSINK:** Thank you, Mr President. I think I might have lost my train of thought.

**The Hon. D.W. Ridgway:** Start again.

**The Hon. J.M.A. LENSINK:** I should start again. Consultation with stakeholders is focusing on how the government can implement its decision to ensure, according to three very important principles: continuity in quality client services and supporting client choice, retention of skilled and experienced employees in the disability sector, and growth of the local South Australian non-government sector.

#### SUPPORTED ACCOMMODATION

**The Hon. C.M. SCRIVEN (14:51):** Supplementary: given the original question where we talked about the Labor government's statutory authority, can the minister explain why she felt it necessary to lie to the South Australian public yesterday? What other lies has she told?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:52):** I didn't lie to the South Australian people yesterday. I utterly reject that comment.

**The PRESIDENT:** The Hon. Ms Scriven, be very careful. The term 'lie' or 'liar' is unparliamentary.

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

**The PRESIDENT:** Leader of the Opposition, if anyone uses the word 'lie' here, I will put them on a warning. We all know that is unparliamentary.

#### **SUPPORTED ACCOMMODATION**

**The Hon. C.M. SCRIVEN (14:52):** My apologies; perhaps 'totally misrepresent' would have been a more accurate term. My supplementary question is: what is the minister's reason for announcing her policy to privatise supported community accommodation services without the months and years of consultation with key stakeholders and analysis of the sector's capacity that the Labor government conducted before making its policy?

*Members interjecting:*

**The PRESIDENT:** Leader of the Opposition, we are not here for your commentary. This is not a football game. Every time you speak, sitting there, I cannot hear the minister. If I can't hear the minister, I can't hear, probably, the Hon. Ian Hunter's matters of concern. So I would like to hear the minister in peace.

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:53):** In relation to this, I have heard these sorts of comments come from Labor members about the lack of consultation and the fact that we had it not in the 2036 document but as part of our 100-day plan. This was the centrepiece of our range of policy commitments that we said we would implement within 100 days, and which we have now done. There is a very specific reference in there that said we would provide a timetable for these services in relation to things which are currently run by the South Australian government (supported community accommodation). Anybody who read that knew exactly what we were talking about.

*Members interjecting:*

**The PRESIDENT:** Leader of the Opposition, you are trying my patience.

**The Hon. J.M.A. LENSINK:** It's their question time they are wasting, if they choose to. If you can't hear me—

**The PRESIDENT:** I'm sure the minister appreciates your assistance, Leader of the Opposition.

**The Hon. J.M.A. LENSINK:** If I'm not allowed to continue to provide an explanation, then the Labor Party can waste everybody's question time.

I have heard these sorts of complaints about putting something out there before the election—well, gosh; that's what you do when you're a political party. We had this very specific reference, and anybody who was in the sector knew exactly what we were talking about. I would be shocked and surprised if Labor members, the union movement, anyone within the disability sector had looked at that and not known exactly what we were talking about.

In relation to clients and families, they are very active on the internet. They have a range of Facebook sites, and there is a lot of communication and sharing of information that goes on within the disability community.

*Members interjecting:*

**The PRESIDENT:** Order! Minister, just go on.

**The Hon. J.M.A. LENSINK:** In terms of providing the clear direction of what the Liberal Party intended to do, we did that with a clear amount of time prior to the election. People knew what was going on. I am not quite sure how much more transparent we can get. If I can paraphrase the question, I am—

*Members interjecting:*

**The Hon. J.M.A. LENSINK:** Mr President, the Deputy Leader of the Opposition is developing some very bad habits the longer she spends here.

**The PRESIDENT:** Leave the Deputy Leader of the Opposition to me.

**The Hon. J.M.A. LENSINK:** If I can paraphrase her question, I think she is effectively asking me, 'Why are you implementing your election commitment?' Go figure.

#### DISABILITY SECTOR

**The Hon. K.J. MAHER (Leader of the Opposition) (14:56):** A supplementary question arising from the answer: when the minister says, 'everyone in the sector knew exactly what we would do,' does she actually understand that people will read that *Hansard*, people in the sector, and see what sort of minister she is, claiming that they knew what she would do? Does she actually understand that?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (14:57):** Mr President, it is the Leader of—

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

**The Hon. J.M.A. LENSINK:** The Leader of the Opposition does like to ask ministers, kind of go, 'Do you realise what you say on the public record is publicly available?' Yes, I have always realised that everything I say in this place is publicly available.

What the Leader of the Opposition is saying is actually quite insulting to people who would access this. If you are interested in what a particular political party is going to do, then you will check their website, you will look for specific commitments in your area of interest. If you are not, then you won't. It is as simple as that. He is kind of insulting people by assuming that they do not check these things for themselves, that somehow the—

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

**The PRESIDENT:** Leader of the Opposition, this is just getting silly. Minister, sit down. This line of questioning is finished. The Hon. Ms Bourke.

#### KORDAMENTHA

**The Hon. E.S. BOURKE (14:58):** Thank you, Mr President—

*The Hon. D.W. Ridgway interjecting:*

**The PRESIDENT:** The Hon. Mr Ridgway, I don't need even you to start giving advice.

**The Hon. E.S. BOURKE:** I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about KordaMentha.

Leave granted.

**The Hon. E.S. BOURKE:** The minister has previously outlined to parliament, during budget estimates, that there is a contract with KordaMentha to investigate the Central Adelaide Local Health Network to the value of \$880,000. Estimates was told that this followed a direct engagement of KordaMentha. Does the minister stand by his statement that the payment is for a total amount of \$880,000? If not, what is the total amount being provided to KordaMentha?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:58):** I make two points. First, the future engagement of KordaMentha in phase 3 is not confirmed. Phase 1 and phase 2 are to develop a diagnostic report and develop an implementation plan. I think the member was correct in what she quoted from estimates as the original contract cost for phases 1 and 2. There has been a variation, and I will take the question on notice and advise the honourable member of the revised amount.

### KORDAMENTHA

**The Hon. E.S. BOURKE (14:59):** Are there any other contracts or payments this year from SA Health to KordaMentha and, if so, what are they?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59):** I cannot see how that is supplementary but, nonetheless, I am happy to take it on notice.

*Members interjecting:*

**The PRESIDENT:** Order! If only those comments were witty, Leader of the Opposition, I might have more tolerance for them.

### REWARDS WONDER CAMPAIGN

**The Hon. D.G.E. HOOD (15:00):** My question is to the Minister for Trade, Tourism and Investment. Will the minister please update the chamber on the success thus far of the Rewards Wonder campaign?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:00):** I thank the honourable member for his ongoing interest in the tourism sector. As members would know, the South Australian Tourism Commission recently launched the Rewards Wonder campaign, in fact, in early September, with an unbranded teaser campaign entitled 'Tell us where', which was rolled out in Sydney, Melbourne, Brisbane and Adelaide, targeting consumers on their daily commute.

Consumers were driven to an unbranded 'Tell us where' microsite to enter a competition to identify each location, with a major travel prize on offer. It resulted in some 4,000 entries and close to 10,000 comments, reactions and likes across social media during its two-week run. Southaustralia.com experienced its biggest two weeks of traffic in the website's history after the locations were revealed, with visits from the Australian domestic customers increasing by some 30 per cent. Phase 2 of the campaign launched on 1 October, with a five-day live stream generating the following results:

- 21,274 Australian Tourism Data Warehouse leads to operators within two weeks, the highest two weeks on record;
- an all-time daily record of domestic traffic to southaustralia.com, with some 20,452 visits on 5 October;
- more than 3 million organic and paid impressions through Facebook;
- 113,357 total viewers;
- 7,802 engagements from Facebook live; and
- 255,461 visits to southaustralia.com thus far since the campaign launch, with almost 60 per cent of unique visitors to the Rewards Wonder page being from interstate.

One of the main aims of the live stream was to pique people's interest. I happened to be in Melbourne on the day it was launched and saw the footage screening on the giant screen in Federation Square. With the half hour time difference, there were people going home from the daily commute, and there was a large amount of interest as people walked past Federation Square to Spencer Street station, or the other way, looking up and asking each other where this image was from.

While the five-day live stream has concluded, the campaign is ongoing and aimed at continuing to drive awareness and interest in South Australia as a destination, and converting this interest into bookings. Since the campaign's implementation, the SATC has developed a database of two million consumers who have been captured via the campaign's ads, and the SATC can now retarget these consumers with flight and retail sales offers.

This is now taking place with Virgin Australia, with other airline activity planned for the remainder of the year. For example, from 15 to 21 October one-way sale fares for \$95 were offered from Melbourne, Sydney and Brisbane, as they are our key markets. Through the online platform, consumers will be able to see what is on offer in our state and can click through and view itineraries, highlights, accommodation and experiences that they are able to book.

The Rewards Wonder campaign has had a significant impact on creating awareness of South Australia amongst our target audience. The campaign has been well received by consumers, and this is demonstrated by the number of views and the level of engagement.

The feedback from the industry has also been very positive, with initial results indicating spikes in leads to tourism operators websites from southaustralia.com. As an example, one operator who featured in the ad campaign has been reporting strong bookings, with 8 October being its highest ever day for tour bookings. Another operator last year had five people book an experience in the year; since featuring in the ad they have had five bookings in two weeks.

I am very excited about the ongoing results of this campaign and the impact it will have helping us to deliver our 2020 target of \$8 billion of visitor expenditure by that year.

#### REWARDS WONDER CAMPAIGN

**The Hon. T.A. FRANKS (15:04):** Supplementary: how much of the streaming has the minister actually watched himself, in minutes?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:04):** I thank the honourable member for her question. I saw probably about an hour and a half in Federation Square because I had a little bit of time to kill and was just happy to sit and watch as people went past. I logged on over that five-day period at various times. I don't know what time limit the member expects me to see. It was five days of continuous streaming. It was to pique people's interest. It has piqued 2 million people. We now have their data captured by the Tourism Commission and we can now market direct to them.

I would say, collectively, probably about three hours. I watched it at home in the evening when I was able to get home and had time from my busy schedule to sit and watch it. I watched a little bit on my iPhone in the car. I am trying to watch as much as I can. As you know, we all work very hard. I do need to sleep a little bit of the time. I have seen a significant amount of it and I have seen quite a lot of the little snippets that the Tourism Commission briefed me on prior to its launch. So I have seen little bits of the whole five days, but when it comes to actual hours and time, maybe two to three hours, I suspect.

#### REWARDS WONDER CAMPAIGN

**The Hon. T.A. FRANKS (15:05):** Supplementary: were there any technical glitches in the live streaming in public places, including Rundle Mall and Federation Square?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:05):** I haven't been made aware of any and, certainly when I was viewing it, there were no technical glitches. There was certainly a lot of people questioning and asking, saying to each other, 'Where is this that?' and looking at it and finding it quite—

**The Hon. R.I. Lucas:** Did you tell them?

**The Hon. D.W. RIDGWAY:** When I could—I got close enough to them. Commuters going home don't really want some random coming up and saying, 'Hey mate, that's Arkaroola,' or, 'That's Kangaroo Island.' I will check with the Tourism Commission about any glitches that did happen, but I certainly didn't see any myself.

#### REWARDS WONDER CAMPAIGN

**The Hon. T.A. FRANKS (15:06):** Supplementary: is the minister concerned that the underpayment of only \$150 for the local musicians brought significant levels of negative publicity to the campaign that could have been avoided with better procurement policies?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:06):** I thank the honourable member for her further supplementary. My understanding is the Tourism Commission worked very closely with Music SA and came up with the figure of \$150 that was paid to the local musicians. I think—and I will doublecheck these figures—it was 51 local musicians got an opportunity to have their work and their talent showcased through this particular piece of work.

The honourable member talks about negative campaigns. We have had record numbers. I have just said in my answer to the Hon. Mr Hood's very important question, we have had record activity, record traffic to the website, record data capture. On every measure, it has been a particularly strong and solid start to a campaign. I understand there were a few people who felt maybe the \$150 was not enough, but Music SA and SATC worked with them. They wanted to make sure that the peak body of the music industry was happy, which they were.

I know there are some isolated cases of disappointment and I know the honourable member said you can google the campaign and find some negative comments online, but really, when you look at the figures, they speak for themselves. We have had a record start to the campaign and we are on target and will continue to drive towards that target of \$8 billion of visitor expenditure by 2020.

#### REWARDS WONDER CAMPAIGN

**The Hon. E.S. BOURKE (15:07):** Supplementary arising from the original answer: the minister mentioned something about data collection. Can he expand on that please?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:07):** My mention was that the SATC—and if the member would like to, I can repeat it—that since the campaign's implementation the SATC has developed a database of 2 million consumers, which have been captured via the campaign's ads. The SATC is now retargeting those consumers with flight details and retail sales offers for the wonderful tourism opportunities that exist here in our great state of South Australia. The people have clicked and come and had a look at the website and now we are telling them more information about our great state, as we drive towards that \$8 billion target by 2020.

#### REWARDS WONDER CAMPAIGN

**The Hon. T.A. FRANKS (15:08):** Supplementary: is the minister disappointed that advertising agency director and Gruen regular Dee Madigan called the campaign a 'wank'?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:08):** I am interested that Dee Madigan called the campaign a wank, Mr President. I wouldn't normally use that language in here because I think it is somewhat unparliamentary but I will repeat the word that the honourable member used because you didn't comment that it was unparliamentary. I was disappointed because I don't believe she fully understands South Australia.

She appears on the *Gruen Transfer*, I think, and is a somewhat provocative advertising media commentator. I was disappointed, and disappointed for the reason that it is a very good campaign. I guess you could say with all of those stats—2 million consumers—it has maybe been a good 'wank', because we have 2 million consumers who are now on our database. It has been an opportunity to grow our database, to grow our economy and to grow our tourism numbers. If a commentator who lives on the eastern seaboard wants to call it a 'wank', they are entitled to, but I think it has been a success.

#### REWARDS WONDER CAMPAIGN

**The Hon. E.S. BOURKE (15:10):** Supplementary: will the minister guarantee that the data collected will be secure and only used for tourism purposes?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:10):** I am certain of that, but I will seek some further advice from the Tourism Commission. I am certain that the data will be secure and only used for tourism purposes, but I will seek some further information to satisfy the honourable member's need to make sure that we keep that secure.

#### DISABILITY MOBILITY VEHICLES

**The Hon. M.C. PARNELL (15:10):** I seek leave to make a brief explanation before asking a question of the Minister for Human Services about disability mobility vehicles.

Leave granted.

**The Hon. M.C. PARNELL:** I have been contacted by a constituent who is concerned about current legal restrictions on the use of small-wheeled electric-powered vehicles. My constituent has epilepsy, which means that he cannot get a driver's licence. He appreciates that he is allowed to use

a four-wheeled disability mobility vehicle, such as what are described as disability scooters or Gophers, but he points out that it is illegal to ride other battery-powered vehicles, such as Segways, stand-up electric scooters or electric skateboards, on South Australian roads, footpaths and bicycle paths.

Just to check that what my constituent told me was accurate, I have had a look at the My Licence website. Under the question and answer section, to the question, 'Can I ride a motorised wheeled recreational device on a road, footpath or bike track?' the answer provided is:

No. These devices cannot be used on roads or road related areas such as foot paths, bike/pedestrian tracks, or vehicle parking areas.

Under South Australian legislation, these devices are considered to be motor vehicles. Operating a motor vehicle requires a driver's licence, registration and compulsory third party insurance.

These devices do not meet the safety standards under the Australian Design Rules and they are not eligible for registration.

My constituent advises that he is keen to match his need for transport with environmentally friendly options, such as electric-powered small-wheeled vehicles.

My question of the minister is: is the minister able to look into this issue and see whether law reform is needed to increase the mobility options for people whose disabilities prevent them from driving cars but who are otherwise fit enough to use other electric-powered mobility options? I remind the minister that we as a parliament did manage to legalise and regulate electric-powered bicycles some time ago.

**The Hon. J.M.A. LENSINK (Minister for Human Services) (15:12):** I thank the honourable member for his questions, which I think are very good questions. I can understand the difficulty that there probably is for people with particular mobility challenges. In relation to the terminology for some of the vehicles that he referred to, as in scooters and Gophers, we used to refer to them interchangeably in a former professional position, but Gopher is the proprietary name and scooter is the generic one. But they are very good questions, and they may well be under the purview of the Minister for Transport, and I will certainly undertake to get some information on the honourable member's behalf. If he has a particular constituent he would also like to refer to us, then we can make contact with that individual. So yes, I will certainly take those questions on notice and get a response.

#### HOTEL CAPACITY

**The Hon. I. PNEVMATIKOS (15:13):** I seek leave to make a brief explanation before asking a question of the Minister for Trade, Tourism and Investment regarding hotel capacity.

Leave granted.

**The Hon. I. PNEVMATIKOS:** According to recent data from Tourism Accommodation Australia, Adelaide has about 2,294 hotel rooms across 14 hotels that are either under construction or in planning. TFE Hotels has also announced that it will open a new hotel on Flinders Street in 2020. My question to the minister is: during this period of extraordinary growth and investment in the hotel sector, why is the government cutting \$11 million to the tourism budget?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:14):** I thank the honourable member for her question. If I understand the question properly, it is: why are we cutting the budget in this time of exceptional growth? Most of the cuts were one-off expenditure—airline attraction, hosting an Australian tourism exchange and some other one-off events—but the cuts were quite minor. In fact, hotel capacity is a reflection that there is a high level of excitement in South Australia. That is why we have seen this Rewards Wonder campaign, that I have just spoken about, being so strongly supported.

We have a high level of interest in South Australia. We have committed, in this most recent budget, to a further \$10 million for marketing because that is the stuff that drives people to this great state. I think it is fabulous that we have over 2,000 hotel rooms planned or under construction, and I expect we will see plenty more. As we get towards our target of \$8 billion of visitor expenditure by 2020, as we get closer to 2020, there will be a plan and a target from 2025, 2030 or some point in

the future. They know that if you have a long-term plan and you are investing in it, the hotel industry, the travel agent industry and the airline industry all look to that to see if it is a worthy investment.

We have not had any pushback at all from the hotel industry in relation to the most recent budget. They were delighted that we continued and that the Treasurer saw fit to continue the extra \$10 million for marketing. As I said, the Rewards Wonder campaign that I just spoke about demonstrates that that marketing investment is sensible and wise. It is bringing a lot of interest to South Australia that will underpin the investment in both metropolitan South Australia and also in one of the areas that we need to focus on, regional South Australia. Some 40 per cent of all our visitor expenditure happens in the regions. If we get to \$8 billion by 2020, that is \$3.2 billion being spent in the regions. Regional operators need to be confident that we are spending money on marketing, letting people in the world know that South Australia is open for business so they can invest in their own regional accommodation offers.

One of the most recent announcements, the Port Wakefield intersection upgrade, is great for tourism operators on Yorke Peninsula. Often, people have to leave a day early because they know there is going to be a hell of a traffic snarl, or they don't go. Some investments there will also drive further investment. The government is looking at opportunities to invest and take, if you like, roadblocks or problems out of the tourists' journey so they can get to destinations quicker and stay a bit longer.

I don't uphold the member's view that we have made significant cuts into the tourism budget. We are still committed to marketing. The figures from the Rewards Wonder campaign back up the great investment by hotel developers and operators for the over 2,000 hotel rooms we are likely to see come onto the market in the next few years.

#### INTERNATIONAL TOURISM MARKETING

**The Hon. I. PNEVMATIKOS (15:18):** Supplementary: of these cuts, why did the government cut approximately \$1.5 million from the international tourism marketing in this year's budget?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:18):** When you inherit a mess like you inherit from the Labor Party—and it is a mess—we know that my colleague the Hon. Stephen Wade has a huge challenge. We have members sitting opposite who laugh and think it is a joke. They still laugh about it. They should be ashamed. One is shadow minister and one has been relegated to the whip's role. They left behind a mess. Some of the information, when we were briefed as we came to government, makes me shake my head at these honourable gentleman opposite and wonder if they had any idea about what they were doing.

Ms Pnevmatikos, when you inherit a mess, everybody has to do a little bit of belt tightening. The Tourism Commission has done it in a way that they think will have the smallest impact on their ability to market. Of course, as I said in my previous answer, we have committed an extra \$10 million for marketing in the next financial year. We recognise that marketing is important. As I said, the Rewards Wonder campaign is strong evidence that the Tourism Commission know what they are doing. We are creating great interest in South Australia, and we will continue to do that to fill the hotel rooms and to drive us towards the \$8 billion of visitor expenditure by 2020.

#### TOURISM DEVELOPMENT PROGRAMS

**The Hon. I. PNEVMATIKOS (15:19):** One further supplementary: of these cuts, why did the government cut approximately \$5.6 million from tourism development programs in this year's budget?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:19):** Some of those were one-off expenses. I will get some more details for the honourable member, but they are one-off expenses that only existed last year and weren't continued in this financial year.

#### STATE REGIONAL VISITOR STRATEGY

**The Hon. C.M. SCRIVEN (15:20):** Supplementary, referring to the minister's original answer and his comments on regional involvement: what part of the tourism budget has been set aside to implement the plans in the Regional Visitor Strategy?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:20):** We have already started to implement some of the items that were identified in the Regional Visitor



Strategy. As members would know, I went to two metropolitan and 17 regional visits across South Australia. Some 5,500—

*Members interjecting:*

**The Hon. D.W. RIDGWAY:** Members opposite laugh. It is actually the job to get out and have a look and meet with these people, look at operators, understand operators. The member opposite—

*Members interjecting:*

**The Hon. D.W. RIDGWAY:** —the member opposite, the Hon. Mr Hunter, when he was minister—

*Members interjecting:*

**The Hon. D.W. RIDGWAY:** I can't hear, Mr President.

**The PRESIDENT:** The Hon. Mr Hunter, I have given you a reasonable amount of latitude because the minister did provoke you. Minister, continue with your answer. If you are going to give jibes to the other side, expect a response. Please finish your answer.

**The Hon. D.W. RIDGWAY:** Thank you for your advice, Mr President. A classic example of one of the things I learnt on this visit to the region and meet the ministers was in Ceduna—

**The Hon. C.M. SCRIVEN:** Point of order: the question was about the funds dedicated for implementing the Regional Visitor Strategy—funds.

**The Hon. K.J. Maher:** Not what cheese platter he had when.

**The PRESIDENT:** Leader of the Opposition, that was a good point of order from the Hon. Ms Scriven. You diminish it by those comments. Try to remain on point to the supplementary, minister. I give you latitude but do not abuse the friendship.

**The Hon. D.W. RIDGWAY:** Okay, well, I will come back to the question then. The Regional Visitor Strategy was obviously released after the election. I have gone out and spoken to people. We have a range of data and a range of projects and things that regional communities would like to see implemented, and we will be working through them as a government and I expect that in future budgets you will see us funding some of the things that regional South Australia would like.

#### STATE REGIONAL VISITOR STRATEGY

**The Hon. C.M. SCRIVEN (15:22):** Further supplementary: so can I just clarify from the minister's answer that there are zero dollars put aside for the implementation of the Regional Visitor Strategy in this budget?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:22):** Some of the things don't require money. It's about attitude, it's about leadership and it's about having a relationship, like the one that I now have with Rex airlines because as I reported, in the 16 years that that lot have been in government they had never, ever gone to meet with Rex airlines, actually having a conversation. So we are doing a range of things. The Tourism Commission and the cabinet are well aware of the issues that were raised and we are working through them, and we will be funding them when we want to fund them and in a way that gets the biggest benefit to regional South Australia.

#### DOMESTIC VIOLENCE

**The Hon. J.S. LEE (15:23):** My question is to the Minister for Human Services about a domestic violence initiative. The community has welcomed the government's commitment to addressing domestic violence issues. Can the minister please advise the council about the progress that was made during the Coalition of Australian Governments National Summit on Reducing Violence against Women and their Children that was hosted recently in Adelaide?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (15:23):** I thank the honourable member for her ongoing interest in this important matter. South Australia was very honoured to co-host the COAG National Summit on Reducing Violence against Women and their Children, which

ran on 2 and 3 October 2018, which had as its very important role consultation on the Fourth Action Plan for 2019-2022. A range of delegates came from across Australia to provide feedback on the Fourth Action Plan.

The summit ran for two days, with three themes: prevention, response and recovery, which are central themes of the national consultation process. While each jurisdiction has its own particular reform agenda, the summit was to focus on how to drive a reduction in violence against women and their children at the national level, recognising that the national plan is designed to provide a coordinated framework to improve the scope, focus and effectiveness of all governments' actions.

We were pleased that Natasha Stott Despoja AM was the MC for the event. We had a range of very well credentialled delegates from across Australia, including our own South Australian contingent. The Premier actually spoke on the morning of the second day. His speech was particularly well received. He acknowledged the role that men need to play in this space, which is reflected particularly through movements such as the White Ribbon movement, where some of the conversations that men have with other men are some of the most powerful ways to change the thinking of people who may display disrespect to women.

It was also the launch of the new advertising campaign, 'Let's stop it at the start,' which focuses on parents' responses to things that can be said as throwaway lines, and that was very powerful.

#### LANDSCAPE SOUTH AUSTRALIA BILL

**The Hon. J.A. DARLEY (15:26):** My question is to the Minister for Human Services, representing the Minister for Environment and Water.

1. Can the minister advise the actual cost or budget of the community engagement process for the proposed Landscape South Australia Bill;
2. Can the minister also advise the total number of attendees at the consultation meetings; and
3. Of that number how many were actively involved in the business of primary production?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (15:26):** I thank the honourable member for that series of questions on the proposed landscape legislation, which was a commitment of the Liberal Party prior to the election. I will take those questions on notice and get back some responses for the honourable member.

#### SOUTH AUSTRALIAN TOURISM COMMISSION

**The Hon. T.T. NGO (15:27):** My question is to the Minister for Trade, Tourism and Investment. Which member of the Liberal Party is the government going to appoint to the SATC board to replace Andrew Killey?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:27):** I thank the honourable member for his question—and I will just correct him: it is Mr Andrew 'Killey', not 'Kiley'. No decisions have been made about appointing anybody to replace Mr Killey. The Tourism Commission board has, I think it is, 12 members. There is one vacancy at the moment. We are in no rush to fill that position and will make appointment to that in due course.

#### SOUTH AUSTRALIAN TOURISM COMMISSION

**The Hon. T.A. FRANKS (15:28):** Supplementary: given there is a sitting fee going unspent, would that money perhaps be better given to Music SA to support local musicians?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:28):** It certainly is a little bit of money unspent, and I'm sure that that money will be put to a very good use to help promote our great state and drive us towards that target of \$8 billion visitor expenditure by 2020.

**An honourable member:** How much is it?

**The Hon. D.W. RIDGWAY:** My colleague says, 'How much?' It's \$8 billion by 2020.

#### **SOUTH AUSTRALIAN TOURISM COMMISSION**

**The Hon. T.T. NGO (15:28):** Supplementary coming out of the answer: what open and transparent process will the minister conduct to make the appointment to replace Mr Andrew Killey?

**The Hon. R.I. Lucas:** The same as yours.

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:28):** The same process—in fact, it will be a more open and transparent process than the one that was used to appoint Kevin Foley to be chair of Funds SA and a whole range of appointments that were made in the last 16 years.

As I said to the honourable member, we actually are not in a rush to fill it. I really haven't started to consider at all who might replace Mr Killey and fill that vacancy. Of course, tourism, as I said earlier, is a very important key part of our economy. As I said, we are trying to get to \$8 billion of visitor expenditure by 2020. I will be looking in this sort of round of opportunities, when there are vacancies or if there are further vacancies, to put people on the board that understand tourism for the long term but also are there for the long journey. They are people we can appoint who will be able to serve there for a number of years to support the government's agenda of getting to \$8 billion of visitor expenditure by 2020.

#### **SOUTH AUSTRALIAN TOURISM COMMISSION**

**The Hon. T.T. NGO (15:29):** If that's the case, do you really need to replace that spot?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:29):** We have a board that's been constructed and legislated. It will be a matter for the government of the day as to when we fill it, but we will fill the board positions with quality people who will help drive and steer the Tourism Commission to \$8 billion of visitor expenditure by 2020, and whatever that target is beyond 2020.

#### **SOUTH AUSTRALIAN TOURISM COMMISSION**

**The Hon. K.J. MAHER (Leader of the Opposition) (15:30):** Supplementary question: what role did the SATC play in giving any advice about the appointment of Mr Killey to the board, and were they consulted at all before that appointment?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:30):** The board positions are always a decision for the cabinet, so the SATC played no role and was not consulted.

#### **HEALTH SERVICES**

**The Hon. J.S.L. DAWKINS (15:30):** I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about health services.

Leave granted.

**The Hon. J.S.L. DAWKINS:** I have spoken a number of times in this place about the state's health services, particularly relating to mental health and suicide prevention, and have been pleased to learn from the minister in this place about the current government's investment in health in the recent budget. Will the minister update the council on the financial performance in the South Australian health budget?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:31):** I thank the honourable member for his question. Approximately one-third of the South Australian state budget is spent on the health and wellbeing portfolio. It is crucial that such an important proportion of public funding be properly and responsibly managed; yet yesterday the Auditor-General's Report into the health budget performance in the last financial year describes a budget performance that is not what South Australian taxpayers deserve. What the Auditor-General describes is yet another damning indictment of Labor's complete mismanagement of health. On the very first page the Auditor-General states:

The strategies employed in the public health system to consistently achieve LHN and SAAS budget targets have not worked over many years.

'Many years' at least includes the last 16 years. The Auditor-General goes on to say:

Based on Department for Health and Wellbeing forecasting as at May 2018, LHNs and SAAS were estimated to exceed their combined 2017-18 budgets by \$467 million.

The Auditor-General's statements make a mockery of the opposition's claims that their overspending in health was less than reported. The Auditor-General has called them out for their trickery and reiterated the figures put forward in this place by my colleague the Treasurer. The Auditor-General goes on to say on the next page:

There was no long-term financial plan that drew together all strategies across the Health portfolio and described how it intended to meet forward estimates and savings expectations.

Labor and the now Leader of the Opposition, as minister for health, mismanaged health: the Auditor-General has made it clear for all South Australians and he has put a figure on it. Their mismanagement in the last year saw an almost half billion dollar overspend and they had no plan to stop the bleeding.

Even after Labor cut services with Transforming Health, closing hospitals and downgrading other hospitals, they still found that even with this reduced level of services they were still overspending the budget—and members opposite still don't get it. The shadow minister for health has shown himself completely unconcerned saying this morning on radio, 'This isn't money down the back of the couch.'

This is the shadow minister who was the assistant minister for health in the previous government. Instead of apologising to the people of South Australia on behalf of his leader and his party, the member for Karna pretends that it is not a problem. He has not apologised for the closing of the Repat, he has not apologised for downgrading services across the city and neither has he apologised for the \$2.4 billion new Royal Adelaide Hospital which was more than \$600 million over budget and is still not working effectively. The member for Karna has shown that Labor has not changed; they have not learnt from Transforming Health; they are happy to sneer at a half billion dollar budget overspend.

#### GRASSROOTS SPORTS GRANT

**The Hon. F. PANGALLO (15:34):** I seek leave to make a brief explanation before asking a question of the Hon. Stephen Wade, representing the Minister for Recreation, Sport and Racing, about today's announcement on grassroots sports grants.

Leave granted.

**The Hon. F. PANGALLO:** In his press release, the minister talks about his government wanting to drive up participation in sport and giving all players a fair go, but it appears that \$24 million in grants for change rooms and lighting facilities may only apply to football—that is, those affiliated with the SANFL—cricket (SACA) and netball clubs. My question to the minister is: why has the biggest participations sport in this state and country, football (soccer), been overlooked along with other sports like hockey, baseball and basketball? Will this funding be available to other sports?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:35):** I thank the honourable member for the question for a colleague in another place. I will seek an answer to the question from that colleague.

#### KORDAMENTHA

**The Hon. K.J. MAHER (Leader of the Opposition) (15:35):** My question is to the Minister for Health and Wellbeing. Since the Hon. Emily Bourke asked a question earlier in question time in relation to KordaMentha contracts, has the minister received any messages or communications from his office or department that would allow him to provide further and better information at the first available opportunity, which would be now?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:36):** I have had no additional information provided by my office or by my department.

### INTERNATIONAL TRADE EXPO AND CONFERENCE

**The Hon. T.J. STEPHENS (15:36):** My question is to the Minister for Trade, Tourism and Investment. Can the minister update the chamber about the inaugural Business SA International Trade Expo and Conference, which was capped off by the Business SA Export Awards?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:36):** I thank the honourable member for his ongoing interest in our economy, especially the exports. Indeed, I did attend the inaugural International Trade Expo and Conference (ITEC) on 4 October, organised by Business SA.

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

**The PRESIDENT:** The Hon. Mr Hunter, you know that you can't raise comments regarding where the members are in the chamber.

**The Hon. I.K. Hunter:** I didn't mention a name.

**The PRESIDENT:** No, but you inferred it, and I'm taking it as a mention. No bush lawyering here. Minister, go on.

**The Hon. D.W. RIDGWAY:** It was organised by Business SA and it was followed by Business SA's night of nights, the annual Export Awards. The conference is the first time such a comprehensive export expo has been held in South Australia and provided insights into global trade trends. Experts in the field canvassed possibilities and pitfalls of specific markets, whilst smaller breakout sessions focused on a range of vital topics, including e-commerce, distributor selection, market research and negotiation techniques.

Keynote speakers for the day included the Alibaba Group (Australia and New Zealand) managing director, Maggie Zhou; minister-counsellor for economic and commercial affairs from the Embassy of the People's Republic of China, Mr Rengang Huang; the US Deputy Chief of Mission, Michael Heath; the UK Consul General Chris Holtby; and many more.

The conference was a great success with over 200 delegates from business and industry attending. I am pleased to hear that the conference will be held again in 2020, and I look forward to seeing it grow and becoming a key pillar in supporting South Australian businesses expand their exports across the globe.

That night I had the great pleasure of attending the spectacular Business SA 2018 Export Awards, attended by more than 500 people. The coveted Qatar Airways Exporter of the Year award was awarded to Levett Engineering, a world leading manufacturer and exporter of aerospace components located in Elizabeth South. Levett's products are being used in the Boeing 787 Dreamliner, 777 and 737, Gulfstream G6 and the supersonic Joint Strike Fighter. They are a crucial part of our growing defence sector, and one of the only a few companies that supply the industry's major aircraft companies, including Lockheed Martin, Pratt & Whitney, and BAE Systems.

Levett Engineering also took out the manufacturing award on the night. The excellence and exporting award went to Seeley International, Australia's largest air conditioning manufacturer, headquartered at Lonsdale. A recent visit to Seeley International was truly an eye-opener. It is a fabulous business that is homegrown in South Australia and continues to go from strength to strength. I may even inform the chamber of some of the wonderful products and opportunities that Seeley International is facing, but that will be on another day.

The other winners on the night included SEAPA Pty Ltd for the Agribusiness award, CMAX Clinical Research for the Business Services award, Australian Fashion Labels for the Creative Industry award, and Fluid Management Technology Pty Ltd for the Digital Technologies award. The E-Commerce award went to Sweat Pty Ltd, the Design for Export—Product Design went to MGM Wireless, the Design for Export—Design Strategy went to Redarc, the Education and Training award went to Flinders University, the Emerging Exporter award went to Beston Global Food Group, the Health and Biotechnology award went to Vaxine Pty Ltd, the Mineral, Energy and Related Services award went to FCT International, and the Regional Exporter award went to Torbreck Vintners. The Small Business Award went to Sterline Racing, and the Wine and Beverage award went to Pacific Vintners.

I would like to congratulate Business SA for organising such an event and such an expansive and intensive expo, as well as the world-class export awards. It was a spectacular evening that celebrated the best of the best across the South Australian export sector. Finally, a huge congratulation to all the winners and all those who were nominated for an award. Your success is South Australia's success, and we look forward to seeing you go from strength to strength.

*Matters of Interest*

**COREY, MR W.T.**

**The Hon. T.J. STEPHENS (15:41):** I rise today to commemorate a South Australian hero. Vale William Thomas Corey OAM, aged 101. Sadly, on 10 October 2018 we lost one of the last rats of Tobruk. Mr Corey served in the Middle East, North Africa and the Pacific Islands. He was loved by many, including the veterans' community and his family, children Don and Dianne and his grandchildren Julia, Michael, Matthew, Keyte and Lee.

Mr Corey was born in Riverton and later worked as a butcher before enlisting in the army in 1940 at the age of just 22. Here he became an original member of the 2/43<sup>rd</sup> Battalion. Notably, in August 1941 Mr Corey took part in the siege of Tobruk, a battle that was crucial as it provided a port that was used as a supply route. This was a vital component in continuing into Egypt and controlling the Suez Canal. The Australian War Memorial describes Tobruk as being 'all that stopped the Germans' march on Egypt'.

Allied soldiers who fought in Tobruk were fondly known as the Rats of Tobruk. During the war, a Nazi propaganda broadcaster and former British citizen, William Joyce, scoffed at the soldiers in Tobruk defending the garrison as being, 'caught like rats in a trap'. In true Aussie humour, as Mr Corey recalled fondly in his autobiography, these derogatory comments were worn as a badge of honour. To this day, the defenders of Tobruk are still recognised as the Rats of Tobruk.

The Tobruk garrison was surrounded by Italian and German forces for eight long, terrifying months. These men withstood the unimaginable: daily bombings, artillery barrages and tank attacks. They survived dust storms, chilling cold nights and the desert's agonising heat. These soldiers lived in dugouts, crevasses and caves. It was here that Mr Corey formed bonds with his fellow soldiers. In his autobiography Mr Corey spoke fondly of the bond he formed with his fellow soldiers, describing it as being that of a brotherhood. To use his own words:

Eventually [we] became like brothers and even to this day we have a special feeling for each other that can't be found in ordinary life, and I guess that would apply to anybody who faces many extraordinary dangers together.

It is incredible that in such tragedy and suffering these men were able to form such a long-lasting friendship of true Australian mateship and camaraderie.

I would like to share a story that Mr Corey spoke about in his autobiography. Whilst this is a sombre moment, is also an opportunity to celebrate the life of a great man, of many great men. I believe this excerpt from his autobiography captures Mr Corey's great ability to remember the good in every bad situation as well as the great Australian spirit and humour:

Towards the end of our stay most fellows became a little edgy thinking I've been here all this time, hope I make it out. Around this time, I was in the back of a truck with four or five other chaps and half a dozen empty 44-gallon drums (used for water). We were returning from the fig tree area on a pitch black night, turned on to the road, then immediately tipped over the edge. The drums went over, and so did we. Fortunately none of us were injured, but we had to walk about four or five miles back to our area. Fortunately, the Germans couldn't have been listening, because they had this position set with their guns, all they had to do was fire and they would have been spot on.

On the way in, some Polish troops called us to halt and they wanted to know the password, which none of us knew or remembered. Things weren't going too good until one of the lads started swearing, and one of the Poles said, 'Aussies, Aussies, okay'. Fancy an Australian being recognised by swearing!

I would like to take this moment to thank Mr Corey for his service to our great nation, not only as a soldier but for giving back to our community upon his return, in which he shared his life experiences with a number of school groups. I would like to acknowledge Mr Corey's sacrifice, bravery and strength. On behalf of the chamber and the people of South Australia, I would like express my deep condolences to Mr Corey's family. Mr Corey was a real life hero. Lest we forget.

## WATERLOO BAY MASSACRE

**The Hon. K.J. MAHER (Leader of the Opposition) (15:45):** I rise to speak today on the important work of the District Council of Elliston and its journey of reconciliation with the local Aboriginal community. I recall about 18 months ago I was contacted in my role as then minister for Aboriginal affairs to provide media comments on an issue of concern and contention in the Elliston area. It related to the final piece of the Elliston coastal trail. There was proposed to be a memorial plaque to the Aboriginal lives lost on what is commonly known on the West Coast as the Waterloo Bay massacre that occurred in 1849, where, although historical accounts vary, somewhere up to 200 Wirangu people lost their lives.

At the time, to be perfectly honest, I was somewhat resistant to entering the fray to discuss what was largely a local government and community issue. After some reflection, I came to the conclusion that the importance of such a memorial and the words used on it were particularly crucial. There is much to be learnt from the literature available in relation to the events that took place in and around the Waterloo Bay area, and perhaps more importantly there is much to be learnt from the oral histories of local Aboriginal people on the same events.

When combining both the written and oral histories about Waterloo Bay, and the interactions between the traditional owners and the early white settlers, there is no dispute that what took place was in fact a massacre. Using any other word would be an attempt to rewrite history and jeopardise the journey of reconciliation between Aboriginal and non-Aboriginal people in the area.

Looking at it at the time, a working definition of what constitutes a massacre is something along the lines of the intentional killing of a number of relatively defenceless people. The motives for the massacre need not be rational in order for the killings to be intentional. The debate concerned the use of that one word on the memorial—the word 'massacre'. Using that word, the correct word to describe what happened in 1849, does not intend to serve as a reminder of guilt or shame for any people, particularly descendants of the first non-Indigenous settlers of the area; rather, an important reminder of how much has been achieved in reconciliation.

This sort of wording on memorials is not groundbreaking or unique. There are places across Australia that recognise the uneven conflicts of colonisation and the devastating impacts they had on Aboriginal people, but it is one of the first in South Australia. It is simply a matter of telling the truth, which can sometimes be difficult, but is important nonetheless.

Aboriginal Australians have the oldest surviving culture in the world, a fact of which Australians should be very proud but should also understand critical events that shaped our recent history, such as the Waterloo Bay massacre. I pay tribute to the chairperson of the District Council of Elliston, Mr Kim Callahan, for his strength and resilience through what has been a difficult process over the last couple of years. His leadership has inspired other people to begin shining a light on some of the more difficult parts of our colonial history.

I also pay tribute to Wirangu elders, who have been absolutely patient in the way that they have gone about achieving what was achieved a few weeks ago in Elliston. People like Jack Johncock and Veda Betts showed remarkable leadership in the Wirangu community.

I also want to acknowledge other attendees at the unveiling ceremony in Elliston last month. The local member, Peter Treloar, was in attendance, and local South Australian identity Peter Goers MC'd the event. Also in attendance was Senator Patrick Dodson, known as the father of reconciliation, who spoke when he came to Elliston a number of weeks ago for the unveiling. What stuck with me was some of Senator Dodson's words, when he said:

Elliston will be one of the places the country remembers for this. Reconciliation is not a one way street, it is a liberation for the perpetrators of wrong and the people who suffered through that wrong—it's mutual, there is nothing to be lost for anyone.

We can only move forward with the telling of the truth of what has happened in the past and I hope to see more memorials across South Australia that reflect some of this. Only by properly recognising our past can we truly understand where we are now and how we move forward.

**MABIL, MR A. AND DENG, MR T.**

**The Hon. F. PANGALLO (15:50):** Today, I would like to salute two young and proud South Australians who have made their mark on the world game of football, or, as some still call it, soccer: Awer Mabil and his best friend, Thomas Deng. Last week, they won their first caps playing for Australia in a friendly international against Kuwait. The Socceroos won 4-0 and one of the scorers was Awer Mabil, who dedicated his first international goal to his mother as she was proudly watching him on a TV screen in Adelaide.

They have fascinating back stories. Both are South Sudanese—although Awer has never visited the country—and are the result of Australia's refugee intake. They represent everything that is good about the opportunities this country offers to people who have come from contrasting and often cruel and hostile countries. Awer and Thomas are also representative of the new wave of Australia's multicultural fabric that has enriched this country. They are assimilation success stories and role models for others in the African community.

Awer was born in the Kakuma Refugee Camp in Kenya and at the age of 11 came to Australia with his mother and siblings in 2006. Thomas was also born there with his family. They grew up in the same neighbourhood, playing football on rough surfaces, never once thinking that one day they would both don the yellow and green of Australia on the very same day and be professional footballers. Sport has a unique knack of changing and altering the course of a person's life. I first met Awer a few years ago while he was playing for Adelaide United where he was a youth player after a short stint at Campbelltown City Soccer Club, recently crowned as the national second-tier champions on top of other local championship successes.

He made his debut in 2013, aged 17, and immediately won the hearts of Reds fans. His flair and skill running at defences was electrifying and he soon became a crowd favourite. His mother would sit in the stand with other members of his family, proudly looking on. He was dedicated to his sport and determined to succeed. Just to make it to training at Hindmarsh, he would catch two buses each way. United's coach at the time, Spaniard Josep Gombau, rated him highly and nurtured him without rushing him—a wise move.

You could always tell big things were in store for Awer and it was no surprise when overseas clubs came knocking. He is currently playing in Denmark with Midtjylland. Awer is an impressive man, with a strong sense of purpose and humility on those young shoulders. A few years ago, he wanted to give something back to those refugees still caught up in the Kakuma camp, the largest of its kind in Africa. Awer recounted the story to me about how much the kids loved playing football on the dusty and rocky grounds. They had no boots or shoes to wear and for a ball they would blow air into condoms and wrap and tape them with rags.

After getting his first professional contract, he returned quietly with a few small gifts of boots, balls and some United shirts to hand out to the kids who were in the same predicament that he once was. He was so overwhelmed by the response that, with his brother Awer Bul, friend Rachel West, and Adelaide lobbyist Ian Smith, they now return to Kakuma each year with football equipment. Awer Mabil does not consider that going back to Kakuma and helping is anything special. He said:

I think footballers are often taken only at face value. Like in all spheres of life, I think a lot of footballers are not only willing to do good things, they just do them.

Awer says he is not interested in publicity. In fact, he even knocked me back when I suggested we do a documentary for Channel 7. He says it is all about giving back to the place where he was born, seeing family and friends still there and reassuring the wide-eyed children caught in that situation that there is some hope for them and that dreams can come true.

Awer and Thomas have played for Australia at youth and Olympic level, and are now Socceroos teammates as well. Thomas is 21 and plays as a central defender for the reigning A-League champions, Melbourne Victory. When Awer scored for Australia, Thomas was the first to help him celebrate that special moment. You can imagine the thoughts that were going through their minds about where they came from and where they are now heading.



### SALVATION ARMY

**The Hon. J.S.L. DAWKINS (15:55):** On Saturday 6 October, I was delighted to attend the opening and dedication of the new Salvation Army Gawler corps building, to be known as Riverside Gawler. The ceremony was presided over by commissioners Floyd and Tracey Tidd, the national leaders of the Salvation Army in Australia. Also in attendance was Mayor Karen Redmond and the member for Light in another place, the Hon. Mr Piccolo.

I would also like to acknowledge, obviously, Major Darren Cox, who is the officer in charge in Gawler, and Mark Foyle, who has been the officer leading public relations in South Australia for the Salvation Army for some time and someone I have worked with over a very long period of time.

My involvement with the Salvation Army in Gawler has been a very long one. Having first collected for the Salvation Army Red Shield Appeal in Adelaide outside Parliament House in 1998, I asked whether I could do it in my then home town of Gawler the following year. I was told that there was no presence in Gawler. I was aware that the Salvation Army had closed a number of years earlier, so I was under the banner of the Elizabeth Red Shield Appeal. I was told I could go anywhere I liked in Gawler, and I did that.

The then officer in charge at Elizabeth, Captain David Bartlett, asked me whether I could find a chair for the Salvation Army for the appeal in Gawler. I mistakenly, I suppose, said that if I could not find someone, I would do it myself. Well, I have been doing it for 18 years, I think it is, now. I think in the first year I did it we had about 26 people who collected in doorknocking and some other static places around supermarkets, etc., and those 26 people collected just over \$2,600.

The then officer in charge of South Australia was Lieutenant Colonel Vic Poke. He had a vision that there was great potential in the Gawler area to reopen the Salvation Army as a result of what he saw was achieved in that first year. Lieutenant Colonel Poke, who went on to be a commissioner in the United Kingdom and Ireland, and also in Sweden, unfortunately passed away in the last few years.

He showed great vision. He, I think, saw that the Salvation Army could be replanted in Gawler, and he arranged for officers Sam and Ev Hancock to be placed in Gawler. They worked with me very closely, not only in the development of the Red Shield Appeal but also in re-establishing the Gawler corps. I was delighted to work with Sam and Ev as well as, following them, Mailee Ballam, who was a fantastic local officer. All three people involved themselves very much in the Gawler community as well as the Salvation Army.

In that time, and I think in the early days of my chairmanship of that appeal, my office played quite a role in the organisation of getting people out to doorknock and to do other collections. Thankfully, there are now many other people in the Gawler area who support the Gawler corps and get involved in the Red Shield Appeal. I still remain very proud to continue as the chairman of that appeal. As we know, the Salvation Army does wonderful things. They go and do things that probably many other groups find difficult to do. We are very grateful for the work they do.

In closing, I should also add—and I said this on the day—that the Salvation Army has been working in suicide prevention for over 100 years. It typifies the things that they will do that many others wish not to do. Finally, can I pay tribute to Ms Joy Cameron, a faithful member of the Gawler corps for as long as I have known, someone who was privileged, along with a younger member of the corps, to cut the ribbon of the new building on the day.

### POLISHED MAN CAMPAIGN

**The Hon. J.A. DARLEY (16:00):** I rise today to speak about the Polished Man campaign that aims to end violence against children for good. This October marks the fifth year that this campaign has raised awareness about violence against children and encouraged donations to fund trauma prevention and recovery programs. Sadly, throughout the world one child dies every five minutes as a result of violence. This is unacceptable. Every child deserves the right to enjoy a safe and happy childhood, and this right is acknowledged specifically this week during Children's Week.

The Polished Man movement was established by Elliott Costello after a visit to Hagar International in Cambodia. Hagar International is an organisation dedicated to the recovery of women

and children who have endured extreme abuses. It was there that Elliott met a young girl named Thea. Despite the language barrier, Elliott was able to bond with this young girl by playing noughts and crosses for hours one afternoon. During this time, Thea painted Elliott's fingernails blue. The following day, Elliott learnt that Thea had been physically and sexually assaulted on a daily basis for two years by the director of the orphanage. Upon discovering this, Elliott made a decision to paint one of his nails to remember Thea.

After Elliott's experience meeting Thea, he learnt about the epidemic of child abuse across the world and the fact that overwhelming evidence indicates that the majority of sexual abuse is perpetrated by males. Upon learning the statistics, he established the Polished Man initiative and encouraged individuals, especially men, to paint their nails to spark conversations about this issue and raise funds for this worthy cause. The Polished Man movement does not seek to blame men. Rather, it encourages men to unite and lead by example. It aims to empower individuals to become change-makers in today's society. Both men and women can contribute and become involved in this campaign.

I would like to take this time to acknowledge one outstanding contributor to this cause. At just 11 years of age, Jackson Saunders is the lead fundraiser of the Polished Man initiative, currently raising a total of \$56,479. From a young age, Jackson had a passion for helping others. When he was eight years old he would always intervene at school when he witnessed another child being bullied. This led to Jackson becoming a victim of bullying. This was a difficult time in Jackson's life, and he confided in his mum that he was thinking about ending his life. His mum took immediate action in seeking professional help for Jackson, moved him to another school and encouraged him to continue his passion for helping others by focusing on charity work.

Jackson felt instantly connected with the Polished Man campaign in knowing that he was contributing to a cause that would have a positive impact upon a child. Participating in this campaign has helped Jackson immensely. I commend Jackson for his efforts in not only raising awareness for this cause and a significant amount of money but also for his amazing personal growth during a very difficult time in his life.

Although the Polished Man campaign discusses violence against children on a global scale, it is important to note that this issue is also a widespread problem in Australia. During the 2016-17 financial year, one in 32 children received child protection services. As individuals we can always do more, so I invite everyone to become involved in some way during this campaign this October, whether it is painting one nail to spark a conversation, setting up your own fundraising page or donating to an existing one.

### COONALPYN SHOW

**The Hon. E.S. BOURKE (16:05):** There is nothing quite like a good regional show. They bring communities together and they bring people together. This year, the Coonalpyn Show brought both federal and state, Liberal and Labor politicians together. There are rare times in the corridors of this place when politicians can put politics aside. Last week, I like many South Australian politicians did just that: 13 South Australian politicians put their cooking skills to the test in a bake-off for an afternoon tea at the Coonalpyn pollie bake-off, a record number of entries. It is a shame yours was not there, Mr President. The hot favourite to take out the top prize was last year's winner, the member for Hammond, Adrian Pederick.

**The Hon. J.M.A. Lensink:** No way.

**The Hon. E.S. BOURKE:** I know, it's outrageous! Perhaps this was the motivator for so many members to get involved this year. Members went to extraordinary efforts, and I encourage members to jump on the Coonalpyn Show Facebook page to view the amazing cakes and skills they perhaps did not know their colleagues had. Members might be inspired to get involved next year.

The standards have been set high. The Hon. Clare Scriven, created a masterpiece based on the Coonalpyn silos; the member for Finnis, David Basham, spent hours moulding a sheep out of marshmallows and rice bubbles; the member for Croydon, Peter Malinauskas and his daughter Sophie, created a delicious apple cake; the member for Hammond, Adrian Pederick, went with the safe option of a butter cake. I, however, did my best to create a family favourite, mum's pavlova.

As much as it pains me to confirm in this chamber today, mum's pavlova did not pull me across the line. I congratulate the 2018 pollie bake-off winner, the member for Chaffey, Tim Whetstone; and the member for Bragg, Vickie Chapman, for taking out second place. Judge, Susan McDonald, and cookery convener, Julianne Wandel, did a fabulous job under pressure. The hype surrounding the winner of the bake-off had poor Julianne running from the judging table straight afterwards to a radio interview and people requesting interviews about the pollie bake-off winner.

While I could talk about the delicious selection of cakes for more than my allocated time, this speech is not about pollies cooking cakes; it is about the real winner, the Coonalpyn community. To have over 13 federal and state politicians promoting and talking about a town with a population of 350 through social media and in the corridors of state and federal parliament is an incredible community achievement and a testament to the organisers, not to mention the 900 people who attended the show, which is roughly two and a half times the population of Coonalpyn.

Countless show goers filled the pavilion to watch the results of the pollie bake-off be announced but the results were not what residents were talking about. They were heartened to see Labor and Liberal MPs working together to support the Coonalpyn community—something I believe communities across Australia are all calling for. People like Francis Andrews, President, Country Shows, Agricultural Societies of South Australia, who shared with me his passion for country shows; as did the previous president of the show society; and people like the children of Coonalpyn who saw Labor and Liberal MPs together in their town. I am sure I met some future leaders while they busily worked on their badges at the Labor art and craft stand.

The Coonalpyn Show left little doubt that Coonalpyn and the surrounding community is a very strong community. Its strength was demonstrated by the community coming together to run an incredibly successful show and by the pride the award winners showed, like Wayne Marks, who proudly displayed his runner-up ribbon for the most outstanding small business.

A trip to Coonalpyn would not be complete without a photo in front of the silos. Anyone who questions the importance of public artwork need only stop at the Coonalpyn silos to reconsider their thoughts. I made sure to grab one with our eight Young Labor volunteers who joined me in Coonalpyn, and I was pleased to see so many other visitors lining the road to do the very same thing.

I would like to thank Coonalpyn for giving me such a warm welcome and the show committee and the judges for a successful show. I hope that the pollie bake-off is much bigger again next year.

#### **MIDDLE EAST CONCERN**

**The Hon. D.G.E. HOOD (16:10):** I rise to speak on the important work of the organisation Middle East Concern (MEC), which provides support to Christians across 24 countries and territories in the Middle East and North Africa where they are often persecuted on account of their beliefs.

MEC assists victims of persecution through offering encouragement and informed, trustworthy expertise; mobilising worldwide prayer effort in open or confidential networks; initiating political advocacy on behalf of victims of persecution; and providing practical and financial support where required. It challenges unjust laws, policies and attitudes by undertaking research-based advocacy on legal and policy issues underlying persecution, campaigns for the reinstatement of civil rights to converts from Islam in particular and addresses unhealthy responses to persecution such as hasty relocation to the West.

It also equips Christians to face persecution by leading seminars to assist them in responding to suffering and persecution, instructs community leaders in constitutional rights and international law and provides guidance in crisis management, including how to handle arrests and interrogation, again particularly in those countries or regions.

The prevalence of Christian persecution is certainly not an issue we are often made aware of, despite the fact that a recently released report by an organisation known as Open Doors regarding persecution figures and trends indicates that some 215 million Christians worldwide experience high, very high or even extreme levels of persecution due to living in places where Christianity is illegal, forbidden or barely tolerated.

The Pew Research Center also released its findings earlier this year in relation to restrictions on religion, revealing that in 2016 Christians reported incidents of harassment, including discrimination, verbal assault, physical attacks, arrests and the destruction of religious sites—usually the churches—in no less than 144 countries. In 2015 the centre reported that such incidents were occurring in 128 nations, implying the persecution is progressively worsening.

At present the communist regime in China is tearing down churches, confiscating bibles and arresting Christians. It has been suggested this year that it is the most intense persecution the Chinese have experienced since Chairman Mao's Cultural Revolution. In northern Nigeria, society as a whole treats Christians formally as second-class citizens who deserve to be discriminated against and excluded. Christians from Muslim backgrounds—that is, those who have converted to Christianity—also face persecution from their own families who reject and pressure them into renouncing their faith in some cases, indeed in many cases. It has been estimated that in the Middle Belt, as it is known, of the country over 6,000 Christians have been slaughtered by the predominantly Muslim Fulani herdsmen.

In India, the perpetrators of persecution vary depending on the location within the country; however, Hindu radical groups in particular are the main instigators in attempts to cleanse the nation of other religions. These examples constitute just a small glimpse of the issues faced by a great number of Christians internationally in our current era.

One of the specific cases that MEC is currently assisting with concerns 10 converts to Christianity in Sudan. On Saturday 13 October, just a couple of weeks ago, officers of the National Intelligence and Security Service (NISS) broke up a meeting of Christians in a house in the city of Nyala, the capital of the state of South Darfur. All 13 Christians present were arrested; three were subsequently released, given they were already Christian—that is, from a Christian background; the other 10 were converts to Christianity from Islam. The remaining 10—all converts from Islam—remain in detention to this day.

No-one has been permitted to visit them, and no charges have officially been filed against them. Sudanese law allow the NISS to hold people in detention for up to 4½ months before they have to either be charged or released. These men have committed no crime and are being detained solely because they have converted to Christianity.

I take this opportunity to commend Middle East Concern on its efforts to raise awareness of cases such as this within the international community. If any members would like to be informed as to how they can personally support MEC in its endeavours to obtain justice on behalf of persecuted Christians, my office can provide the contact details of the appropriate representatives from that organisation.

In short, MEC will distribute details of these particular cases to civic leaders—or members of parliament in this case—whereby they will provide the details and, if the member so chooses, they can write to the particular government concerned outlining their concerns about the way those individuals are being treated. I have personally written many letters, probably hundreds of letters over the years, to foreign nations that have treated people very poorly simply because they have chosen a religion that they do not agree with.

#### *Motions*

### **ADELAIDE FESTIVAL CENTRE**

**The Hon. F. PANGALLO (16:15):** I move:

That this council—

1. Recognises the historical and cultural significance of the Adelaide Festival Centre;
2. Acknowledges its importance to the arts community in South Australia, Australia and globally; and
3. Calls on the government and the Festival Centre Trust to ban all advertisements of promotions for any form of gambling from being projected onto the Festival Centre's distinctive and iconic architecture and roofline.

I rise to speak to my motion to recognise the historical and cultural significance of the Adelaide Festival Centre and to prevent its exploitation by promoters of the gambling industry. While New

South Wales was still running lotteries to get the money to finish off its iconic Sydney Opera House, South Australia was already leading the art world in this country with its own multipurpose Festival Centre, just behind us on the banks of the Torrens.

It opened in 1973, three months before the Opera House, making it Australia's first multipurpose arts centre, thanks to the vision of former premiers Steele Hall and Don Dunstan. Designed by John Morphett, it was built in three stages, costing a total of \$21 million. Compare that to the \$102 million for the Opera House.

As a young reporter for *The News* I attended one of the first TV broadcasts there, Ernie Sigley's *Adelaide Tonight* show on NWS9. I was awestruck by its magnificent design inside and out. It was modern and built to the high standards demanded of a performing arts centre. Even today the old girl, with its annexes, the Dunstan Playhouse, Space Theatre plus the amphitheatre, scrubs up pretty well, hosting musicals, live theatre, opera or the occasional rock act. South Australians are extremely proud of this building, paid for by South Australians.

Of course, it is also the spiritual and dedicated home of our world-famous Festival of Arts. It is a national treasure for the arts in this country. Like the Opera House our Festival Centre has distinctive roof features that make it stand out. We saw the controversy that erupted in Sydney recently when the Opera House management was bullied first by radio shock jock Alan Jones and then by the state's own Premier into displaying on its sails a promotion for a gambling event—the horse race bizarrely called *The Everest*, which claims to be the richest in the world. You first need to contribute \$600,000 if you want a runner in it.

A petition against the promotion attracted 10 times more signatures than the 40,000-odd who attended this instantly forgettable sprint. The New South Wales government claimed a hollow victory because of the worldwide coverage the furore received—hardly the type of endorsement you would want for your city or for such an iconic and beautiful place like the Opera House. Nevertheless, I do not want to see the same thing happen here, say to promote the Adelaide Cup, which needs all the help it can get, or any other event or venue linked to the gambling industry.

This is an arts and community centre, not a billboard to be rented out to the well-heeled sector which preys on the vulnerabilities of gamblers and has little social conscience for the damage it does. Let me add that I have no objection to the centre's sloping white roof being used to promote the centre's own events or significant cultural and historic activities in our community.

My motion calls on the state government and the Festival Centre Trust to respect the Festival Centre's integrity and standing, and ban all advertisements that promote any form of gambling from being projected.

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

### *Bills*

## **LOCAL GOVERNMENT (RATEPAYER PROTECTION AND RELATED MEASURES) AMENDMENT BILL**

### *Introduction and First Reading*

**The Hon. C.M. SCRIVEN (16:20):** Obtained leave and introduced a bill for an act to amend the Local Government Act 1999. Read a first time.

### *Second Reading*

**The Hon. C.M. SCRIVEN (16:21):** I move:

That this bill be now read a second time.

I stand today to introduce the Local Government (Ratepayer Protection and Related Measures) Amendment Bill. Firstly, I would draw members' attention to the title of this bill and how appropriately entitled it is. We all know why protection for ratepayers is needed. There have been numerous examples of waste and excess in some councils: Apple watches, claimed to improve decision-making; ratepayers paying for council employees to do the Adelaide Oval roof climb; one council CEO having the ratepayers pay for his membership of the Naval, Military and Air Force Club of South Australia. They are just a few examples of the excesses currently happening in the local

government sector. Unfortunately, there are many more examples I could provide, which speaks volumes about why we need to ban bad practice and deliver greater accountability in the local government sector.

This ratepayer protection bill does exactly what it says it will. Its content will protect ratepayers, and ratepayers will be front and centre when the council considers how to operate. Further, the bill strengthens the democratic control of councils by the people they serve, the ratepayers. Provisions are made for greater ratepayer oversight of council budgeting, greater disclosure of council expenses and performance and greater and more effective consultation between councils and ratepayers.

The new measures in this bill seek to directly tackle the waste and excesses which have afflicted some South Australian councils. In doing so, the bill empowers ratepayers to restrain council revenues and expenditures which otherwise can increase their cost of living. Unfortunately, stories of waste and largesse from councils have caused South Australians to be rightly outraged by the abuse of ratepayers' money, yet there are differing opinions on how to effectively reduce these abuses.

Those opposite have long put forward the view that placing a cap on council rate revenues will reduce council expenditures and, by implication, reduce council waste and costs, but they have been peddling a fallacy, because evidence shows that reducing a council's revenue does not automatically reduce a council's expenditure. There is a missing link in this flawed logic. The empirical evidence from the New South Wales rate-pegging system totally undermines their assumption. The New South Wales experience has been clear: reducing council revenues does not lead to reduced council expenditures. Instead, council expenditures remain high but council debt is increased.

Data comparison conducted by Professor Brian Dollery of the University of New England reveals that in the period 2013 to 2016, New South Wales councils expended, on average, significantly more than South Australian councils and maintained significantly higher levels of debt. Further, capping council rate revenues does not reduce the incidence of waste and costs. Like any policy problem, you do not solve council misconduct through a proxy measure. The way you can reduce council waste and costs is through increased ratepayer oversight of budgeting, greater disclosure of council expenses, restrictions on CEO remuneration packages, and annual council performance reviews.

If the waste and costs of some South Australian councils are to be avoided in the future, the provisions of this ratepayer protection bill must be supported in this parliament. To restrain council waste, oversight of councils' annual business plans and budgets must be strengthened. Under the ratepayer protection bill, any new council project valued at \$1 million or more and any new service valued at half a million dollars or more, calculated for the life of the service, would require a rate impact statement.

These statements will disclose the amount of revenue required to be raised from rates and the impact on different classes of ratepayers. Rate impact statements are an important tool because they create a link between council revenues and expenditures, a link which is not created under a proposed rate capping system. This is necessary for ratepayers to be able to assess whether or not the expenditure is justified.

For example, the City of Mount Gambier is currently considering the construction of a community and recreation hub which is estimated to cost \$39.1 million. The local community is rightly asking what impact the initial and ongoing costs of such a project will have on them, and the council has now released information about the rate impacts. This will enable ratepayers to make an informed decision when council conducts a ratepayers survey to gauge the level of support for the centre later this year.

Provisions in this bill will require all councils to reveal the impact on rates of major projects and services. The logic is simple: if councils are forced to publicly disclose the rate impact of any new project or service above the relevant cost thresholds they are far more likely to make sure that the ratepayers want them and are prepared to pay for them.

In addition, the bill also compels council CEOs to report on the reasons for budget overruns on new projects and services if their costs exceed 110 per cent of the amount budgeted. No longer will councils be able to hide cost overruns, because these reports will also be required to be published in a prominent place on the council's website. The bill also includes provision for council budgeting to include a detailed four-year estimate of revenues and expenditures, similar to the forward estimates currently included in state budgets.

South Australians were rightfully shocked and appalled when it was revealed that ratepayers had paid for the CEO of the City of Onkaparinga's membership joining fee to the prestigious Kooyonga Golf Club, valued in excess of \$6,000. Under the ratepayer protection bill, this bill, CEO remuneration packages are strictly limited to salaries and superannuation contributions, a vehicle or vehicle allowance, and a reasonable provision of ICT equipment for work purposes. There will be no more golf memberships or other excesses. CEO remuneration will be transparent, and will also be published in a prominent place on the council's website.

Councils will also be required to disclose all member and staff credit card use, all council-funded gifts received by members and staff, and all non-land-based interstate and overseas member and staff travel. Note that it does not prevent valid and useful travel. There may be times when travel will have a clear and definite positive value for a council and its ratepayers, but active disclosure means that members and staff will think much more carefully about the cost-benefit analysis before committing to any travel. When expenses are required to be disclosed on prominent pages of a council website it places a significant deterrent on misuse of ratepayers' money.

The ratepayer protection bill also requires an annual review of council performance. Performance reviews will measure quantitative performance indicators, designed to provide cross-council comparisons, such as: the cost and quality of service delivery; the timeliness of service delivery; and complaint handling procedures. The publication of performance indicators creates an extra level of accountability on councils, allowing for comparisons to be made between councils of similar composition.

It should be emphasised that the publication of performance indicators is not designed to apply pressure on councils to reduce costs in a race to the bottom on service quality. Service quality measures are also included, so that ratepayers receive high-quality, value-for-money services and avoid the service cuts and infrastructure backlogs that have been experienced in New South Wales and Victoria.

Provision also exists for councils whose performance indicators raise significant concern to be referred to the SA Productivity Commission for investigation. The Ratepayer Protection Bill also prohibits councillors from lodging frivolous or vexatious complaints against other members' alleged code of conduct breaches. An example of that is the member for King, in her former role as a councillor on the Tea Tree Gully council, where she racked up over \$2,500 costs in lodging what was described at the time as a weak complaint, when then councillor Luethen lodged a complaint against the mayor for asking whether she was a member of the Liberal Party at a public event.

I must say that I am sorry to hear that the member for King was so embarrassed to be a member of the Liberal Party, and embarrassed about her political affiliation, that she would lodge an official complaint. One might question why someone is a member of a political party if they are so ashamed to admit it in public, but, no matter, that is another issue for another day. The relevance is that her weak complaint cost the ratepayers of Tea Tree Gully over \$2,500.

Another example again involves the now member for King who, when she was a councillor, lodged a complaint against another councillor for not returning a phone call for a few days. Instead of mediation, councillor Luethen demanded that a code of conduct be pursued, which subsequently cost ratepayers, according to media reports, another \$900. It is this type of conduct that needs to be prevented from occurring in the future, and it is this bill that will help prevent it from occurring.

Recent inquiries, including one conducted by Ombudsman Wayne Lines, into the Burnside city council has revealed the shortcomings of the Local Government Act in dealing with councillors who present a risk to health and safety because of their bullying or intimidating behaviour. The ratepayer protection bill empowers a local government commission to suspend or dismiss members considered to have seriously failed to have observed the provisions of the members' code of conduct.

There are also other measures in the ratepayer protection bill designed to improve council accountability and transparency. Council audit committees will become completely independent, featuring neither council members nor council staff. Mayors and chairpersons will be given greater powers to maintain order in meetings. There will be electoral consequences for successful no-confidence motions moved against mayors and chairpersons, deterring council gridlock. Higher thresholds will be applied for meeting proceedings to be able to be confidential, and members' voting at those meetings will be disclosed.

These reforms will empower ratepayers to shape the operations of councils according to their wishes and their interests. Council accountability, transparency and disclosure will be strengthened through the provisions of this bill. I would like to thank the shadow minister for local government, the Hon. Tony Piccolo MP in the other place, for the work he has done to prepare this bill.

The opposition also appreciates the input from the Hon. Justin Hanson, the Australian Workers Union and the Australian Services Union on the real issue of improving governance, in contrast to the sham issue of rate capping that does nothing to address the real issues facing the local government sector, and employees who are employed in the local government sector, of which the majority are members of either the AWU or the ASU.

Equally, recognition and thanks must go to the members of the crossbench in this council, who have worked diligently and collaboratively to shape this bill and its provisions. Ms Bonaros, Mr Pangallo and Mr Parnell have all left their imprints on this bill, and on behalf of the opposition I thank them for their collaborative approach.

In concluding my contribution today, I make one final observation: the principles which underpin this bill's clauses reflect those trumpeted by the Marshall government. Under the Office of Local Government section of the budget papers, it mentions as a target for 2018-19, 'Legislative reforms to strengthen local government transparency and accountability'. The Minister for Local Government has also emphasised his desire to improve transparency and avoid costly council tiffs. Just prior to the March 2018 state election, the member for Unley, while serving as the shadow minister for local government, called for the disclosure of extravagant council expenses.

In this light, I would expect the Marshall government to support a bill that will empower ratepayers to constrain council rates and expenditures, will empower ratepayers to tackle council waste and rorts and to generally strengthen council accountability, transparency and disclosure. If the Marshall government is really sincere about improving local government, it should support the bill and I look forward to seeing that occur. I now seek leave to have the detailed explanation of clauses inserted into *Hansard* without my reading it.

Leave granted.

#### Explanation of Clauses

##### Clause 4 (Amendment of section 4—Interpretation)

Defines references made to the Commission or Local Government Commission as references to the South Australian Local Government Grants Commission established under the *South Australian Local Government Grants Commission Act 1992*.

##### Clause 5 (Insertion of section 8A—Annual review of performance of councils)

Establishes that the Local Government Commission will prepare and publish an *Annual Review of SA Council Performance* setting out quantitative performance indicators relating to the delivery of services to the community.

If, in the opinion of the Commission, the performance indicators provided by a council raise significant concern about the performance of the council, the Commission may refer the council for investigation by the chief executive of the South Australian Productivity Commission or other designated administrative unit.

##### Clause 6 (Amendment of section 50—Public consultation policies)

Requires councils to actively promote statutory documents relevant to the community (such as business plans) on platforms like social media to encourage greater community participation in decision making.

##### Clause 7 (Amendment of section 56—General election to be held in special case)

In those instances where members of a council pass a vote of no confidence in their principal member (i.e. Mayor or Chairperson), the chief executive officer of the council must declare the council to be a defaulting council—



triggering an election of all members – except in those circumstances where a council's principal member is chosen by the members of the council.

Clause 8 (Amendment of section 62—General duties)

Subsection (2a) prohibits members of a council from making frivolous or vexatious complaints about other members' alleged contraventions of the member Code of Conduct.

Other provisions require members to obtain council pre-approval for overseas travel and provide a report, to be considered at a council meeting within 2 months of the conclusion of the travel, on the actual expenses incurred and outcomes achieved.

Clause 9

(Insertion of section 79A—Publication of credit card expenditure)

Councils are required to disclose monthly credit card statements used by members on a prominent part of a council's website.

(Insertion of section 79B—Publication of travel by members)

Councils are required to disclose on a monthly basis, council-funded member travel to overseas and (non-land based) interstate destinations.

(Insertion of section 79C—Publication of certain gifts funded by council)

Councils are required to disclose on a monthly basis, council-funded gifts provided to members.

Clause 10 (Amendment of section 90—Meetings to be held in public except in special circumstances)

The deletion of section 90(3)(b) and the amendment of section 90(3)(d) of the Act relate to the ability of a council to close a meeting to the public (i.e. to deal with a matter on a 'commercial in confidence' basis).

The amendments to section 90(7) relate to those circumstances in which a council decides to hold a meeting (or part of a meeting) in confidence. In these circumstances, the vote to do so must be recorded in the minutes and the details of who voted for and against disclosed.

The insertion of section 90(7aa) provides that when a meeting of a council is being held in confidence, any resolution passed must be recorded in the minutes and the details of who voted for and against any resolution disclosed.

Clause 11 (Amendment of section 91—Minutes and release of documents)

This clause relates to the amendments to section 90(7) and the insertion of section 90(7aa). Information recorded in the minutes for the purposes of those provisions cannot be kept confidential.

Clause 12 (Amendment of section 95—Conduct at meetings)

These amendments relate to the regulation of member conduct at meetings and the introduction of a power for the presiding officer to eject disruptive members.

Clause 13 (Insertion of section 95A—Petitions)

This amendment prevents councils from rejecting a petition on the basis that the petition does not comply with a requirement of the regulations. In addition, councils are required to, within 60 days, consider the petition at a council meeting and respond to the lead petitioner.

Clause 14

(Insertion of section 99A—Remuneration of chief executive officer)

Limits chief executive officer remuneration to: salary and superannuation contributions; a vehicle (or vehicle allowance); and information and communications technology equipment required for work purposes.

(Insertion of section 99B—Publication of employment contract of chief executive officer)

Requires the publication of a new or renewed chief executive officer employment contract on a prominent part of a council's website.

Clause 15 (Amendment of section 105—Register of remuneration, salaries and benefits)

Requires council chief executive officers to publish council's Register of Salaries on a prominent part of council's website.

Clause 16

(Insertion of section 105A—Publication of credit card expenditure)

This clause applies the disclosure provisions for council member credit card expenditure (Clause 9 – Insertion of section 79A) to council employees.

The disclosure of employee expenditure must only identify an employee's position.

(Insertion of section 105B—Publication of certain gifts funded by council)

This clause applies the disclosure provisions for council-funded gifts to members (Clause 9 – Insertion of section 79C) to council employees.

The disclosure of council-funded employee gifts must only identify an employee's position.

Clause 17 (Amendment of section 109—General duty)

This clause applies the council pre-approval and reporting requirements for overseas travel, as applied to council members in Clause 8 (amendments to section 62), to council employees.

Clause 18 (Amendment of section 115—Form and content of returns)

Council employees, required to submit annual returns, will be required to include council-funded overseas and interstate travel in those returns.

Clause 19 (Insertion of Chapter 7 Part 4 Division 2A section 119A—Travel by employees)

This clause applies the disclosure provisions for council-funded member travel (Clause 9 – Insertion of section 79B) to council employees.

The disclosure of council-funded employee travel must only identify an employee's position.

Clause 20 (Amendment of section 123—Annual business plans and budgets)

Subsection (2ba) requires councils' annual business plans to identify works relating to the maintenance, replacement or development of infrastructure which have not been substantially completed in line with previous annual business plans and budgets.

Subsection (2ea) requires councils' annual business plans to feature estimates of revenues and expenses for the 3 financial years following the financial year to which the annual business plan relates.

Subsection (2fa) requires councils' annual business plans to provide estimates of the impact on rates (including the impact on different classes of ratepayers) for each new project (valued at \$1 million or more) and for each new service (valued at \$500,000 or more, calculated for the life of the service).

Subsection (4aaa) requires councils to seek public submissions on proposals for activities and projects for inclusion in council's annual business plan, prior to its finalisation. Councils are required to seek submissions through internet platforms such as social media.

Subsection (4aa) requires councils to consider these public submissions at a meeting.

Subsection (11a) requires councils to prepare a report which responds to the public submissions received, within 14 days of the adoption of their annual business plans and budgets.

Subsections (13) and (15) require council chief executive officers to prepare a report to council on those occasions when a council has incurred expenses during a financial year in respect of a new service or project which exceeds 110% of the amount allocated in council's annual business plan or budget. Within 30 days of receiving said report, council is required to publish it on a prominent part of their website.

Clause 21 (Amendment of section 126—Audit committee)

These amendments require the audit committee of a council to be chosen from a list of persons established by the Auditor-General. These lists cannot include members or employees of a council.

Clause 22 (Amendment of section 264—Complaint lodged in District Court)

Subsection (1c) extends the powers to lodge complaints against council members with the South Australian Civil and Administrative Tribunal (SACAT) to the Local Government Commission.

Subsection (2a) limits the lodgement of complaints with SACAT to the Local Government Commission for alleged council member contraventions of section 62(2b) and (2d) (see Clause 8 above).

Clause 23 (Amendment of section 265—Hearing by District Court)

Establishes the investigative powers of the Local Government Commission.

Clause 24 (Insertion of Chapter 13 Part 1A—Conduct—complaints to Local Government Commission)

Establishes the powers delegated to the Local Government Commission to deal with complaints relating to the members' Code of Conduct.

Subsequent to a Commission investigation, the Commission can: reprimand members; require members to attend a specified course of training or issue an apology; impose fines on members; and suspend or disqualify members for serious breaches of the members' Code of Conduct.

Clause 25 (Amendment of Schedule 3—Register of Interests—Form of returns)

Members are required to include council-funded overseas and (non-land based) interstate travel in their annual returns.

Clause 26 (Review of Local Government Act 1999 and Local Government (Elections) Act 1999)

Requires a comprehensive review of the *Local Government Act 1999* and *Local Government (Elections) Act 1999*, as soon as practicable after section 24 of this Act comes into operation. A report on the review is to be provided to the Minister for Local Government.

The review and report must be completed within 12 months of the day on which section 24 of this Act comes into operation.

The Minister must cause a copy of the report to be laid before both Houses of Parliament within 6 days after receiving the report.

Schedule 1—Transitional provision

Establishes the transitional arrangements for council audit committees, as related to the reforms included in Clause 21.

Debate adjourned on motion of Hon. D.G.E. Hood.

## **PLANNING, DEVELOPMENT AND INFRASTRUCTURE (GAS INFRASTRUCTURE) AMENDMENT BILL**

### *Introduction and First Reading*

**The Hon. M.C. PARNELL (16:36):** Obtained leave and introduced a bill for an act to amend the Planning, Development and Infrastructure Act 2016. Read a first time.

### *Second Reading*

**The Hon. M.C. PARNELL (16:36):** I move:

That this bill be now read a second time.

Despite all of the recent innovations in energy efficiency, in renewable energy and energy storage, there are many South Australian families who are being locked in to higher energy bills and they are being locked into a lack of choice thanks to the unconscionable conduct of certain property developers in South Australia. These developers want to stop South Australian families from being able to choose what type of energy to use in their homes and they do this by locking them in to legally-binding arrangements that force them to use fossil fuels in their homes forever.

This might sound like a ludicrous proposition, but it is exactly what a number of property developers are doing today in South Australia. The way they are doing it is through legally-binding covenants that are registered on the certificates of title for new house and land packages in the new housing estates. The deal is that if you want to buy into one of these new housing estates, you have to sign on the dotted line, you have to agree to connect to gas and you have to agree to use gas at the very least for heating your home and for heating your hot water. You are legally prevented by these arrangements from becoming an efficient all-electric home.

It is now clear that all-electric homes are the cheapest households to run. If you add solar panels into the mix, the difference is substantial. In Adelaide, you can save up to \$14,000 over 10 years by going all electric compared to a dual fuel home that uses both electricity and gas. For example, these savings, up to \$14,000 over 10 years, are being denied to some residents of Mount Barker who are buying into new housing estates such as the Springlake development.

My bill is simple: it outlaws this practice. It declares null and void any attempt to force households to use fossil fuels in their homes if they do not want to. It puts energy choice back into the hands of South Australian families and it frees up the opportunity for them to save money and to contribute to reducing carbon emissions and reducing our pressure on the climate.

I will give some background. We know that renewable energy is rapidly taking over the energy market, and this is a challenge to existing power companies, especially those that sell or

distribute gas. Already, the gas-fired electricity generators are under pressure, and now householders are turning away from gas as well.

Gas companies are desperate to maintain their market share for domestic heating, cooking and hot water now that new electric technologies are cheaper and more efficient. One technique that they have used is to require property developers to mandate the use of gas in new housing estates. In other words, the purchasers of these new house and land packages are legally obliged to connect to gas and to use it for some or all of their energy needs. They are not allowed to become all-electric homes.

I mentioned that the technique used legally was a covenant. Another word that is often used is an encumbrance. We are familiar with the use of restrictive covenants or encumbrances in housing estates. Often they are used to try to maintain the quality of the neighbourhood. For example, they include conditions about fences, setbacks, roofing materials or carports, those sorts of things. These restrictions go above and beyond what the government's planning rules require. Those planning rules apply to everyone, but these special encumbrances or covenants apply only to those who have signed in to these particular house and land packages.

If you do a Google search of various property developers and housing estates, you will come across a few, but I am drawing the council's attention to Springlake. Originally, they were going to provide reticulated liquid petroleum gas to all houses in their development and then switch to natural gas after a new natural gas pipeline is connected. My understanding is that this arrangement between, I presume, the property developers of Springlake and gas companies is to help boost the business case for the new gas pipeline.

This business case is currently before the Australian Energy Regulator to decide whether or not to allow it to go ahead. If you want to build a business case, what better way than saying, 'By the way, here are so many hundreds'—or thousands—'of new customers that are going to connect. We know they are going to connect, because we have made them connect. We have mandated their connection.'

I refer the council to the design guidelines for the Springlake development in Mount Barker. Page 8 of their design guidelines states:

Springlake is providing reticulated LPG throughout the development. A gas connection will be provided to the front of each allotment. It is mandatory that each house connects to the LPG system.

Minimum gas connection requirement:

- Gas heating
- Gas hot water service

Note: if you will be connecting a solar hot water system, a gas boosted system will be required.

It goes on to tell you who to contact to get your gas connected. That is a mandatory provision for anyone who wants to sign up to a house and land package in this estate.

What I think is at play here is the business case for Australian Gas Networks trying to get their Mount Barker natural gas extension up and running. I do not know what commercial or financial relationship they have with the property developer, but it seems to me remarkable that in this day and age we have, with full force of law, presumably, the ability to lock people in to having to use fossil fuels in their homes. It seems quite remarkable.

I made the assertion earlier that an all-electric home is cheaper than a dual fuel home. Where does that come from? That came from the most recent household fuel choice study. The title is 'Household fuel choice in the National Energy Market'. It is a report that came out in May 2018 by the Alternative Technology Association. They updated this report in August of this year. It is the most comprehensive report that goes through all the climatic variations around Australia and prices the difference between an all-electric home and a dual electric-gas home in major urban areas.

I will refer to a couple of sections of this report. I will start with their recommendations. There is a recommendation, but the major finding that supports the recommendation states:

The major finding of this study, is that by choosing an all-electric home with solar PV, a new home buyer will be in the order of \$9k to \$18k better off over 10 years, as compared with establishing that home as dual fuel (i.e. electricity and gas) without solar.

They then go on to state:

Given the rate of connection to the reticulated gas grid of new homes in the major Australian cities, it is imperative that consumers understand the significant cost impact of choosing to establish a new home as dual fuel versus all-electric with solar.

That ties into recommendation 1, which is about education. I do not think that is enough. I think we need a bill such as the one I am introducing today to prohibit the mandatory connection to gas. For those who are familiar with the planning system, regular houses are referred to as class 1 dwellings. The report states:

To continue to promote reticulated gas to new Class 1 dwellings is to lock most of those new home buyers into significantly higher energy costs for the medium to longer term.

The report then goes on at page 18 to set out a chart that has Adelaide as a column—and it has other major population centres as well—and it shows you what the average cost saving is. As I said before, for Adelaide, for a new house with solar panels, it is about a \$14,000 saving over a 10-year period. Without the solar panels there is still a saving, but it is not as much. The finding is clear:

#### Go All-Electric with Solar

For new homes, the best choice is clear: go all-electric and install solar PV...In every location around Australia, the model found significant value (between \$9k and \$18k over 10 years) from establishing a solar/all-electric home instead of a dual fuel home (i.e. gas and electric) with no solar.

As I said, for Adelaide the amount was \$14,000. The problem I think is fairly clear, that, given all the attention that is being paid to energy prices by I think all political parties, everyone is alert to energy prices. We have had the federal government coming out and talking about what they are going to do. It is mostly smoke and mirrors, but they are saying what they are going to do about energy prices. Here we have, in South Australia, legal mechanisms which enable mandatory connection to gas and, therefore, by implication force people into higher energy bills over the long term.

This bill is really quite straightforward, for those members who have had a chance to look at it. It has one operative provision. It inserts new section 243A into the Planning, Development and Infrastructure Act. The title of that new section will be 'Requirements to connect to gas infrastructure void', and the operative provision is: if they try it on, it is not enforceable. In other words, any attempt to force people to connect to gas is not enforceable.

We have to make it very clear that, if people voluntarily want gas, absolutely they can sign up to gas. This is not saying that gas is being outlawed in new developments, it is not saying that gas has become an illegal product. It does not say that at all. It is just saying that these property developers cannot make it a mandatory condition of house and land packages that you must connect to gas. If they try it, the contract is null and void.

I think it is only a matter of time before the penny drops for most South Australians. There will be concerted campaigns from people who have crunched the numbers, and it will be one of those watercooler, barbecue, front bar conversations along the lines of, 'What? You're still connected to gas? Don't you realise how much you're paying?' That will be the conversation that people around Australia are having. How sad would it be if the response at the barbecue, watercooler or front bar was, 'Yes, I'd love to get off it but I'm legally bound, and I'm legally bound because the South Australian parliament did nothing to protect me'? I think that would be an outrageous situation.

This is a very simple bill. It simply says this is not a practice that is acceptable. It is not acceptable to the parliament, it is not acceptable to the community and it is certainly not acceptable to the climate.

Debate adjourned on motion of Hon. D.G.E. Hood.

#### *Motions*

### **PRIVATE HEALTH INSURANCE**

**The Hon. C. BONAROS (16:49):** I move:

That this council—

1. Notes that private health insurance is increasingly unaffordable for consumers;
2. Further notes that preferred provider schemes are not in the best interests of patients or providers receiving a lower rebate for the same treatment under the same policies;
3. Welcomes the recent decision of HBF to dismantle its longstanding preferred provider scheme;
4. Acknowledges recommendation 12 of the Senate inquiry into the 'Value and affordability of private health insurance and out-of-pocket medical expenses', which recommends legislation to prohibit the practice of differential rebates for the same treatments; and
5. Calls on the federal government to amend relevant legislation to prohibit the current practice of differential rebates for same treatment under the same product in the same jurisdiction.

I am pleased to be speaking today on the issue of differential rates for same treatment under the same products in the same jurisdiction. At the outset, I would like to begin by acknowledging all of the work and tireless efforts of Dr Anthony Smerdon, President of the Australian Dental Association South Australia, and Dr Samantha Mead, CEO of ADASA, who have taken time out of their busy schedules to be here today. I would also like to acknowledge the work of Damian Mitsch, national CEO of ADA; Eithne Irving, deputy CEO and general manager of ADA; and Dr Paul Toumazos and Dr Phil Toumazos.

They have all committed a tremendous amount of effort to this matter and continue to advocate fiercely on behalf of their association's members and the broader dental industry. Importantly, they continue to work with the providers of other services similarly impacted by differential rebates. Australia operates a mixed public and private healthcare system where Australians have the freedom to choose whether they wish to have the universal health care provided by Medicare or whether they want to be treated privately. For many Australians, private health care is too expensive and out of reach or increasingly becoming out of reach for many families.

Private health insurance premiums have become less affordable. At the same time, exclusions and co-payments have increased. This year, federal health minister, Greg Hunt, approved the lifting of health insurance premiums for private health insurance by an average of 3.95 per cent from 1 April. Last year's premium increase was 4.84 per cent. It is no surprise that consumers are experiencing difficulty to pay private health insurance premiums and/or out-of-pocket expenses since the almost 4 per cent hike is twice as much as the average worker's pay rise and other increases in the cost of living. By contrast, last year's wage growth and inflation rose by around 2 per cent.

In 2015-16, Australians paid \$11.4 billion for private hospital policies and \$4.5 billion for general treatment policies. Australians also paid \$483 million in excesses and co-payments for hospital services, and \$706 million in out-of-pocket medical expenses. For general treatment, Australians paid \$4.7 billion out of pocket. These figures are truly staggering and, to paraphrase the jingle for Medibank Private, 'Does it make you feel better now?' because it makes me sick with worry for our private health system and consequent impacts on our public health system.

The private health insurers are doing very well. The quarterly private health insurance statistics for June 2018 released by APRA show that the industry held assets of \$14.4 billion, which increased by a whopping \$633 million in the past 12 months. Total net assets increased from \$7.8 billion in June 2017 to \$8.3 billion in June 2018. The health benefits fund profit after tax breakdown for 12 months to June 2018 was \$1.37 billion.

I turn then to the Senate Community Affairs References Committee which looked at the value and affordability of private health insurance and out-of-pocket medical expenses, with the consequent report published in December last year. On that, I acknowledge particularly the efforts of Senator Griff, who not only pushed for that inquiry but was also a member of that inquiry. The report made a series of sensible recommendations. The federal government is yet to respond to those recommendations, and I urge it to do so as a matter of urgency. I want to focus on recommendation 12 of that Senate report, which states that:

- 5.47 The committee recommends that the Commonwealth Government amend relevant legislation to prohibit the current practice of differential rebates for the same treatments provided under the same product in the same jurisdiction.

There we have it: the Senate recommendation has actually recommended that we do precisely what this motion is calling on the federal government to do. The issue of differential rebates has been acutely felt not only in the dental industry in Australia but also in other health industries, which are no longer immune. Here is how it works.

The differential rebate is employed by many health insurance funds to push their members to seek treatment with dentists or other providers who have preferred provider arrangements with their particular fund. The arrangement is that the fees which the dentist can charge are set and controlled by the health fund and not by the dentists themselves. By agreeing to charge lower fixed prices, the dentist benefits by the influx of patients who are directed to them by the health fund. In order to receive the maximum rebate, the patient must see a preferred provider practice rather than an independent provider.

The business model used with dentists is being rolled out across the health services industry, with health insurers setting up in other fields, including optometry, physiotherapy and podiatry, as well as a number of other fields. Members of those fields have raised the exact same concerns and were also involved in that Senate inquiry. They provided submissions in relation to the same issues as dentists.

Just two players in the market, Medibank Private and Bupa, account for a staggering 60 per cent of all health insurance policies in Australia, and their market dominance is starting to bite. It has become the Coles and Woolworths of private health insurance. In fact, in South Australia the majority of dentists have now signed contracts with health insurers in the hope that their patients will get better rebates. Bupa has more than half of that market. That stranglehold is destroying independent clinics.

Given that, apart from hospital cover, insurers pay out the most for dental claims, differential rebates have caused a distortion in the market that is short-changing consumers. This is because it forces them to make a decision about their dental care that is cost driven and cost driven alone, not patient care driven, because of the differential rebates model. Using this model, health insurers are manipulating patient behaviour using financial incentives. They reward patients who attend preferred providers and deprive those who seek treatment elsewhere. They remove choice for consumers.

Who can blame patients for opting to use a preferred provider when savings from those providers can be as high as 80 per cent compared to a private provider who is not a preferred provider? I certainly do not know many households who would not be tempted by that sort of saving. I suppose that is really what this motion comes down to: above everything else, it is about protecting consumers. That does not mean we should underestimate the impact it is having on private providers, because it is having a devastating impact.

There is absolutely no point in putting this issue off until independent providers have been squeezed out of the marketplace. We need to do it now, not regret that we did not do it while we had the opportunity. It is entirely inappropriate that the health insurance funds should be allowed to exercise the level of power that they do exercise over a patient's care.

Bupa is now in the business of opening its own dental super clinics to try to gain more of the dental market share and as a means of bypassing its preferred providers altogether. The ADA maintains that health insurance call centre staff are pushing patients to use their own contracted dentists and increasingly to visit so-called super clinics run by the insurers themselves.

It is absolutely disingenuous when the private health industry argues that its preferred provider contract arrangements provide patients with choice and could save them money and that dentists did not have to sign up. Private Healthcare Australia's chief executive, Rachel David, has said:

There is nothing compelling a dentist to enter into a contract with a health fund, and there is nothing compelling a health care fund to use a particular dentist...

Last year, the ABC reported that in 2016 Bupa sent the following demand to the clinics it endorses:

All recognised general dental practitioners within your practice must apply to be part of the Members First dental network...

If we do not receive a completed agreement prior to June 1, 2016, your current agreement will end with us from June 1, 2016.

At the time of the ABC report, the ADA's Hugo Sachs said Bupa's letter was evidence of coercion, was an anticompetitive act and was potentially in breach of consumer law. He went on to say, 'If that's not evidence of third-line forcing, I don't know what is.'

The HICAPS machines at dental clinics register every claim that is made and feeds that information back to health insurers, so they can find out what dental clinics are charging and how much money they are making. Given the move by Bupa as a health insurer moving into the business of owning clinics as well, it means they know everything—absolutely everything—about their competition.

The PHA's Dr David has admitted to making use of that data and it raises all sorts of questions about privacy. It opens the door for insurers potentially misusing sensitive market information to decide where to set up their own clinics. The Senate committee considered the matter and did not make its recommendation lightly. I note that the committee received evidence from the Australian Competition and Consumer Commission (ACCC) that it had previously considered preferred provider schemes and found that they were not anticompetitive. However, the committee was of the firm understanding that those findings were made on the basis that dentists were able to join those schemes.

The committee raised concerns about whether private health insurers' use of data obtained from HICAPS terminals could be used inappropriately when offering competing dental services, and asked the ACCC to look into this issue, especially in light of the Productivity Commission's report on data availability and use, where it was noted:

...that the use of sharing membership data exemplify 'the advantage that access to vast quantities of data could offer by way of market power'.

I close with a recent announcement of HBF, WA's biggest health insurer, that it was replacing its longstanding preferred provider scheme in a major overhaul of its dental coverage. This is welcome news and a great achievement for the ADA's Western Australian branch, that has worked diligently to help bring about change. The new arrangements announced by HBF last week appear to be much fairer for patients and practitioners alike, with the changes due to commence on 1 January 2019.

HBF has recognised that it is important to have an agreement that is more transparent and more sustainable in the long term. HBF chief executive, John Van Der Wielen, said of the changes:

We recognise that the current arrangement is no longer fit for purpose for the future, so we've listened and acted on feedback from the Australian Dental Association, dentists and our members.

Given the precedence set by HBF, we as a party call on all health funds to dismantle their two-tier schemes and pay the same rebate for the same treatment under the same policies. The writing is on the wall for companies like Bupa and Medibank Private to follow HBF's path or wait for likely legislation to force change. Or, worse still for them, the onslaught of customers will show their disdain for such bullying behaviour by switching to more receptive private health insurers. Go figure!

I have worked on this issue now for some three years and it is one of those campaigns that is taking a while to gain momentum but I think, with the decision of HBF, we are slowly getting there. On behalf of SA-Best, I will continue to advocate on this issue, along with our Centre Alliance colleague Senator Stirling Griff, until the change is legislated to ensure that private health insurers can no longer sink their teeth into independent practitioners and we return to a level playing field that benefits both consumers and providers alike.

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

## **WIND FARMS**

**The Hon. C. BONAROS (17:05):** I move:

That this council—

1. Notes that a decision on Neoen's development application for a significant wind farm of 26 turbines standing 240 metres high at the proposed Crystal Brook Energy Park will soon be made by the state government;



2. Acknowledges that, according to new guidelines for Europe published by the World Health Organization, wind turbines can cause health problems if they result in people being exposed to excessive noise levels;
3. Further acknowledges that a Supreme Court-ordered report on the Bald Hills wind farm in Gippsland, Victoria, found there was a nuisance under the Public Health and Wellbeing Act despite the wind farm being compliant with state planning laws;
4. Further notes that a class action lawsuit is now being prepared by local residents against the South Gippsland council, the Victorian government and the wind farm operator following the independent report;
5. Recognises that the core objective of the Environmental Protection Authority's 'Wind farms environmental noise guidelines' is 'to balance the advantage of developing wind energy projects in South Australia with protecting the amenity of the surrounding community from adverse noise impact';
6. Further recognises that the most recent State of the Environment Report (2013) by the South Australian EPA reported on the increase in noise complaints from existing wind farms, yet there has been no change to monitoring and compliance requirements; and
7. Calls on the government to place an urgent moratorium on approval or construction of any new wind farms until an independent full and thorough review is undertaken and an updated planning and compliance regime is implemented.

I rise to speak on the motion of the matter of a moratorium on wind farm developments in South Australia. When the world's pre-eminent health authority, the World Health Organization, airs a warning, the world should rightly heed that advice. The renowned Geneva-based organisation has recently released a report that found wind power turbines have the potential to cause serious health problems, including hearing loss, tinnitus, high blood pressure, and even heart problems, to people exposed to the excessive noise levels they emit.

The WHO provided these specific noise recommendations to protect the community. In new guidelines the WHO developed for the European Union but which it stressed are relevant globally, it recommends that exposure to wind turbines should not exceed 45 decibels over a 24-hour period.

On the presumption that a wind farm is permitted to operate throughout an entire 24-hour period of a day, the WHO guideline for the nominated acoustic metric would give rise to a limit at night of 36.3 dB(A) is a measured background level. This level is lower than that 35 dB(A) or background +5 dB, whichever is greater, provided in wind farm noise guidelines in South Australia's EPA. Soft radio music, by comparison, has 50 decibels, the WHO said.

We need to ensure that the implications of the WHO report are now taken into account in our own wind farm noise guidelines to prevent serious adverse health impacts on rural residents living near wind farms in South Australia—noting background noise, atmospheric and house construction conditions are quite different in Australia compared to much of Europe and that, as a result, even lower noise levels may be required. It is cause for concern indeed.

But it gets even more worrying. An independent report ordered by the Supreme Court of Victoria found that noise from the Bald Hills wind farm in Victoria is having an adverse impact on the comfort and wellbeing of residents living out to 2.4 kilometres on surrounding properties even when the wind turbines were compliant with their planning permit and were operating in noise reduced mode. A class action lawsuit is now being planned by local residents against the South Gippsland council, the Victorian government and the wind farm operator, following the report.

But the noise pollution that wind farms cause is only part of the greater problem. Wind farms are increasing in size in terms of both the capacity of energy generated and the size of the wind turbines themselves. A wind farm being proposed by French company Neoen at the gateway of our pristine Flinders Ranges, near Crystal Brook in South Australia's Mid North, is just one example. Currently the subject of a state commission assessment panel, for approval, each of the project's 26 wind turbines will stand 240 metres high, the highest level ever built in this state and double that of many of the existing wind turbines in SA. Each turbine will have an output of just under 5 megawatts—again, around double that of most existing wind farm developments in this state. By way of comparison, the Bald Hills wind turbines are only 2.05 megawatts.

Neoen's proposed wind farm is situated only three kilometres from the township of Crystal Brook and a lot closer to nearby rural living properties—an issue that has concerned local residents, many of whom have contacted SA-Best. Current laws permit wind farms to be built one kilometre from a property without the owner's consent and two kilometres from a town. In opposition—and I have mentioned this before in this place—the Liberals had a longstanding policy to better protect residents by banning new wind turbines from being built closer than two kilometres from an existing dwelling without the homeowner's consent and five kilometres from any town or settlement. Indeed, I believe that was included in correspondence sent to local residents as a policy position of the Liberal government by the Hon. David Ridgway.

Revelations by the influential World Health Organization (WHO) that wind farms have the potential to cause significant health dangers are damning. The new guidelines by the universally respected WHO should send a shiver through us all, especially those who live close to wind farms. The newly released WHO guidelines highlight the fact that our state's own noise guidelines, which are already complex and hard to decipher, are also grossly inadequate. I note that the EPA's wind farm noise guidelines for South Australia exclude noise characteristics specifically identified by the WHO as being of concern, including low frequency noise and amplitude modulation.

It is no secret that wind farms are getting increasingly bigger in physical size and greater in output capacity. In light of the WHO report and the sheer magnitude of the wind farm being proposed by Neoen, SA-Best implores the Marshall government to take decisive and immediate action. At the very least we call on the government to place an urgent moratorium on approval or construction of any wind farm until an independent, full and thorough review is undertaken and an updated, evidenced-based planning and noise pollution compliance regime is implemented that is transparent, effective in protecting health, and relevant for much larger and more powerful wind turbines.

We must ensure that both operating and future wind farms in South Australia are not allowed to emit noise that causes sleep disturbance or otherwise harms human health. We must also review legislation surrounding wind farm developments to ensure that SA residents are adequately protected from harm over the lifetime of each project, and that SA taxpayers will not foot the bill in future for noise nuisance litigation because inadequate planning and noise pollution regulations have failed to protect our residents from harm.

SA-Best is also concerned that wind farm proposals are starting to encroach on some of our state's most scenic landscapes, including the Flinders Ranges and the Barossa and Clare valleys. If Neoen's project is given final approval to be constructed on the cusp of the world-famed Flinders Ranges, an ugly and irreversible precedent will have been set.

At present development assessment for wind farms assumes, but completely discounts, their substantial visual impact on the landscape. While wind farms are not explicitly envisaged in designated landscape protection zones, much stronger protection is needed to make it clear to developers that our iconic landscapes are absolutely 100 per cent off limits.

The most recent State of the Environment Report 2013 by the South Australian EPA reported an increase in noise complaints from existing wind farms, yet there has been no change to monitoring and compliance requirements, even though turbines are getting bigger and more powerful. Again, I use Neoen's development application for the Crystal Brook energy park, which includes 26 turbines, each with an output of close to 5 megawatts, as an example—double what we have in this jurisdiction at the moment.

The company has concluded that it would be compliant with the current EPA wind farm noise guidelines, despite a number of disturbing issues raised by residents, including:

- that the company's background noise measurements were based on only five sites, two of which were landholders receiving payments for hosting turbines;
- that the three closest non-associated residences did not have background noise monitoring undertaken by Neoen;
- the company's baseline noise monitoring was conducted in the middle of the grain harvesting period, when there is a higher than usual background noise level;

- there is no consideration of amplitude modulation or separation of night-time noise levels, which is a real concern for assessing the impact on sleep;
- the type of turbine to be used is unknown. The assessor assumed a GE 4.8-158 WTG (I am not going to try to explain what that means), but identified that the final WTG selection will occur during the design phase; and
- spacing between many turbines is also much closer than recommended by the manufacturer, which will further increase the level of noise and turbulence.

The EPA's State of the Environment (2013) report also notes that noise above safe levels leads to a number of known health impacts, such as stress, high blood pressure, loss of sleep, inability to concentrate and loss of productivity. That the WHO has now explicitly identified wind farm noise as a source of such health impacts for residents is of significant concern.

Furthermore, independent acoustic engineers and researchers have identified noise and infrasound issues up to 15 kilometres from turbines, depending on the local topography. All this information, together with the recent independent report ordered by the Supreme Court regarding the noise impact of the Bald Hills wind farm in Victoria, paint an emerging and concerning story.

It is worth noting that a State Commission Assessment Panel assessment into the Neoen wind farm project near Crystal Brook received more than 250 submissions, with the vast majority opposing the development. It is my understanding that a mere handful of submissions were not in opposition to the development. This includes the local council, which resolved to actively oppose the project.

In fact, 15 submissions were in favour of the development. The majority of these were from people living close to the proposed site and who will receive a significant financial gain for having wind turbines built on their properties. One landholder does not live in the local area, and one has made public comments as to his intent to relocate once the turbines are constructed because, after all, who would want one of these things in their backyard?

The Port Pirie regional development plan has an objective to protect the community health and amenity from adverse impacts of development, and specifically for wind farms to avoid or minimise excessive noise impacts on nearby property, owners, occupiers, road users and wildlife. The Neoen wind farm assessment has not identified any adverse noise or health impacts for people or wildlife. Accordingly, without such an assessment, the Neoen application cannot be approved while the Port Pirie regional development plan has not been addressed.

In view of the WHO report, and specifically identifying that wind turbines can create a health impact, an urgent moratorium is required to protect the state and South Australian taxpayers from a class action against the state if the Neoen project is approved. On 13 April 2018, the Minister for Environment and Water, the Hon. David Speirs, stated on ABC radio Adelaide that he hoped to get moving a review of the wind farm noise guidelines. With respect, getting that moving is not enough. Given that more than six months has passed since the minister made those comments, SA-Best is keen to be updated by the minister on where that review is currently.

We also seek the government's assurances that the review is undertaken with full transparency, with input from the community that will be impacted at the local level, the people from Crystal Brook who will have these things in their backyards, and independent acousticians, and that improved safeguards for nearby residents are in place before any new wind turbines are approved or constructed.

Until these issues are resolved, the state government must place an urgent moratorium on approval or construction of any new wind farms. In closing, I make the point that we would never, never, absolutely never, even contemplate building a wind farm on Mount Lofty, so why are we even considering one on the doorstep of our internationally renowned Flinders Ranges and other treasured assets of the state?

Debate adjourned on motion of Hon. D.G.E. Hood.

### WAGE THEFT

Adjourned debate on motion of Hon. I. Pnevmatikos:

1. That this council establish a select committee of the Legislative Council to inquire into and report on wage theft in South Australia, with particular reference to—
  - (a) the prevalence and incidence of wage theft in South Australia, with acknowledgement to evidence of wage theft from other parts of Australia;
  - (b) the impact of wage theft on workers, families, law-abiding citizens, the economy and community;
  - (c) the various forms that wage theft can take, including through unpaid superannuation and any other statutory entitlements, the misuse of ABNs and sham contracting arrangements;
  - (d) the reasons why wage theft is occurring, including whether the current regulatory framework and practices are effective for deterrence;
  - (e) the sectors in which wage theft is prevalent, including industries, occupations, parts of the state, or among cohorts of workers;
  - (f) the effectiveness of the current regulatory framework at state and federal level in dealing with wage theft and supporting affected workers, including whether conditions preventing prosecution of white collar fraud are fundamental towards supporting the legality of wage theft;
  - (g) measures to ensure support services are in place to ensure accessible and cost-effective justice to expedite claims;
  - (h) options for ensuring wage theft is eradicated, including consideration of regulatory and other measures either implemented or proposed in other jurisdictions interstate, nationally or internationally and the role of industrial organisations, including unions and employer registered bodies in addressing and preventing wage theft; and
  - (i) any other related matter.
2. That standing order 389 be so far suspended as to enable the chairperson of the committee to have a deliberative vote only.
3. That this council permits the committee to authorise the disclosure or publication, as it sees fit, of any evidence or documents presented to the committee prior to any such evidence being reported to the council.
4. That standing order 396 be suspended to enable strangers to be admitted when the committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

(Continued from 17 October 2018.)

**The Hon. K.J. MAHER (Leader of the Opposition) (17:20):** I rise today to briefly put on the record my full support for the establishment of this select committee that will investigate issues to do with wage theft. When people go to work, they ought to get a fair day's pay for a fair day's work and return safely home to their loved ones. For too many workers, unfortunately, this is not the reality, whether it be systematic underpayment, underpayment of super, underpayment or completely unpaid penalty rates, or diluted or non-existent workplace entitlements such as sick or annual leave.

We have seen media reports of very high profile cases of big businesses like Dominoes, 7-Eleven or Caltex massively and deliberately not paying workers properly over sustained periods of time. That is not accidental, and it is not an administrative error: it is wage theft, and it is a business model that is being employed to increase profits for the bosses and shareholders at the expense hardworking people.

We do not just see it in retail: we see it right across the economy, in sectors such as hospitality, manufacturing, food processing and agriculture. We see it in cities, in regional centres and even in remote areas, where we see that workers are paid inappropriately and treated worse than the desert dogs that roam those areas. It is not okay and it must stop. The government has a role to play in protecting the rights of workers and ensuring employers adhere to the laws that prevent this kind of unscrupulous behaviour.

If the select committee finds the current laws are inadequate, the onus then is on all of us in this place and this parliament to ensure that change occurs. We have done that recently. A committee of this parliament found that the regime that regulates the labour hire industry was inadequate and the parliament enacted new laws. Inexplicably, the new Liberal government in South Australia has claimed they are not going to enforce the law of the state in the labour hire licensing scheme. It is a shameful way to treat some of the most marginalised workers in this state. I was proud to be part of the Labor team that, in the lead-up to the last election, committed to introducing a progressive suite of industrial relations legislation, including wage theft.

I pay particular tribute to the Hon. Irene Pnevmatikos for ensuring further work is done in this area and that we look to fully investigate the prevalence and what regulatory frameworks may be put in place to hinder the efforts of dodgy employers. Our role in this place is to protect and give a voice to some of the most marginalised in the community who need it the most and I look forward to the progression of this committee and the good work that this committee will do, and enacting what comes from this committee.

**The Hon. T.A. FRANKS (17:23):** I rise on behalf the Greens to indicate that we will support this inquiry into wage theft in our state. Indeed, this is the land of a fair go. It is in our very national anthem, *Advance Australia Fair*: 'We've golden soil and wealth for toil'. Not the rum of the rum corps that, in fact, lead to our very first and, I think, only military coup back on 26 January 1808, we like to pay people in real money for their work in this country.

Chances are that people are being served every day by somebody who is not being paid what they are owed, be they wait staff, cleaners, hospitality workers, agricultural workers, tourism, manufacturing, printing, construction workers, or indeed public servants.

When an employee steals money, the police are called, but that does not happen when an employer steals money from a worker. Cases are costly to prosecute, and the Fair Work Ombudsman is a toothless tiger. There is little deterrent, and that is why we urgently need this select committee. The Fair Work Ombudsman was established in 2009, and its role was to provide education, assistance and advice about commonwealth workplace relations systems and to impartially enforce compliance with workplace laws. While the Fair Work Ombudsman can enforce compliance and 'send a strong message of deterrence through penalties such as fines', forcing employers to pay up when they are caught in the act is not actually that easy.

In the 2016-17 financial year, the Fair Work Ombudsman completed 26,917 requests for assistance and recovered more than \$30.6 million. To put that in perspective, however, they took 55 of those requests to court, that is, 0.2 per cent of those injustices. Indeed, you have a greater chance of being struck by lightning than of getting justice through the system as we have it now.

Queensland's parliamentary inquiry into wage theft has unearthed harrowing stories about companies underpaying their workers, but the most concerning evidence to come out of the hearing is in fact how little power the government's Fair Work Ombudsman actually holds. In numerous letters and submissions to the inquiry, scorned and underpaid workers have revealed the conversations they have had with the Ombudsman.

Australians run two million businesses right around the country and, while most of them play by the rules, thousands of them do not. However, even prosecuting the thousands that are not paying their workers correctly is not legally or economically viable, and workers and the Fair Work Commission are being left at a stalemate on this issue. There are rules, but not everyone is playing by them. Of course, this is not a game; it is people's very livelihoods and we know that the rules are broken.

That Queensland parliamentary inquiry into wage theft has unearthed stories, including that of Tristan Courtney-Prior. He was one of six employees of Allans Billy Hyde, the music store. They were each owed tens of thousands of dollars in lost wages. Despite Mr Courtney-Prior possessing emails from the company's chief financial officer admitting that Mr Courtney-Prior was owed \$17,926 in back pay, he still has not seen a cent. Of the Fair Work Ombudsman, he says:

At first I thought (Fair Work) was very communicative, I thought it was pretty simple because there was a lot of evidence and the company acknowledges that they owed me the money...

He had the evidence that they owed him the money, and it all seemed to be moving ahead, but in mid-2017 to where we are now the company still has not been made to pay back that money. One of Mr Courtney-Prior's workmates in fact took it to court over close to \$20,000. The court ruled in his favour in about three minutes. Months later, after that ruling, he is still waiting for the money.

In another submission to the inquiry in Queensland, one woman addressed her frustration. She said her family was housing a formerly homeless teenager when he got a job at Hog's Breath, a restaurant chain that is quite popular across Australia. Eventually, the family and the 16-year-old boy realised that the restaurant owed him money and they contacted the Fair Work Commission and Ombudsman.

In May, somebody from the commission rang her. They informed her that the commission did not have the power to enforce employers to pay the rates and agreements that they had ratified and that there was nothing that they could do for this woman. As she did not think she had heard it correctly, she reiterated her question, and the Ombudsman stated again that they could not do anything because it was an agreement, not an award, and therefore they had no power to enforce that agreement the employer had entered into with the formerly homeless teen she had taken into her family home.

When she asked the Ombudsman what to do, he said, 'Take it up with parliament.' She took it to the Queensland parliament, where they have afforded her that opportunity to have her voice heard. I hope in South Australia we can give those very same exploited workers the same voice, as I am keenly aware from experience that proving that your employer has ripped you off is not actually enough to get justice.

However, the Greens will not be supporting the Marshall government's attempted amendment to this inquiry into wage theft. Indeed, the proposal from the Marshall Liberal government to replace the words wherever they appear in this motion of 'wage theft' with 'the deliberate underpayment of wages and entitlements' I think misses the point or perhaps exemplifies the point. These weasel words are just doublespeak, worthy of George Orwell. Indeed, more broadly, of course, weasel words may refer to any word that is used with the intention to mislead or misinform. While I do not think they are necessarily unparliamentary, I certainly draw the council's attention to that intention.

Many in this place would know of *Weasel Words* because of the author Don Watson, most well known for writing speeches for our former prime minister Paul Keating, and think this was perhaps a new tactic to shut down or divert debate. In fact, the term was coined as far back as 1900, and it was popularised by Theodore Roosevelt in a speech in 1916. I have always wondered why they were called weasel words because I quite like weasels. They are quite cute, and I think they got a bad rap in *Wind in the Willows*, but here is why weasel words are what they are. As Stewart Chaplin said back in June 1900 in *The Century Magazine* in a story entitled 'The stained-glass political platform':

Why, weasel words are words that suck all the life out of the words next to them, just as a weasel sucks an egg and leaves the shell. If you heft the egg afterward it's as light as a feather, and not very filling when you're hungry, but a basketful of them would make quite a show, and would bamboozle the unwary.

We are not bamboozled by these weasel words of the Marshall government today. We reject them, just as we reject other understatement to avoid the truth of economic inequality in our society, saying 'economic adjustment' for recession, 'downsizing' for slashing employment or 'economic deprivation' for being poor. These weasel words we will not accept. We will call theft where it is. We would not call a break and enter 'an unconventional entry into a premises designed to extract property'. We would not call a mugging 'unexpectedly relieving a person of their contents'. We will not today agree to resile from the words 'wage theft'. We will not accept the weasel words of the Marshall government.

I commend the Hon. Irene Pnevmatikos for bringing this issue to this place. I echo the words of the Leader of the Opposition in expressing our disappointment that the labour hire provisions to protect those most marginalised and exploited workers in our community are not being honoured by the Marshall government. It was certainly not transparently put before the people of South Australia prior to the election that they would not honour those commitments.

I have very little doubt that this committee, when set up, will uncover the extent and nature of our state's experiences of wage theft. I hope that inquiry will raise not only awareness that workers are being ripped off, because we know they are, but what the committee must also do is ensure, where it does occur, that the remedies are enforceable and appropriate. This committee will give both the force of public debate and the exposure required to drive the reforms necessary.

It is time to ensure that 'wealth for toil' is not just a line in our national anthem. It is also just not cricket to have wage theft in South Australia in 2018. It is not an even playing field now, and it is time to enforce the rules; in fact, it is time to change the rules.

**The Hon. R.I. LUCAS (Treasurer) (17:33):** I rise on behalf of the government to indicate very strongly the government's opposition to any employer in South Australia, or indeed the nation, who deliberately underpays his or her workers. I share the views that other colleagues have put that it is un-Australian, it is unfair and, more importantly, it is unlawful and, therefore, the full extent of the law should be brought down upon those employers.

As a regular listener to Triple J, it is one of the very few stations which publicises the regular decisions of the Fair Work Ombudsman. You very rarely hear it referred to, even on the ABC with great respect, or on commercial radio stations or outlets. It is not deemed to be newsworthy but Triple J has a market and an audience. In particular, the workers who are more regularly offended against through deliberate underpayment of wages happen to be young people. Most frequently, it is the hospitality industry, the retail industry, hairdressing, and a variety of other examples, that the Fair Work Ombudsman has continued to highlight.

Credit to Triple J and its listening audience, but credit to Triple J for continuing to highlight the injustice that is reaped upon their target audience, in particular young people. It is obviously not solely an injustice directed to young employees but it seems in many cases that is the major impact.

There has already been an inquiry in the Queensland Parliament, to which some members have referred. There has also been an inquiry in the federal parliament. I am not sure whether members have referred to that. I think the advantage of an inquiry in terms of the potential for other mainstream media perhaps to highlight what is an injustice, whenever evidence is given, in and of itself should be very useful in terms of highlighting the obligations of employers in South Australia to do the right thing by their workers.

I do not think there is anybody—certainly in this parliament, and I suspect most fair-minded people in the community—who would support the deliberate underpayment of lawful entitlements in terms of wages and conditions for employees. As I said, even though this select committee will be struggling for space in terms of battling amongst the many select committee and standing committee inquiries we have—

**The Hon. I.K. Hunter:** Part-timers.

**The Hon. R.I. LUCAS:** Part-timers; going home again. Thank goodness the Legislative Council is still working hard, Mr President.

**The Hon. K.J. Maher:** Can we reflect on the performance of the other chamber, Mr President? Is that parliamentary?

**The Hon. R.I. LUCAS:** Would you like me to move a substantive motion? Then I am entitled to an injurious reflection—Mr President, I will not be diverted by the bells ringing indicating the House of Assembly has gone home, just to get that on the *Hansard* record. Let me repeat again: I do not think anyone supports the deliberate underpayment of workers' wages and rightful, lawful entitlements.

For all those reasons, as I said, whilst this committee may well struggle amongst the many select and standing committees that we have to get its media place in the sun, perhaps the evidence that comes before the committee may well in and of itself be stark enough to provide or shine some light on the obligations of employers as should occur.

The reality is that as a result of the decision of the former Labor government, supported by this parliament, the South Australian government or parliament's right to impose laws in this jurisdiction were handed over to the commonwealth. The Fair Work (Commonwealth Powers) Act

2009 South Australia commenced on 27 November 2009; and the Statutes Amendment (National Industrial Relations System) Act 2009 commenced on 1 January 2010. South Australia, under the former Labor government, referred all of these matters of industrial relations issues to the Commonwealth of Australia. As a result, all South Australian employers and employees in the private sector are covered by the national system under the Fair Work Act.

Now, the former Labor government had reasons to do that, and as I said, this parliament supported it, but the reality is that the capacity for the state, in terms of its industrial relations jurisdictions, to impact upon employer and employee relationships is significantly restricted, and in some cases has disappeared completely, as a result of that decision by the former Labor government.

These sorts of issues exist, as has been acknowledged in the Queensland evidence and in the federal parliament, and I think anyone in this chamber who has practised in the jurisdiction—and I suspect the Hon. Ms Pnevmatikos probably has some experience, although I do not know that directly—will be aware of the reality of the situation.

So whilst the committee will be able to take evidence and highlight suggestions, the capacity for the state parliament is significantly restricted in terms of what it might be able to do, because certainly the major leverage rests with the federal jurisdiction as a result of the decision the former Labor government in South Australia took to hand over all of the industrial relations powers in relation to workers and employers to the federal jurisdiction.

I put that on the record just to highlight the fact that, whilst we all support action being taken against employers acting unlawfully, we all support the fact that this particular inquiry may well highlight, through publicity, injustices that may well place some pressure on, or at least also educate, some employers in relation to their lawful requirements in terms of what they should and should not do regarding their lawful payments to their employees.

I now formally move the amendment standing in my name, on behalf of the government:

Paragraph 1—Leave out 'wage theft' and insert 'the deliberate underpayment of wages and entitlements', first occurring.

Leave out paragraphs (a) to (h) and insert the following:

- (a) The incidence of the deliberate underpayment of wages and entitlements in South Australia, with reference to evidence from other parts of Australia;
- (b) The impact of the deliberate underpayment of wages and entitlements on workers, families, businesses, the economy and community;
- (c) The various forms of deliberate underpayment of wages and entitlements, including through unpaid superannuation and any other statutory entitlements, the misuse of ABNs and sham contracting arrangements;
- (d) The reasons why the deliberate underpayment of wages and entitlements is occurring, including whether the current regulatory framework and practices are effective for deterrence;
- (e) The sectors in which the deliberate underpayment of wages and entitlements is prevalent, including industries, occupations, parts of the state, or among cohorts of workers;
- (f) The effectiveness of the current regulatory framework at state and federal level in dealing with the deliberate underpayment of wages and entitlements and supporting affected workers and law-abiding businesses;
- (g) Measures to ensure support services are in place to ensure accessible and cost-effective justice to expedite claims;
- (h) Options for ensuring the deliberate underpayment of wages and entitlements is prevented, including consideration of regulatory and other measures either implemented or proposed in other jurisdictions interstate, nationally or internationally and the role of industrial organisations, including unions and employer registered bodies, Fair Work Ombudsman and the Australian Taxation Office in addressing and preventing the deliberate underpayment of wages and entitlements; and

In moving this amendment, I acknowledge that the numbers are not going to be there for the amendment. But I do move the amendment and support the amendment and highlight two reasons for that. One is that I do not accept the view that some have put in this particular debate that every



example of underpayment of wages is a deliberate, malicious, vengeful—whatever other adjective you would like to use—decision taken by a mean-spirited employer.

Anyone who wants to take the time or trouble to talk to people who work in the jurisdiction of the Fair Work Ombudsman, who are not politically oriented one way or another, about the range of cases that come before them will know that there are many examples of people where it could be described as wage theft or deliberate underpayment of wages, but that there are some genuine examples, in particular of small business operators—not the big multinationals or national chains that have been referred to, but small business operators, who, because of the complexity of this national system in which they are working in terms of national employment standards—and I think there are over 155 modern awards at the moment—sometimes make genuine mistakes and, if you talk to people who work in the Fair Work Ombudsman jurisdiction, they will tell you that these operators are genuinely remorseful when it is highlighted to them that they have unfairly underpaid some of their employees.

So I just do not accept this argument that either they are weasel words or indeed that every example is an example of where an employer has made a deliberate decision to underpay their workers. There are some examples where a genuine mistake is made by, in particular a small business employer and, as I said, in some of these cases those employers are genuinely remorseful when it is highlighted to them as to how unfair they have been in terms of their situation and, in some cases, they rectify the situation—as they are lawfully required to; it is not as if it is a decision that they have an entitlement to make, but in some cases they rectify the situation as quickly as possible.

The other issue—and I am disappointed that the amendment will be defeated—is what we have highlighted when talking about the options. The Hon. Ms Pnevmatikos' motion talks about the role of industrial organisations, including unions and employer registered bodies, and we did think that our amendment, in adding in the Fair Work Ombudsman and the Australian Taxation Office, added something useful because these are two bodies that are independent and active in this particular space.

We think that it is not just unions and employer bodies that potentially have a role to play in terms of what the committee might recommend. We thought it was a sensible amendment to say that we believe there is a role for the Fair Work Ombudsman and the Australian Taxation Office. We are disappointed that that particular amendment, which is part of a package of amendments, is to be defeated as well.

I hope that perhaps in the drafting of the terms of reference, which are likely to be supported by the majority, and the issue of 'any other related matter' that the chair of the committee might interpret that flexibly and look at a potential role for the Fair Work Ombudsman and the Australian Taxation Office. I think they are two key bodies in relation to what is being referred to in the motion as wage theft or a deliberate underpayment of wages.

I think sole reliance on looking at options for employer organisations and employee organisations as a mechanism to help resolve this particular issue misses the point, that we do have important regulatory bodies such as the Fair Work Ombudsman and the Australian Taxation Office which, in our view, have an important role to play in this particular area as well.

**The Hon. I. PNEVMATIKOS (17:47):** Thank you to all who have contributed to this debate and to those who have offered their support both inside and out of the chamber for this important motion. Additionally, I appreciate the time that many in the gallery have taken today to attend this important vote. The level of support and feedback that you all have provided is insightful and demonstrates that wage theft is a real problem within our society and economy, and is a matter of great concern.

The evidence we have on wage theft in South Australia is fragmented and piecemeal but a trend is evident. There have been some studies and inquiries undertaken and they reveal some startling facts. First, in November 2017, the Migrant Worker Justice Initiative released a report on wage theft based on a survey it conducted around temporary migrant work. The survey drew on 4,322 responses across 107 nationalities working in all states and territories who were residing in Australia on temporary visas.

The survey covered a range of different occupations, including hospitality and retail workers, child carers, cleaners, factory workers, fruit harvesters, construction workers and service station attendants. It found that 46 per cent of participants reported earnings of \$15 or less; 4 per cent of those recipients were also required to pay back the money in cash to their employer after receiving their wages; 73 per cent of students knew that the minimum wage was higher than their earnings; respondents from non-English-speaking backgrounds were 40 per cent more likely to have earned less than \$17 per hour, or less than their English-speaking counterparts; and that the occurrence of wage theft contributes towards a decline in wages for all workers across certain industries.

The report confirms what many advocates and policymakers have suspected, that the breadth, depth and complexity of noncompliance with Australian labour law has escalated in recent years. Their findings demonstrate the need for further initiatives to address the scale of noncompliance in Australia.

Whilst the study looked at a specific group of workers in an industry sector, the possible implications for other classes of workers and industry sectors should not be ignored. The Hon. Connie Bonaros referred to wage theft as 'few things more insidious in the workplace than an employer deliberately underpaying their hardworking, loyal employees'. She referred to it as stealing from the pockets of workers. The Hon. Connie Bonaros also referred to the Kronos report, as have others, and the fact that they have identified that 43 per cent of Australian workers have at some point been paid less than the minimum wage.

On Thursday 17 May 2018, the Queensland Legislative Assembly referred to committee an inquiry into the problem of wage theft in Queensland. Their report is due on 16 November. However, the inquiry has already brought to light various concerns, not least of which is the lack of power possessed by the Fair Work Ombudsman. Of concern, as referred to by the Hon. Tammy Franks, the inquiry identified that in 2016-17 the Fair Work Ombudsman had 26,917 requests for assistance, with only 55 pursued through the court process. That equates to 0.2 per cent. As the Hon. Tammy Franks said, there is more chance of being struck by lightning than pursuing an underpayment of wages claim.

The main findings drawn from the submissions provided to the inquiry are that wage theft is a fundamental component of exploitative employer practices and misconduct, the rampant exploitation of cohorts of vulnerable workers and the emergence of an almost dystopian sector of the economy. In addition to addressing the issue of justice for workers, there is strong support for levelling the playing field for employers such that those employers who are doing the right thing by their workers are not put at a commercial disadvantage by employers who are not playing by the rules. Importantly, what will be determined from this inquiry is the cohorts for whom wage theft are most prevalent and severe, as evidence has already indicated that this issue is not easily confined to one area.

South Australian Labor recognises the growing evidence that many South Australian workers are being exploited, including workers who are already vulnerable: young people, migrant workers and those in insecure work. It was why we committed to amend the Criminal Law Consolidation Act to create a new offence for wage theft, aiming to enact law which would dissuade employers who were thinking about breaking the rules.

Similarly, there is also a movement in Victoria, with the Labor Party committing to criminalise wage theft with the introduction of gaol terms and increased fines and penalties of up to \$950,000. The Victorians also plan to institute legal processes for workers seeking to recover wages, which includes lower court fees and expedited processes. Evidence suggests that workers are being robbed and short-changed. This is not particularly defined by any group or industry sector. The exact numbers on the prevalence of wage theft in South Australia has not been quantified as yet with any precision.

It is estimated that there are 2.4 million workers nationwide who are currently being underpaid in terms of their superannuation entitlements, with approximately \$3.6 billion stolen each year from the pockets of workers and wage earners. That equates to one in three workers. Much information is anecdotal, but all research indicates that its impact is widespread across a range of industries, and it can happen to anyone at any age by employers big and small. You could be a

hairdresser, an administrative assistant, a labourer, a retail worker, a farmhand, a carer, a hospitality industry worker, a tradesperson and it would not matter; it could still happen to you.

Many workers in the food industry working for a number of well-known TV chefs have recently been identified in the media as the latest victims of wage theft. I am hearing more each day about how unscrupulous employers will take the odds against civil penalties in the belief that there is little chance of being caught, and less so in terms of any punishment or penalties.

By having a system that does not discipline employers who commit wage theft, it is undermining law-abiding competitors, driving down wages for all workers in certain industries and generally diminishes respect for and faith in the rule of law. What is disheartening, and what I have seen through my own experiences, is that those who know they are being short-changed feel that they are simply powerless to do anything about it.

The current system has the effect of being slow, inefficient and costly. It is acting as a deterrent for those who would seek redress and justice. It is imperative that, as a government, we pinpoint the prevalence to implement strategies to effectively rectify this issue in our state to ensure justice for workers, protection for employers who are doing the right thing from being put at a commercial disadvantage and stopping any contributing factors leading to a decline in wages for all workers.

By creating a committee to investigate the prevalence of wage theft in South Australia, we are taking the first step to ensure we have effective regulatory frameworks to ensure justice for workers and law-abiding businesses, so that both are supported and protected. Workers in South Australia have a right to accessible and cost-effective justice and, as a government, we should be proactive to constructively end the disadvantage and the continuation of unscrupulous practices. With these words, I commend this motion to the council.

I want to briefly respond and reply to the amendments put by the Treasurer, which primarily are to replace the title of 'wage theft' with 'the deliberate underpayment of wages and entitlements'. That amendment seeks to trivialise the matter, and we should not be trivialising the matter. The evidence we currently have is piecemeal, but it is undeniably reflecting that the practice arises more often than not through deliberate intent.

Many in the chamber have flagged their concerns with the inconsistent approach to stealing in the workplace. On the one hand, if a worker is caught stealing at work, that person will most likely face the full extent of the law, as well as lose their job. If an employer, however, deliberately steals from their worker through the underpayment of wages or refusal to pay statutory entitlements, they only receive a monetary fine at best.

By implementing the proposed amendments, the committee will simply be a reflection of the current state of play, which ignores the reality that criminal behaviour is not only occurring but is not being prosecuted. There is a saying: if you do the crime, you do the time. Right now is the time to determine how to appropriately handle theft in the workplace, and we should not be afraid to call it as it is: wage theft.

Amendment negated; motion carried.

*There being a disturbance in the strangers' gallery:*

**The PRESIDENT:** No clapping in the gallery.

**The Hon. I. PNEVMATIKOS (17:59):** I move:

That the select committee consist of the Hon. Emily Bourke, the Hon. Terry Stephens, the Hon. Connie Bonaros, the Hon. Tammy Franks and the mover.

Motion carried.

**The Hon. I. PNEVMATIKOS:** I move:

That the select committee have power to send for persons, papers and records, to adjourn from place to place and to report on 5 December 2018.

Motion carried.

*Bills*

**SENTENCING (MISCELLANEOUS) AMENDMENT BILL**

*Introduction and First Reading*

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

At 18:02 the council adjourned until Thursday 25 October 2018 at 11:00.

*Answers to Questions***WATER QUALITY**

In reply to **the Hon. M.C. PARNELL** (19 September 2018).

**The Hon. J.M.A. LENSINK (Minister for Human Services):** The Department for Environment and Water has advised:

SA Water continues to undertake a SA Health approved and comprehensive routine drinking water quality testing program, where they collect the same water quality data now as in previous years.

I am advised that SA Water currently publishes a comprehensive suite of water quality data in its Annual Report, and also on its website and on Data SA.

I understand SA Water has a 'Water Quality Data Request' process where customers can request specific water quality data without the need for freedom of information requests, and I have sought assurances from SA Water that this process is as accessible as possible for members of the community.