

## LEGISLATIVE COUNCIL

Tuesday, 19 March 2019

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

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

### *Parliamentary Procedure*

#### STANDING ORDERS SUSPENSION

**The Hon. R.I. LUCAS (Treasurer) (14:16):** I move:

That standing orders be so far suspended as to enable me to move a motion without notice forthwith.

**The PRESIDENT:** I note the absolute majority. Is the motion seconded?

**An honourable member:** Yes, sir.

Motion carried.

### *Motions*

#### CHRISTCHURCH MOSQUES ATTACK

**The Hon. R.I. LUCAS (Treasurer) (14:16):** I move:

That this council—

- (a) expresses its deepest sorrow and abhorrence at the senseless killing of innocent men, women and children in the Al Noor Mosque and Linwood Islamic Centre in Christchurch on Friday 15 March 2019;
- (b) mourns the tragic loss of life, and hopes for a full recovery of those injured;
- (c) expresses its deepest sympathy to the families and friends of all those who are affected by this appalling event;
- (d) stands in solidarity with the people of Christchurch—Adelaide's sister city—New Zealand, and South Australia's Muslim community;
- (e) condemns terrorism and extremism in all its forms; and
- (f) reaffirms its commitment to an inclusive and harmonious multicultural society.

I am sure I speak on behalf of all members of the Legislative Council, and indeed the speaking list indicates that a significant number of members want to make their own contribution and speak on this particular debate. As I said, I am sure the views that I express and that other members will express will, on one of those rare occasions, be views that all of us should be able to support wholeheartedly and embrace, and demonstrate a oneness of thought and views in relation to this particular event and its implications to the whole South Australian community.

I think we all reacted with shock and horror when we heard of the events of last Friday. It was made even more shocking, even more abhorrent than it could have been—and that seems barely able to be said—by the use of social media and in particular the live streaming of the events for a particular period of time to those who wished to see it or saw it on social media before they realised what was actually occurring.

It is not for me today to reflect the widespread abhorrence that has been reflected in all of the state, national and international media in relation to these particular events. It is probably difficult to summarise those in any short contribution, anyway, but I think that, as each of us as honourable members who have seen and heard the commentary will know, the shock, horror and abhorrence

that we might individually have felt was certainly reflected in the broader South Australian, Australian and international community as to these senseless killings.

The fact that this occurred in Christchurch, which, because of natural events such as earthquakes, has suffered trauma and loss of life through different causes in recent times, makes it all the more terrible for the residents of Christchurch. The fact that Christchurch is Adelaide's sister city brings it home to many who, either through that or through their own personal travels, have travelled to Christchurch and have friends and acquaintances in Christchurch or the Christchurch broader community.

The motion that stands before the parliament today seeks to condemn terrorism and extremism in all its forms, and again I am sure that is a part of the motion that we could all wholeheartedly support and endorse. This, shocking in and of itself, sadly, reflects events we have seen around the world for many years. This particular motion is directed in particular to the events in Christchurch last week, but in doing so seeks support to condemn terrorism and extremism in all its forms.

Finally, as Leader of the Government in the Legislative Council in, I think, one of the more harmonious states in the commonwealth, and perhaps, we would hope, one of the more harmonious states or regions in the world—and credit to governments and political parties of all political persuasions for many decades in South Australia—irrespective of our political differences and sometimes harsh political differences on a whole range of issues, by and large over many decades in South Australia, under Labor governments and under Liberal governments (with Labor oppositions and Liberal oppositions) and increasingly reflected in the broad multiparty nature of our parliaments, not just in the upper house, as it has been for many decades, but increasingly in recent years even in the House of Assembly, there has been strong support for the inclusive and harmonious multicultural society, which I am sure all of us support and endorse in South Australia.

It is a credit to governments and political parties of all persuasions in South Australia. It is not always as apparent in some other parts of even our nation and certainly other parts of the world. It is something we should celebrate, but nevertheless it is something we need to continue to work hard to support. Whilst there will be many political issues that divide us, that is, government and opposition and other parties, a commitment and a reaffirmation of a commitment to an inclusive, harmonious, multicultural society in South Australia is a cause, an objective, worth fighting for. Yes, it is worth celebrating for what we have achieved, but we need to continue to fight for it and support it whenever we get the opportunity in South Australia.

Whilst we acknowledge, in this proposed motion, the sorrow and abhorrence we feel in relation to these events, I hope we can do so within the broad ambit that we continue to work hard to the extent we can influence—and we can certainly influence what occurs in South Australia, although we acknowledge we have more limited influence internationally—and do what we can do in South Australia to support a harmonious multicultural society. I know I speak on behalf of all my colleagues, and I am sure I speak on behalf of all members of the Legislative Council, when I say that is a worthwhile goal we should continue to strive for.

With those words, and on behalf of government members in the chamber—and, as I said, I know that I also speak on behalf of the Premier; a similar motion is, I think, still being considered in the House of Assembly—we urge multipartisan support for the motion that stands before us this afternoon.

**The Hon. K.J. MAHER (Leader of the Opposition) (14:25):** I rise to second the motion.

He was a 71-year-old man who opened the door at the Al Noor Mosque and uttered the words, 'Hello, brother, welcome'. His final words. He had no idea of the hate that sat behind that door, but his welcome tells us so much. That he was a member of a faith that welcomed all its members, that showed openness and care.

These are the words of the New Zealand Prime Minister addressing a special session of the parliament this morning, describing the moments before the tragic events took place. On behalf of Labor, the Labor opposition, and all members of this council, I would like to officially pass on our condolences to the people of Christchurch and New Zealand in general.

We pay tribute to the 50 people who died and their families, and the countless others who have irreparably suffered physically and mentally as a result of this horrific attack. We acknowledge

the police and the first responders to this tragedy. I would like to say to Prime Minister Jacinda Ardern and the people of New Zealand that South Australia stands with you. We mourn with you. We offer our support to you and we offer, in any way we can, to help you rebuild a shattered community.

Last night at home I sat at the dinner table having dinner with the family and discussing the events of the day with my kids, and the events in New Zealand a few days ago came up. Being asked by a 10 year old, 'Dad, how does this sort of thing happen?', leaves you dumbfounded. It is as incomprehensible to a 45-year-old dad as it is to his 10-year-old son. I do not know how these sorts of things happen.

For an attack like this to occur in a place of worship has, understandably, shocked many. The three great Abrahamic religions—Christianity, Judaism and Islam—share much in common and, although I am not a religious person, one thing I am sure of is that the creator who is worshipped in each of these religions would not have acts like we saw in New Zealand carried out. Any reading of the holy writings of those religions would bear that out.

As I have said, like many I struggle to comprehend how someone could feel the kind of hatred that led to such an attack. It is the kind of hatred that is ingrained and cultivated over time. Like a poisonous mould, we have tolerated the spores of racism and intolerance that leads to this kind of hatred for too long. We see it every day, sometimes from those in politics using dog whistles of racism and xenophobia to racist comments we all let go of because it feels uncomfortable to address it.

We should not tolerate it in everyday conversation or jokes. We all have a part to play in dealing with the problem of racism, prejudice and bigotry. We need to shine a light on intolerance, to expel extremism of any kind, and to come together and stand in solidarity against ideas and ideals that divide and breed hate.

In the coming weeks and months in New Zealand, and in other places, there will be a time and a place to discuss other things that have come out of this tragedy: a debate about gun laws and ownership that I think, to our great credit, we have addressed and got relatively correct in Australia. The use of social media with relative anonymity to spread hate is also something that will come out of this and needs to be addressed.

I was very proud to see both Premier Steven Marshall and opposition leader Peter Malinauskas visit local leaders from the Muslim community and reassure those leaders on Sunday night in Marion. What the perpetrator of these events wanted to do was separate the community. That is why we cannot let it happen.

As I said, New Zealand Prime Minister, Jacinda Ardern, paid tribute to the victims this morning in parliament. Prime Minister Ardern said she will not be naming the Australian gunman, and told others in New Zealand to do the same. She said to parliament this morning:

He may have sought notoriety, but we in New Zealand will give him nothing, not even his name. He is a terrorist. He is a criminal. He is an extremist. But he will, when I speak, be nameless.

The person who has committed these acts was not from here. He was not raised here. He did not find his ideology here. But that is not to say that those very same views do not live here.

I will not be naming that person either. He may be an Australian, but he is not one of us; that is not who we are.

A particularly vile, cowardly Australian senator, whom I also will not name, has used words of hate as a political weapon in the last few days. That senator may be Australian, but he is not one of us, and that is not who we are. We are a people and a nation that accepts, celebrates and thrives on diversity. We are a nation that proudly stems from the oldest living culture that this planet has ever seen. We are a nation that has flourished and been enriched by the diversity of our cultures from all around the world. We are a nation that stands in solidarity with our New Zealand brothers and sisters, and we are a nation that shares the pain and grief of the Muslim community. That is who we are. We stand shoulder to shoulder with our sister city of Christchurch.

**The Hon. T.A. FRANKS (14:31):** I rise to associate myself with the words of the motion and the previous speakers. I echo their sentiments that I think here in this place we are harmonious. I

once worked for Amnesty, and I was often inspired by the saying, 'It is better to light a candle than to curse the darkness,' but today here we curse the darkness, and we also light the candle.

In our sister city, the darkness looms large. We stand united, however, with the Muslim community there and here, and more so we stand united in support of all community. We stand in support of compassion and kindness. We stand as elected members with a special role, a role where we can take action to ensure that such killings do not take place. We have the power to limit access to weapons that create these killings in such large numbers at the hands of so few.

We also have the power to control the words that are in themselves the very weapons that start these descents into hate, especially in this place where there is a contest of ideas and our democracy is played out. We can call out extremism and hate wherever they occur, be it in the mainstream or social media, be it in our homes, in our workplaces, in our social lives or, of course, on our sporting fields, but we must call it out in politics as parliamentarians.

We stand admired across the globe for our amnesty and eradication of such destructive firearms, of those guns that have caused death in significant numbers at the hands of few, but we must be vigilant and we must be watchful. Where we need to, we must again move to disarm. I note, of course, as previous speakers have done, that the Adler shotguns are such weapons.

Today, I also recommit myself to ensuring that the words that we use are not weaponised. We have the power to harm, to hurt and to humiliate, and ultimately those words, and the use of those words in that way, are where these atrocities start. The words that we use in this place and the words that we allow in the quest for votes to get us into this place are where that starts. It is a double-edged sword. We are shamed sometimes by the words that are used in our own names and by those we associate ourselves with.

It is said that darkness cannot drive out darkness, that only light can do that, and hate cannot drive out hate, only love can do that. They are very wise words by Martin Luther King Jr. Hate is powerful, but healing and hope are more so. Our words are powerful too, and we must call out those words where they first occur, as members of this place and as leaders of this community, and stand with all community for compassion and kindness.

**The Hon. C. BONAROS (14:34):** I rise also to speak in unequivocal support for the motion moved by the Treasurer expressing deepest sorrow at the senseless killing of 50 innocent people, women and children at the Al Noor Mosque and the Linwood Islamic Centre in Christchurch, sister city of Adelaide, and of course to those victims who did not lose their life but are continuing to suffer tragically from this event, and to associate myself also with the sentiments expressed by my colleagues.

First came the tragedy and then the heartbreaking aftermath. Friday was a dark day for Australia but an even darker day for Adelaide's sister city, Christchurch, and New Zealand as a whole. The horrendous, sickening, gutless and cowardly terrorist attack by what can only be described as a depraved Australian extremist, has reverberated across the globe. Many of us are still reeling from this senseless tragedy and coming to terms with how and why this occurred. Like all of us, it has been hard not to think about what the victims of last Friday's events must be going through, and there are countless victims.

My personal thoughts have been consumed by little three-year-old Mucad Ibrahim. He was at the first of the two mosques targeted during the attack, together with his father and brother. When the shooting started Mucad's brother Abdi Ibrahim got out of the mosque as fast as he could while his father pretended he was dead after he was shot, and then fled. Neither of them knew where little Mucad was and, like all of us would no doubt have done, his family hung onto the tiniest glimmer of hope that their son and brother may have made it out of the carnage alive. I, too, was hanging on to that little glimmer of hope for them, praying that he would be found alive.

On Friday night he remained missing, feared dead, and his family spent the night searching Christchurch Hospital and waiting for news from the police. On Friday night I hugged my little son just that little bit tighter. On Sunday night Mucad's father remained at the hospital hoping to see his smallest son for the first time since he was killed and hoping that yesterday would be the day that he could finally lay his youngest son to rest. Mucad's death encapsulates the inexplicability of this horrific man-made disaster.

He could have grown up to be a brilliant doctor or the prime minister. They were the words of Mohamud Hassan, a 21-year-old member of the Somali community in New Zealand, which comprises about 60 families. He shook his head when interviewed, an expression of the common refrain after all mass shootings and simply asked: why? Why, indeed.

On Saturday morning I called Mr Ali Kadir, State Director of Human Appeal International Australia, to extend my deepest sympathies to the many victims and their families and to offer our support, all of our support, in any way possible. What struck me most about the conversation was the underlying sentiment in his community in Australia of not 'if' but 'when' a tragedy of this scale would occur. Surely, this is the wake-up call Australia needs, and the world needs.

The entire blame rests on the shoulders of the sick perpetrator, an Australian extreme right terrorist who began firing at innocent people in their place of worship as they prayed, oblivious to the horror about to unfold around them. However, in due course, thinking must turn to how our own peaceful and loving country produced such evil: a person intent on hunting down and murdering innocent people. Politicians, and not just those from the fringes, along with media commentators who continually whip up fear, division and hate for political mileage and ratings, must be called to account. The fear of migrants and demonisation of refugees must stop. In the next two months Australians will go to the ballot box for the federal election, and I urge all Australians to choose courage over fear, love over hatred, togetherness over division, and community over disunity.

I have spoken previously about New Zealand Prime Minister Jacinda Ardern in this chamber on my motion recognising New Zealand suffrage. She is well regarded by all sides of politics here and indeed across the globe for her intelligence, integrity and leadership. In the darkest hours of leading her country as Prime Minister it is easy to see why. In one of her country's greatest times of grief Prime Minister Ardern has shown the world what real leadership is really about: sympathy, love, integrity, resolve and determination.

Along the way, she has been able to eloquently and compassionately vocalise the shock and sadness that we all feel. 'They are us,' she said simply of the dead and wounded. There was no 'othering' of the Muslim community as separate and not belonging to the rest of us. Politicians in Australia all need to take note. New Zealand was chosen, she said:

Because we represent diversity, kindness, compassion, a home for those who share our values, refuge for those who need it. And those values...will not and cannot be shaken by this attack.

You may have chosen us, but we utterly reject and condemn you.

I echo Prime Minister Ardern's sentiments and repudiate those who seek to destroy our own multicultural nation, which we love and call home. I also acknowledge the absolute courage and commitment of the first responders on the scene—the brave men and women who walk towards danger, never away from it, despite not knowing what lies ahead. Again, as this sick, depraved and gutless excuse for an Australian opened fire on innocent people at the two mosques, emergency services personnel raced to the scenes of Friday's atrocities with little or no regard for their own safety.

This is what first responders do in any jurisdiction when the need arises. Our emergency services workers do not work in sterile environments; they put their hearts and souls into their work, constantly risking their lives. I thank them for their courageous efforts. Just as they care for others, we must care for them. We must stand united as we reject hatred and racism, because it has absolutely no place in modern Australia.

As another day breaks and the reality and heartbreak of this incomprehensible tragedy continues to sink in, my thoughts and prayers remain with all of our New Zealand brothers and sisters, and especially with our Muslim brothers and sisters. To the people of Christchurch and all of New Zealand, we stand with you in solidarity. To the heartbroken Muslim communities in Christchurch, New Zealand and Australia, we extend our deepest sympathies and our love.

Inna lillahi wa inna ilayhi raji'un. This term means, 'We belong to Allah (or God) and to Allah (or God) we shall return,' and it is commonly recited when a Muslim person experiences a tragedy in life, but especially when a person dies. I commend the motion to the council.

**The Hon. J.A. DARLEY (14:42):** I commend the government on introducing this motion and add my condolences to those who have lost loved ones in our sister city of Christchurch. The actions of one crazed individual has brought about grief and sorrow to not only those who have been directly affected with the loss of their loved ones but also to the entire world, which shares in their sadness.

I also want to add my condemnation against those who commit acts of terrorism in the name of twisted ideology or complete misinterpretation and misunderstanding of religion. I do not know of any religion which advocates for slaughter, especially against innocent individuals who are just going about their daily life. I also condemn those who stoke the fires of hate by spreading vitriol in the name of populism. These people, and those who provide a platform for them, should be held accountable.

I wholeheartedly believe that much of the negative attitudes towards those who are different to us is due to a lack of knowledge and exposure. Many people have prejudices based on what they hear from sources, which may not be portraying all of the information or, even worse, providing information which is blatantly incorrect. It is important that we continue to promote multiculturalism and harmony in all facets of life.

I want to commend New Zealand Prime Minister Jacinda Ardern on her response to this tragedy. Her decisiveness, mixed with the genuine compassion she has shown, has demonstrated statesmanship. Love and tolerance are infinite concepts that are not diminished by their spread. The more that love, kindness and tolerance are practised, the better it will be for our community. I, along with all members in this place, stand by Christchurch. Kia kaha.

**The Hon. J.S. LEE (14:44):** The act of evil that unfolded in Christchurch has shocked the world. The communities in New Zealand and in South Australia are still struggling to accept the loss of innocent lives from the horrific shootings at the two mosques in Christchurch. The shooting of people while they were acting in good faith, praying in their mosque, was an act of pure evil. It was a deliberate attack on all peace-loving people, and it was a merciless attack on humanity. We must all stand up to condemn this horrible form of racism and terrorism. Today, both houses of parliament are speaking out on this motion to express our deepest condolences to families, friends and communities who are deeply affected and devastated by the attacks.

New Zealand is a country closely aligned to the same values as Australia. It is a country that embraces people from diverse backgrounds regardless of their heritage, ethnicity or religion. We live in a society that is open, generous and respectful of all people, and these fundamental values must be preserved and protected in order for every one of us to have the opportunity to live a fulfilling life.

Many honourable members may be aware that I was born in Malaysia and lived in an area surrounded by mosques as a child and as a young teenager. Some of my closest friends and people I love are Muslims. The news of such a horrific event made me sad, it made me angry and it made me sick to learn that so many caring and loving people of Islamic faith—our brothers and sisters in New Zealand—have lost their lives due to a heartless act of violence against humanity.

The devastating act of violence which happened in Christchurch should be confronted and condemned in every way. When an act of evil tries to divide our society with hatred, fear and confusion we must stand firm and be united. We must be more resolved and better prepared to find ways to safeguard our values to live in an inclusive and harmonious society.

Many of us attended the community vigil on Sunday at the mosque on Marion Road. Guests included His Excellency the Governor, the Premier, the Leader of the Opposition and many MPs and representatives from federal, state and local government. We expressed our deepest sympathy by standing in solidarity with the Muslim community in New Zealand and in South Australia. We stand shoulder to shoulder and heart to heart to pledge our love and support. We grieve with them and we feel their pain and suffering. May all the departed souls rest in peace. We join the Muslim community in prayer and mourn the tragic loss of life, and we send our thoughts to those who are injured for their full recovery.

I wish to express my sincere gratitude and thank religious leaders: president Ahmed Zreika, Dr Waleed Alkhazrajy, Houssam Abiad, Sahar Shahin and the organising committee and volunteers of the Islamic Society of South Australia, for their strong leadership and compassionate service and for responding quickly by bringing together members of the Muslim community of South Australia as

well as leaders of all persuasions, including members from other faiths and those of no faith, for their moving and heartfelt community vigil.

I also want to thank other religious organisations, mosques, churches and temples for holding vigils to pay respect and honour the victims in Christchurch. Thank you to those caring individuals and groups from our compassionate community who reached out to the Muslim community across New Zealand and South Australia with your expressions of love through messages and flowers during this difficult time.

I join the Premier and all members of parliament to reaffirm our commitment to an inclusive and harmonious multicultural society. We must do everything we can to eliminate racism and prejudice, and condemn every form of terrorism and extremism. It is through our words, through our actions and through our deeds that we can collectively make our world a safer and better place to live.

**The Hon. C.M. SCRIVEN (14:49):** A place of worship is a place of prayer, a place of reflection, a place of learning and a place of peace, yet, last Friday in Christchurch, a place of prayer, reflection and peace became the scene of great horror. I commend all the speakers who rise today to support this motion, and I am confident and very pleased that, in this parliament, there will be unanimous agreement on this motion which expresses our deep sorrow and deep horror about what occurred in Christchurch last week.

These tragedies occurred in a place of worship. In New Zealand, and in Australia, we respect the rights of people of any faith to worship as they please. We respect their faiths and we respect their places of prayer, regardless of whether we share their religious views. That respect is a strength of our society. This is and should be a deeply bipartisan issue, as a previous speaker mentioned. We are standing in solidarity with the Muslim community over these horrendous attacks. We are standing in solidarity with people of every faith and none to have the freedom to express themselves with respect for all others.

Our state has a long history with the Islamic community. I am advised that the first Muslim mosque built in this nation was in South Australia, in Maree in the Far North, in around 1861. Religious traditions of the Islamic faith were observed by the Afghan camel drivers. We also saw the first significant mosque in any Australian city being built in 1888, the Central Adelaide Mosque in Gilbert Street.

Of course, Christchurch, New Zealand, is a sister city to Adelaide. Perhaps that is why it has been more shocking to some of us to see this kind of event happening in New Zealand, because we do see parallels in terms of our community and what we think are our community expectations in Australia. Was this a madman? Was this someone radicalised on the internet—someone who thought he could murder people because of their ethnicity or their faith? Imagine the feeling of those people within the mosque as soon as they realised their danger, as soon as they realised their loss, to themselves, their friends and their loved ones.

The idea that this could occur in a nation such as New Zealand has surprised many people. Of course, we see that it could occur in Australia, and again that has surprised many people. However, many people are not surprised. People who experience hatred or discrimination daily are not surprised. People who, because of their religious views, or their ethnicity, or any other attribute, are subject to insensitive language, outright insults and ignorant comments realise that that is the beginning of the kind of intolerance that can lead to the tragic events that we saw last week.

What is the antidote? The antidote is something that our society does have in the majority of people, I am confident. It is respect. It is a virtue that transcends all politics and is one that I think has been accepted by everyone in this place. The truth is that we are, and always have been, an immigrant nation. Respect for different views is paramount to the strength of our society.

I extend my condolences to the victims of these shootings, to their families, friends and communities and to all the people of New Zealand. Along with others here, I also express great gratitude to all those involved as first responders and as emergency services workers. We have the opportunity to draw something beautiful from the tragedy that is here, namely, that sense of being able to work together for something that is greater than us, that sense of being able to work for

something that will transcend the times we live in and will lead to greater respect, greater tolerance and greater peace for our nation and those across the globe.

**The Hon. M.C. PARNELL (14:54):** I too support the motion, and my thoughts go out to the community in Christchurch at this time. The hate that motivated an Australian white supremacist to kill Muslim worshippers in Christchurch is a cancer on us all and it cannot be allowed to go untreated. There is no place for hate and there is no place for violence—not in New Zealand, not in Australia, not anywhere.

I received a message on the weekend from a Muslim friend of mine in Pakistan. He had heard what happened in Christchurch and he had also heard that an Australian-born citizen was the perpetrator. He was horrified that such a thing could happen in a normally peaceful part of the world. 'What's going on?' he asked. How do you respond to a question like that? We could say that this was just a terrible aberration, that such depraved and hateful thoughts and words and deeds are unknown in this part of the world, but we would know, deep down, that this is a lie.

Throughout its history, Australia has had a very mixed record in race and religious relations and how we deal with those who are perceived to be different. While some people rail against the so-called 'black armband' view of history, others remind us that those who fail to learn the lessons of history are destined to repeat it. As a nation, we know that we still have a long way to go in reconciling with our First Nation peoples.

Our sad history of genocide, dispossession, the stolen generation, wage theft and discrimination needs to be properly understood before it can be truly addressed. Also, as Australians, we are rightly proud that the White Australia policy was ditched over half a century ago. However, the transition to a more multicultural society has not always been easy. We had the Cronulla riots, and we still have both active and subtle racial and religious discrimination in this country.

However, what does give me hope is that more and more Australians of all backgrounds are learning and growing in their understanding of the connectedness of people and our shared destiny on this finite planet. More than ever, we have no excuse not to know the names and the stories of those around us. In this place we need only wander out to the steps of parliament about every other week, it seems, and talk with the people of the East Turkistan Australian Association, who are pleading with politicians to pay attention to the plight of their fellow Muslims who are suffering imprisonment and worse in China. Or any Friday afternoon you can go out onto the steps of parliament and you can talk to the refugee advocates who are urging a more compassionate approach to those who seek our protection from violence and persecution.

There is no shortage now of names and of stories. Once you know these stories, you cannot unknow them. The names of the 50 people killed in Christchurch on Friday, and many of their photos, are in today's newspaper. I do not expect that any of us here actually knew personally any of these people, but we now know their names and we know some of the stories. For example, we know of the heroism of Naeem Rashid, a 50-year-old teacher who desperately tried to wrest the gunman's weapon from him in a desperate bid to save others.

We know of Abdul Aziz, 48, who managed to distract the gunman by drawing attention to himself and eventually chasing him away, which undoubtedly saved the lives of many people at the Linwood mosque. Aziz was a refugee from Afghanistan who has spent much of his life in Australia; he survived. We know, too, of Zulfirman Syah, who was shot several times whilst trying to shelter his young son. Hopefully, both father and son will survive, although their injuries will be with them forever, both physically and mentally.

We have also heard from many of the families who lost loved ones in Christchurch. We have been surprised at their bravery, their dignity and their focus on love and understanding rather than hate and revenge. So what are we to do? Firstly, we need to name and condemn those around us who express these ideas and who encourage hate and intolerance. No-one should be immune from our gaze, whether they be Queensland senators, other politicians, people in the media or those online anonymous spreaders of hate that we have heard so much about this week.

At a practical level, certainly the New Zealand government is now looking at gun control, just as Australia did after the Port Arthur massacre. There is now talk of increased control over social



media so those with deranged thinking and evil intent do not have as easy access to the millions of people via these new internet technologies.

However, what I think would be even more important would be for those of us both inside parliament and outside to make an effort to get to know and understand those in the community with whom we do not normally mix. Many of us were at the Marion mosque on Sunday night. It was heartening to see so many people there, more than 1,000, with their flowers, their cards and their message of support and, most importantly at that time, simply their presence. However, as important as that event was, it is not the same as one-on-one connection between people.

One practical thing that we can do as members of parliament is to accept the next invitation that arrives from the Muslim community to attend one of their Iftar dinners during Ramadan. Muslim families all over Adelaide open their homes to non-Muslims to share a meal at the end of the day and to learn more about each other's lives and culture. Last year, Penny and I shared a meal at the home of Atilla and Serap in Parafield Gardens. It is a wonderful initiative of the Muslim community, which reaches across cultural divides and focuses on our shared humanity. That is the kind of Australia that I aspire to: people reaching out to others, people sharing food in their homes, people accepting others for who they are despite their differences. This is the road to more understanding and less fear, and it goes to the core of what it means to be a community.

Our hearts go out to those who have been directly affected by what happened in Christchurch on Friday. May we never forget our shared humanity, which overrides race and colour and creed, political views or any of the other things that people will use to try to divide us. A culture of fear in this country is unacceptable. As Australians, we are better than that and we will overcome if we have the will to do so.

**The Hon. F. PANGALLO (15:01):** Thank you for the opportunity to speak and give my support for this motion. I offer my heartfelt condolences to the victims of this tragedy and to the Islamic communities in New Zealand and everywhere. While I was watching the horror in Christchurch unfold on TV in my office last Friday, a feeling of numbness and helplessness overcame me. That someone could commit such a heinous, cowardly act on innocents, young and old, in the peaceful solitude of prayer is abhorrent in any civilised society.

That this person, an Australian, would broadcast his evil act of hate on social media demonstrated that it was a deliberate, premeditated action designed to further divide and instil fear among us. We cannot ever allow this to happen and I am sure it will not. It will not break our solidarity in good over evil. That he chose to do it in a passive, compassionate nation that has often expressed its empathy for the most vulnerable in the world simply amplifies the senselessness of it all.

On sombre reflection over the past days, I examined and questioned the role my own profession, the mainstream media, has played in fanning the ugly flames of extremism in giving voice to these radical nationalists, white supremacists and bigots seeking a platform for their ultraconservative and violent views—views that cannot possibly sit comfortably with the culturally diverse Australia we have created out of the journeys of so many from almost every corner of the world.

The prejudice—some of it unintended—and insensitivity of broadcasters was evident. It took hours for them to finally refer to this crime as a terrorist attack. There were also stark contrasts in the headline treatment of the newspapers, particularly in the UK, which itself has been a target of extremists. Was it because they only attribute these types of attacks as terror related when they are committed by people identifying themselves as Muslim rather than an Anglo-Saxon white supremacist? It is sad to think that this type of thinking could still exist.

The images of the gunman broadcast were shocking. I could not watch it, but I was sickened reading a graphic description of it in the *Weekend Australian*. Being in that editorial decision-making position myself once, I know what it is like to be torn between covering a live breaking story with such international significance and the public's right to know, while at the same time showing restraint and lucid judgement. Sometimes in the rush to get it to air, in print or online, rational thinking becomes a casualty. It did in this instance; some of those scenes should never have gone to air.

That is the responsibility of seasoned news directors or managing editors; they could control that. However, that the gunman was able to broadcast his vile crime live on social media, unrestrained, demonstrates the woeful inadequacies of these platforms that have become the preferred means of getting deranged views to a mass audience instantly. I hope governments around the world work together to do something to address this, and I commend the Prime Minister for declaring that he will raise it and seek global support at the next G20 meeting.

Information is vital for our law enforcement agencies to track down and keep watch over these Nazi-like nut cases. We have just passed a bill to enable police to access encrypted information in child exploitation cases. However, we do need another piece of legislation to counteract these felons who lurk on the dark web.

Politicians also have a strong social and moral responsibility to the community they represent. It is extremely gratifying to see the sincere outpouring of support from parliamentary colleagues, both in this chamber and the other place, as well as around the country, for the victims in Christchurch and our Islamic community and friends.

I will single out two politicians I consider responsible for giving oxygen to racist rednecks: Pauline Hanson, who has made it a career to whip up hysteria about immigration and the type of immigrants we have embraced. She started with Asians, and has now continued down that path with Muslims. I was in federal parliament the day she donned the burqa in the Senate; singularly the most disgraceful act I have ever witnessed from an elected member of any parliament. She continues to inflame extreme right-wing sentiment and Islamophobia, and she also gave us the appalling Fraser Anning, the now Independent senator who, at the weekend, blamed the victims of Christchurch for their fate.

I have a motion before the Legislative Council that came as a result of his overtly racist maiden speech last year. At the next federal election I trust he will be condemned into the obscurity to which he belongs. If there is something we have learnt from history, it is that we have learnt nothing. I hope and pray this now changes.

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:07):** I join the Leader of the Government and other honourable members in supporting this motion. The tragic events of last Friday have hit home. New Zealand as a nation is family; Christchurch as a city is our sister city. The victims as worshipers are people of faith, just going about their daily lives. They were children like three-year-old Mucad Ibrahim. They were professionals like cardiologist Amjad Hamid. They were mothers with their children like Karam Bibi. May we never forget them.

By standing in solidarity with the people of New Zealand, the people of Christchurch and people of the Muslim faith, we take this opportunity to affirm our shared humanity and our determination to stand against the extremism that denies the humanity of any of us.

**The Hon. R.P. WORTLEY (15:08):** I stand to support the motion. The Saturday prior to that terrible massacre in Christchurch I attended the Al Salam Peace Festival in Veale Gardens, where leaders of the Islamic Society of South Australia and a number of members of parliament enjoyed a day with thousands of other people, just enjoying the peaceful ambiance and atmosphere of this festival.

It was very sad to then attend at the Park Holme Mosque with 1,000 other people, including many of the people who were at the Al Salam Peace Festival on the Sunday. At the mosque we were well represented by the political community and religious leaders. There were a lot of very good speeches, powerful and inspiring speeches, and the overriding theme of the speeches was that we should confront hate with love, disharmony with harmony, intolerance with tolerance and fear with courage.

It is an even greater tragedy when people are gunned down like that for no reason other than that they were at their mosque, at their place of prayer, saying their daily prayers. It is reassuring that I stand here united with everyone in this chamber and in the other place, and that this will be passed unanimously. We all stand as one against the evil tyranny we saw on Friday.

Motion carried by members standing in their places in silence.

*Parliamentary Procedure***PAPERS**

The following papers were laid on the table:

By the President—

Report of the Auditor-General titled Consolidated Financial Report Review, Report No. 3 of 2019

By the Treasurer (Hon. R.I. Lucas)—

Country Arts SA—Report, 2017-18

State Opera of South Australia Annual Report for the year ending 30 June 2018 Erratum of page entitled 'Notes to and Forming Part of the Financial Statements'

Regulations under Acts—

Public Sector Act 2009—South Australian Housing Authority

Sentencing Act 2017—Arraignment Date

Work Health and Safety Act 2012—Blood Lead Removal Levels

Rules of Court—

Magistrates Court—Magistrates Court Act 1991—

Criminal—Amendment No. 70

Abrasive Blasting SafeWork SA Code of Practice—March 2019

Dangerous Area Declarations—Authorisations issued for the period 1 October 2018 to 31 December 2018

First Aid in the Workplace SafeWork SA Code of Practice—March 2019

How to Manage Work Health and Safety Risks SafeWork SA Code of Practice—March 2019

Managing the Risks of Plant in the Workplace SafeWork SA Code of Practice—March 2019

Managing Risks of Hazardous Chemicals in the Workplace SafeWork SA Code of Practice—March 2019

Managing the Work Environment and Facilities SafeWork SA Code of Practice—March 2019

Preparation of Safety Data Sheets for Hazardous Chemicals SafeWork SA Code of Practice—March 2019

Welding Processes SafeWork SA Code of Practice—March 2019

Work Health and Safety Consultation, Cooperation and Coordination SafeWork SA Code of Practice—March 2019

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

Regulations under Acts—

Planning, Development and Infrastructure Act 2016—Transitional Provisions—Code

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

Regulations under Acts—

National Parks and Wildlife Act 1972—Marine Mammals

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

Regulations under Acts—

Health and Community Services Complaints Act 2004—General

*Ministerial Statement***MINERAL EXPLORATION**

**The Hon. R.I. LUCAS (Treasurer) (15:13):** I seek leave to make a ministerial statement.

Leave granted.

**The Hon. R.I. LUCAS:** South Australian government approvals to permit mineral exploration at Lake Gairdner in South Australia's north have been finalised. In July 2017, the former government granted approval under the Mining Act for an exploration program proposed by Cartwheel Minerals Proprietary Limited (Cartwheel) and Mr Rudy A.M. Gomez (Mr Gomez). However, at the time of the last election a second approval lodged in late 2016 to deal with Aboriginal heritage had not been finalised.

After further consultation lasting another 12 months with Aboriginal stakeholders and the project proponents, the government has now approved a native title mining agreement (NTMA) negotiated by Cartwheel and Mr Gomez with the Gawler Ranges Aboriginal Corporation (GRAC), which represents the native title holders over Lake Gairdner.

An NTMA is required to demonstrate agreement with native title holders for exploration to occur and to satisfactorily deal with any Aboriginal heritage issues that may arise. In July last year, I advised Cartwheel and Mr Gomez that I required amendments to the NTMA they had presented to the former government, including the provision of a cultural heritage management plan. This recognised the fact that in 2004 the whole of Lake Gairdner had been registered as an Aboriginal heritage site by a former Labor government.

As well as consulting with GRAC, which has informed me that it supports the proposed exploration program, I have also taken advice from the State Aboriginal Heritage Committee in requiring the project proponents to enhance the protections to Aboriginal heritage provided in their NTMA. In deciding not to accept the advice of the heritage committee in its entirety, I note that just prior to the last election the then Aboriginal affairs minister, Mr Kyam Maher, approved an exploration program on Lake Torrens even though the committee had declined to make any recommendation about that program.

In accordance with the requirements of the Aboriginal Heritage Act, I am now satisfied that satisfactory procedures are in place to deal with Aboriginal heritage. I emphasise that these approvals are confined to exploration. Should any exploration undertaken result in the proponents deciding to proceed with mining, they will have to seek further government assessment of their plans. I have made this decision under powers delegated to me under the Aboriginal Heritage Act.

*Parliamentary Procedure***ANSWERS TABLED**

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

*Question Time***SA AMBULANCE SERVICE**

**The Hon. K.J. MAHER (Leader of the Opposition) (15:20):** My questions are to the Minister for Health and Wellbeing. Following the minister taking a number of questions on notice a number of weeks ago regarding the cluster of nine deaths of SA Ambulance patients, can the minister, having had time to reflect, now advise the chamber:

1. On what date did each of the nine deaths from the cluster occur?
2. Will the minister guarantee that all families of the 17 adverse incidents and the cluster of nine deaths have been informed of these incidents and whether the families have had an opportunity to provide evidence to the Hibbert review?
3. Does the minister stand by his previous answers that he has no obligations in relation to the Coroners Act?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:21):** These are repetitive questions. I have taken questions on notice and answers will be provided when they are available.

**The PRESIDENT:** It's going to be hard for a supplementary but I will listen to it, Leader of the Opposition.

#### SA AMBULANCE SERVICE

**The Hon. K.J. MAHER (Leader of the Opposition) (15:21):** A supplementary question arising from the answer given: has the minister not informed himself yet of the information that was asked of him?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:21):** As I said, I have taken those questions on notice and the answers will be provided when they are available.

#### SA AMBULANCE SERVICE

**The Hon. K.J. MAHER (Leader of the Opposition) (15:21):** A further supplementary arising from the original answer: does the minister expect the chamber to believe that, being asked questions that he is responsible to this chamber for, he has not sought or received any of those answers, or does he expect the chamber to believe that he is not diligent in doing his job?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:22):** Members who have served in this place before the last election will know that this government is showing far greater respect to this chamber in terms of answers. I'm proud to be part of that government.

**The Hon. K.J. MAHER:** A further supplementary.

**The PRESIDENT:** I will listen to it as long as it arises out of the original answer.

#### SA AMBULANCE SERVICE

**The Hon. K.J. MAHER (Leader of the Opposition) (15:22):** Does the minister have the knowledge to answer these questions or not? Yes or no.

**The PRESIDENT:** You can't put the answers to the questions in the minister's mouth. Minister.

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:22):** Rather than rise to the opportunity to do multiple choice with the honourable member, I will stand by my earlier answer.

*Members interjecting:*

**The PRESIDENT:** The Hon. Mr Hunter! The Hon. Ms Scriven is on her feet.

*Members interjecting:*

**The PRESIDENT:** The Hon. Mr Dawkins! I would like to hear the question from the Hon. Ms Scriven in silence.

#### OBSTETRIC SERVICES

**The Hon. C.M. SCRIVEN (15:23):** I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about obstetric services.

Leave granted.

**The Hon. C.M. SCRIVEN:** On Friday we learned that Flinders Private Hospital would be axing its obstetric services from 31 July this year. In response the Premier said on radio, 'I'm sure there'll be other people in the market that will fill it.' My question is: does the minister agree with the Premier's predictions that another private provider will come in and fill the gap for obstetrics in the south?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:23):** Within itself, the honourable member's quote and her question are inconsistent. The Premier did not say that there would be private obstetric services in the south. What the Premier was highlighting was that private hospital patients may well choose to go to one facility if another facility is not available.

**The PRESIDENT:** The Hon. Ms Scriven, a supplementary.

#### **OBSTETRIC SERVICES**

**The Hon. C.M. SCRIVEN (15:24):** Will the minister commit additional resources to Flinders Medical Centre to cope with the increased pressure that this closure will undoubtedly place on the public system?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:24):** SA Health, and particularly SALHN, will have to consider the impact of the Flinders Private decision, but there are a number of factors happening here. First of all, there's private hospital bed supply. Not having been in this situation myself, I am advised that there is a growing trend amongst Australian families—and particularly amongst Australian women—to choose public obstetrics services rather than private.

It may well be that one of the factors at play could be a general reduction in demand. In that context, the demand shifting onto the public system would have been experienced for some time and, as I am advised, has been noticeable for some time. In that sense, the move at Flinders may be an indication of a long-term trend that SALHN is already experiencing. Those are two possible scenarios: e.g. that private hospital patients go elsewhere or, secondly, we are seeing a long-term trend in women's choice of obstetrics services.

#### **OBSTETRIC SERVICES**

**The Hon. C.M. SCRIVEN (15:25):** A further supplementary: for clarification, the minister is saying that he will not commit any additional resources to Flinders for this service; is that correct?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:25):** If the honourable member is asking me, 'Does the Marshall Liberal government admit women are giving birth?' I can assure you we do.

#### **OBSTETRIC SERVICES**

**The Hon. C.M. SCRIVEN (15:26):** Further supplementary: has the minister met with anyone from Flinders Private Hospital to discuss the closure of obstetrics that will occur from 31 July this year?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:26):** No, I haven't, nor have I been asked.

#### **OBSTETRIC SERVICES**

**The Hon. C.M. SCRIVEN (15:26):** For clarification: the minister hasn't attempted to dissuade Flinders Private Hospital against this decision in any way at all?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:26):** No, I haven't.

#### **SA PATHOLOGY**

**The Hon. E.S. BOURKE (15:26):** My question is to the Minister for Health and Wellbeing. Has the minister received a copy of the PwC report on SA Pathology services and, if so, what date did the minister first receive a copy of this report? Will the minister now release this report to the public?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:26):** I have received a copy of the PwC report. My recollection was that it was last Friday, but certainly in the last few days. Certainly, the government—unlike the former government, which, with its Ernst and Young report, failed to provide information to the public—will be releasing the PwC report in due course, with the government's response.

#### **SA PATHOLOGY**

**The Hon. E.S. BOURKE (15:27):** If you could take that on notice and provide the date, that would be helpful as well. Does the report suggest in any way that a \$105 million cut to SA Pathology may not be achievable?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:27):** With all due respect, Mr President, I don't think it would be a good use of the parliament's time for Ms Bourke to play 20 questions and try to get me to sketch the PwC report. To be frank, I don't have a copy with me, and I don't think that would actually be helpful. I actually think people are particularly interested in what the government is going to do. What the former Labor government did, from 2014 right through to 2017, was fail to properly manage SA Pathology and leave people in SA Pathology in the dark as to what was being planned.

My advice is that, in stark contrast to that approach, the PwC team has actively engaged not only workers but also their representatives, the unions. I commend them for that approach, because we want to make sure that any report that we receive is robust. How can it be if you don't engage the people at the front line?

In stark contrast to the hypocrites opposite, who claim to represent the worker and then studiously ignore their voice, this government will talk to all relevant stakeholders to make sure that we deliver the best possible value-for-money services for South Australians in health.

#### SA PATHOLOGY

**The Hon. E.S. BOURKE (15:28):** Supplementary: will the first year of budget cuts to SA Pathology, starting from July and totalling \$25 million, be achieved with measures adopted by the PwC report?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:29):** I should make it clear, Mr President, to reiterate what I said in my earlier answer: I as minister have received the report. I will, in due course, take a submission to my cabinet colleagues and then the government will have a position on this report.

#### TRADE OFFICES

**The Hon. T.J. STEPHENS (15:29):** My question is to the Minister for Trade, Tourism and Investment. Can the minister update the council about the recent opening of South Australia's North Asia trade and investment office and any associated meetings he has had in Tokyo?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:29):** I thank the honourable member for his ongoing interest in the expansion of our trade office network. As I said a couple of weeks ago in our last sitting week, I would be able to update the chamber on the fantastic achievement of opening our second trade and investment office, which we did in Tokyo, Japan on 7 March. The office will cover North Asia and includes both Japan and Korea in its area of responsibility. Japan is South Australia's fifth largest goods export market and fourth largest import market, and Korea is South Australia's 12<sup>th</sup> largest goods export market and eighth largest import market.

It is vitally important that South Australia has strong representation in these areas. Both Japan and Korea are high income and highly urbanised countries. Their consumers are highly discerning when it comes to food and beverages, and their businesses are global leaders in advanced manufacturing and services. They play to our export strengths. It was a pleasure to open the office, alongside His Excellency the Hon. Hieu Van Le, Governor of South Australia, and members of the South Australian business and diplomatic community.

I must say that it was a real pleasure to be on a trade trip with the Governor. As we know, he is a particularly strong advocate for South Australia and he adds tremendous value to events such as this. At the opening, he cut the ribbon and the plaque has his name on it, which I think is fitting. He did a fabulous job. Of course, the opening also featured the Australian Ambassador, Mr Richard Court AC, the President of the Australian and New Zealand Chamber of Commerce and a number of other dignitaries.

Following an extensive recruitment process by my department, Ms Sally Townsend was appointed to lead the South Australian office in Japan, and I am advised she commenced her position yesterday, on 18 March. It was great to have her at the opening of the office. Ms Townsend has strong connections within the North Asia market and she has been a strong member of the Australian and New Zealand Chamber of Commerce in Japan since 2012 and was elected chair in 2018.

Ms Townsend was born and bred in Tennyson and is a South Australian through and through. She has lived in Japan now for some 18 years and is fluent in Japanese. She is a fabulous ambassador for our state and I know she will do a particularly good job.

The office opening coincided with Foodex, Japan's premier exhibition for fresh and premium food, and complemented participation by our major industry associations, such as Food SA, AUSVEG SA branch and the Australian Southern Bluefin Tuna Industry Association and their export members in the expo. There were also a number of other businesses there. Of particular interest was Macro Meats, the world's largest supplier of game meat. It was interesting to note there was a queue, sometimes up to 200 persons long, wanting to get a sample of Macro Meats' freshly cooked kangaroo meat. I think they gave away 12,000 samples of meat over the three days.

During the market visit, the Governor and myself also attended a round table hosted by the Australian and New Zealand Chamber of Commerce in Japan. This was a great opportunity to talk to a number of Australian business leaders who are doing business in Japan, who freely shared their knowledge about what it takes to succeed in that market, and both the Governor and myself had a great opportunity to sell the virtues of our great state. As I said earlier, the Governor is a great ambassador for us. We also met with global executives from Mitsubishi Motors and NEC, both of whom are long-term investors in South Australia.

The involvement of the South Australian government in this mission provided support to our companies doing business in this region and offered an opportunity for important connections in market to be made and nurtured long term by our new Japan office. I would like to thank everyone who attended the office opening and those who worked hard to bring it about in such a timely manner. This is just the start of South Australia's international engagement journey and I look forward to growing the rest of our international office network into the future.

#### TRADE OFFICES

**The Hon. C.M. SCRIVEN (15:33):** Supplementary: what was the recruitment process for the new South Australian trade commissioner?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:33):** I thank the honourable member for her supplementary question. It was advertised and a number of people applied for it. I don't recall the actual time lines but I know that, because the office is co-located with Austrade, we had to wait for all the proper security clearances to be in place, and that was only just in place the day before we opened the office and that is why Ms Townsend started work yesterday.

#### TRADE OFFICES

**The Hon. C.M. SCRIVEN (15:34):** Supplementary: how many staff are attached to this trade office?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:34):** Initially, it will be Ms Townsend on her own, and then she will recruit additional people. We expect that there will be one more with her, and there's a good indication that there's a strong opportunity to do some work in Korea. We may, as budget permits, appoint somebody to be, if you like, in a satellite office in Korea, rather than try to service that from Tokyo. But, at this stage, Ms Townsend will be on her own, and she will have the opportunity to recruit one more person to join her. Then, as the workload builds, we will look at what extra support we need to give her. Of course, we have significant support for the overseas trade offices and the office we have back here in Adelaide.

#### TRADE OFFICES

**The Hon. C.M. SCRIVEN (15:35):** Supplementary: what export targets have you set for this trade office going forward?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:35):** As the members would be aware, we have just had a review that was undertaken by the Hon. Steven Joyce. He has recommended that we set targets and growth targets for a whole range of sectors. They are in train, but we want to wait before we have the final report from the Hon. Mr Joyce. I will update the chamber and the South Australian public when we have established those targets.



### TRADE OFFICES

**The Hon. I.K. HUNTER (15:35):** Which members of the minister's staff accompanied him on the trip, and which members of the Public Service accompanied him on that trip?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:36):** Interesting. I am very happy to say that Mr Scott Kompo-Harms, my chief of staff, accompanied me, and the Deputy Chief Executive of the Department for Trade, Tourism and Investment, Ms Megan Antcliff, accompanied me on the trip. There were a couple of other members: Jaqueline Schiller and a couple of other support staff came with us. I will get their names. I am probably not going to do justice to their pronunciation, so I will bring those names back to the chamber.

### CBD OIL

**The Hon. T.A. FRANKS (15:36):** My question is to the Minister for Health and Wellbeing, on the topic of CBD oil. Can the minister please clarify for patients, such as those who have contacted me, the legal status of CBD oil in South Australia?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:36):** I thank the honourable member for her question. I am advised that cannabidiol—or CBD, as it is commonly known—is legally available as a schedule 4, that is, as a prescription-only medicine, in South Australia. This follows a decision by the commonwealth therapeutic goods authority, which took effect nationally in July 2015.

At present, there are no registered or approved CBD products marketed for use in Australia. To enable timely access for patients, there are, however, a number of importers licensed by the commonwealth Office of Drug Control to import CBD medicines and several businesses licensed to manufacture CBD medicines in Australia. As there are no registered CBD medicines at this time in Australia, access and approval to prescribe these products is through the TGA Special Access Scheme, the Authorised Prescriber Scheme or through clinical trials.

More information on accessing medicinal cannabis products, including CBD oil, is available on the TGA website and also on the SA Health website. There is no authorisation required under South Australia's controlled substances legislation for a doctor to prescribe a schedule 4 medicine, including a schedule 4 CBD product. Doctors wanting more information about the clinical use of, and access to, CBD can contact the SA Health Medicines Information Service or the TGA. Contact details for the businesses that are approved to import and supply cannabis and CBD medicines are publicly available on the ODC website.

### CBD OIL

**The Hon. T.A. FRANKS (15:38):** Supplementary: is the minister aware that there are several ranges of CBD oil available from Australian suppliers online, purporting to be accessible without prescription?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:38):** I have been advised that examples of legal CBD oil products include cannabidiol oral drops known as CBD Max, produced by the company Tilray, and a cannabidiol oral solution known as GD Cann-C, produced by the Adelaide specialist pharmaceutical company GD Pharma.

### KANGAROO ISLAND VISITOR CENTRE

**The Hon. R.P. WORTLEY (15:39):** I would like to make a brief explanation before asking the Minister for Trade, Tourism and Investment a question regarding the lack of funding for the KI visitor centre.

Leave granted.

**The Hon. R.P. WORTLEY:** There are 170,000 visitors each year going to Kangaroo Island. With an increase in cruise ships, Kangaroo Island is becoming an even more popular destination for tourists. It is disappointing to be informed that the KI visitor centre has been temporarily closed due to the uncertainty of future funding. For some years the information centre has been operating on a previous allocation of funding from the previous state government. The population of KI is less than 5,000 people, so funding to its visitor centre by the council is not possible. Due to the reliance on tourism, will a Liberal government guarantee funding for the KI visitor centre?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:40):** I thank the honourable member for his ongoing interest in Kangaroo Island. I know he is often there and enjoys visiting. I have been made aware that the local council is no longer funding the visitor information centre. It had been funded by the local council. I became aware only a couple of days ago. I have a range of meetings with the Tourism Commission on Thursday, I think, so part of the discussions will be around ways that we can look to either encourage local council to reopen it or look at ways that we may be able to open it. We accept that visitor information centres are particularly important. It is something that the local community values, and certainly the travelling community values, so we will be looking at ways that we can reopen that visitor centre.

#### DOMESTIC AND FAMILY VIOLENCE

**The Hon. J.S. LEE (15:41):** My question is to the Minister for Human Services about the government's new framework to address domestic, family and sexual violence. Can the minister please provide an update to the council about how this framework will improve the safety of women and children across South Australia?

**The Hon. J.M.A. LENSINK (Minister for Human Services) (15:41):** I thank the honourable member for her question and for her interest in this important area. I have spoken in this place about the government's election commitments and the fulfilment of those commitments, which have been very well received within our community. There is a range of areas in which the Marshall Liberal government is working to ensure that we improve the safety of women and children who may find themselves in situations of domestic and family violence.

In terms of those commitments, we have implemented the disclosure scheme to enable women or a relative or family member to request information about a partner's criminal history. The Attorney has updated some of the data on that, which has had a very strong start. This parliament introduced the standalone criminal offence of strangulation, which, again, is yielding some frightening data in terms of the number of incidents. I think it highlights an unknown area within our community, but the pleasing thing is that it is being addressed. We have provided funding for Women's Safety Services for their crisis hotline to operate 24 hours a day, and we have implemented a personal protection app, linking at-risk women to police and domestic violence services.

The Assistant Minister for Domestic and Family Violence Prevention, Ms Carolyn Power, and I have attended all of the round tables throughout South Australia—one statewide and five regional ones. Those have now concluded. On 1 March, we were very pleased to be able to launch the new domestic family and violence framework for South Australia, which addresses the current and ongoing actions in this space for the future.

It is a living document that is available on the Office for Women's website, so it addresses the crisis end, and secondary measures as well as preventative measures. It talks not just about the particular commitments that we had but about the evolution in terms of our thinking within our first 12 months, which means that there is a greater focus on perpetrator interventions, which is consistent with the national Fourth Action Plan, and also in terms of what our first response should be when people come into crisis services, not only what we do with the perpetrator but in terms of those emergency housing solutions.

I think South Australia, it's fair to say, has been a leader in this space. We have also learned a great deal from our colleagues in New South Wales, who have had a very progressive approach to this. We also welcome the funding commitment of the Morrison Coalition government recently in providing additional resources in this space, which is complementary to the work in South Australia. I would encourage everybody who has an interest in this area to access that document, inform themselves and be involved in this process going forward.

#### SHOP TRADING HOURS

**The Hon. J.A. DARLEY (15:45):** I seek leave to make a brief explanation before asking the Treasurer a question about shop trading law enforcement.

Leave granted.

**The Hon. J.A. DARLEY:** In *The Advertiser* on 22 February 2019, it was reported that SafeWork SA are pursuing a number of small businesses for breaching the Shop Trading Hours Act.

There has long been ambiguity surrounding what constitutes the floor area of a shop. Can the minister advise:

1. Whether shop floor space includes the working area behind a counter or the customer waiting area in front of the counter?
2. Whether shop floor space includes the area taken up by a fridge or display cases?
3. What action has been taken to provide a comprehensive definition of shop floor space to assist owners?
4. What actions have been taken to work with these shops that could be prosecuted?

**The Hon. R.I. LUCAS (Treasurer) (15:46):** I thank the honourable member for his question. This is, indeed, an issue that I have canvassed and has been canvassed in this place and elsewhere on any number of occasions. The honest answer to the member's questions are that until, ultimately, it's resolved by this parliament—and the parliament chose not to take up the option—the only definitive answer anyone can give to the honourable member, or indeed to anybody, is until a court of law determines what the current silly, outdated, antiquated legislation means, we won't really know.

As I said before, there have been any number of legal views by lawyers, and with great respect to the legal profession those legal views canvass a whole variety of different interpretations of what 'floor area' and various other provisions of the shop trading legislation mean and should mean and how it should be interpreted. With great respect to members of the legal fraternity, they are the individual views of those lawyers and the legal firms they represent. Ultimately, if the parliament chooses not to fix up the silly, outdated, antiquated legislation, it will only be if and when it arrives in a court of law and a judge or judges determine what it actually means.

So there are, as I have indicated before, some who believe—as I said, I am a very simple non-lawyer. My understanding prior to becoming a minister in charge of the legislation was that it was pretty easy to understand what 400 square metres meant, or 200 square metres, you just measured the externalities of the store and if it was over 400 or under 400 that's what it meant. But it doesn't mean that; it means something else. I accept that. But what the something else is is impossible for me to say, or indeed for officers.

As some advocates have said, 'Well, why doesn't SafeWork SA issue definitive guidelines as to what it means?' They can't. They can indicate what the legal advice that the government at any particular time might have received might be, if that's what they choose, but ultimately that has conflicted with the views of some lawyers representing traders and other lawyers and until there is a court case then we won't really know. I will stand corrected but I think the last definitive court case that even touched on this might have been back in the 1980s when it referred to service stations and the vexed question of how some service stations, which are now 24-hour supermarkets operating around the clock 365 days a year, managed to circumvent perhaps the original intent of the legislation.

But that, I think, is the last time (and I will check that—I will stand corrected) that this issue of what it actually means—and that doesn't relate directly to the cases in point, which are supermarkets and enclosed shops, it was talking more about service stations, your petrol pumps and bowsers and various other bits and pieces in what used to be a traditional service station.

There are some lawyers for some retailers who believe that, if you move your fridges and freezers in from a wall and you have a spare space behind the wall, you can therefore exclude the spare space behind the fridges and freezers from the calculation. I am assuming that's on the basis of the legal advice they have.

There are some who believe that, because the area where you go in a supermarket and can purchase any number of cigarettes or tobacco products—and there is generally a designated area in many supermarkets where that occurs—that that whole area is excluded from the calculation because the cigarettes are not permanently able to be looked at by customers. You can look at them when you open the door, but because it is not permanent the lawyer is arguing for those advocates that they should be able to exclude all of that square meterage from the calculation so that they can get under the 400 square metre rule.

I have raised the question before that there are those who argue that in supermarkets where you have a smallgoods/delicatessen-type area, if I can properly describe it as that, the only part of that area that should be calculated in the 400 square metres is the bit at the front where your fritz, ham and corned beef is actually displayed, but the whole area behind it, where all the workers work and the butchers might carve up the ham—so if you ask for six slices of your favourite Barossa ham, the attendant takes the ham out of the front counter, which is countered, takes it to the back and slices off six slices (or whatever it might be)—all of that area is excluded from the calculation of 400 square metres.

The lawyers for some traders argue that that is a correct interpretation of the legislation. I could regale the house—or bore the house, depending on your perspective—with dozens of other interpretations of the legislation that are being used by lawyers on both sides of the particular argument.

In terms of what we are trying to do, SafeWork SA has had its advice in relation to how it should be interpreted. It has undertaken measurements to the best extent that it can. If ultimately, in seeking to enforce this silly, outdated, antiquated legislation that we have, a retailer and their lawyers decide to challenge a particular decision, we may well end up having a court of law at least determining some of the particular issues that are to be determined. But I cannot definitively say to the honourable member's question that this is what it actually means. Ultimately, until a court of law determines it, we don't really know.

#### SHOP TRADING HOURS

**The Hon. T.A. FRANKS (15:53):** Supplementary to the Treasurer: can he regale the council with any other area of the law where the government does not rely on Crown advice and the government's own legal opinion but on the debate and the legal advice obtained by players other than the government?

**The Hon. R.I. LUCAS (Treasurer) (15:54):** As I just outlined, we are relying on the best possible advice and interpretation that the Crown provides, so we are indeed—

**The Hon. T.A. Franks:** Where else are you doing it, was the question. What other area of the law—

**The Hon. R.I. LUCAS:** If the honourable member would like to listen to the answer I am about to give, we are using the Crown's advice in relation to the potential prosecutions at the moment. But, as minister responsible, ultimately we won't really know whether or not that is correct until a court of law determines it. Some of the interpretations, if challenged from lawyers representing retailers, are very creative. They may or may not be correct, but until we actually have someone test it we really won't know.

**The Hon. T.A. FRANKS:** Point of order, Mr President: my question was specifically to name another act or another area of the law, not to reiterate or regale us again with his original answer.

**The PRESIDENT:** Treasurer, you have heard the point of order.

**The Hon. R.I. LUCAS:** The original question to which supplementary questions apply relates to shop trading legislation. It doesn't relate to other pieces of legislation.

**The Hon. T.A. FRANKS:** Point of order: my question was, 'Name another area of the law where you would use this same argument and not rely on Crown advice.' That was the question, and the question was not answered.

**The PRESIDENT:** Treasurer, do you have anything else to add?

**The Hon. R.I. LUCAS:** Nothing further.

#### SHOP TRADING HOURS

**The Hon. C.M. SCRIVEN (15:55):** A supplementary relating to the original answer where the Treasurer said that all SafeWork can do is indicate to traders the legal advice the government has received. My question is: has the Treasurer enabled SafeWork to provide that legal advice to traders?

**The Hon. R.I. LUCAS (Treasurer) (15:55):** I invite the Hon. Ms Scriven to check the *Hansard*. I never indicated that SafeWork SA was going to provide the legal advice to traders. What I did indicate—as the *Hansard* record will show—is that all we can do at the moment is, based upon the best legal advice the Crown has been able to provide to SafeWork SA, implement the law along those particular lines.

We are not providing legal advice to traders in relation to the interpretation of this particular provision of the shop trading legislation. What we are doing is, based on the best advice we have, seeking to implement the silly, outdated, antiquated laws we have. Ultimately, if someone chooses to disagree with that it will be up to a court to determine whose lawyers were correct.

#### SHOP TRADING HOURS

**The Hon. J.A. DARLEY (15:56):** A supplementary: if the current legislation is not clear, why not amend the legislation to make it clear?

**The Hon. R.I. LUCAS (Treasurer) (15:56):** That is a very good idea; indeed, that is what we sought to do. One of the reasons I indicated—and the parliament, as is its prerogative, chose not to support that—was that I think virtually every other jurisdiction, for similar reasons to what we just outlined, has moved away from this measurement of square meterage or floor space area. For the reasons we are exploring now and they have obviously explored in their jurisdictions, they moved to a completely different approach to shop trading regulations in terms of numbers of employees.

During the debate I think I indicated that it is still not perfect, and in my view the reason we included it within our proposed legislation was because it is potentially a much easier measurement in terms of sizes of shops for the purposes of any regulation that might remain in shop trading regulations. The honourable member's suggestion is an excellent one, and we sought to do so.

#### SHOP TRADING HOURS

**The Hon. J.E. HANSON (15:58):** A supplementary question: in the original answer given by the Treasurer the article he referred to reported that the government has considered it is a 'ridiculous' look to be strictly enforcing rules it considers to be 'stupid' but insists it can't pick and choose to whom the law of the land applies. Indeed, the Treasurer was quoted as saying, 'Sadly, this is the reality of what we said all along, that if we weren't able to make the change then this stupid law was going to have to be enforced.'

**The Hon. J.S.L. Dawkins:** Is this a supplementary?

**The PRESIDENT:** The member is giving some clarity for the benefit of the Treasurer.

**The Hon. J.E. HANSON:** My supplementary question is this: does the Treasurer stand by those statements, that the government cannot pick and choose to whom laws apply and that the law must be enforced? Does the Treasurer agree that that principle should also apply to his cabinet colleagues?

**The Hon. R.I. LUCAS (Treasurer) (15:58):** I am happy to answer questions in relation to shop trading legislation and indeed my responsibilities as minister. I am not going to proffer opinions about other pieces of legislation or other ministers. That is not the question I have been asked relating to this. In the area of the shop trading legislation—

*Members interjecting:*

**The Hon. R.I. LUCAS:** In responding to the member's question as it relates to shop trading legislation, I have said similar words to that in this place and elsewhere on any number of occasions, and of course I stand by that. The point that I have made both in that interview and a number of others is that, for example, if Aldi or Woolworths or Coles were to deliberately breach the shop trading legislation by opening 24 hours a day on public holidays and on weekends and through the week, there would be screams from members in this chamber, I suspect, and other stakeholder groups, saying, 'This is an outrage. Aldi and Woolworths and Coles are deliberately breaching the shop trading legislation. Why don't you do something about it?'—a very reasonable proposition to put if they were breaching the legislation.

If that rule of thumb should be applied to Aldi or Woolworths or Coles, it should be applied to other supermarket traders as well. That's what the Legislative Council and the parliament has voted for. It is a silly, outdated, antiquated piece of legislation but, ultimately, sadly, we are going to have to enforce it.

**The PRESIDENT:** The Hon. Mr Pangallo, a supplementary.

#### SHOP TRADING HOURS

**The Hon. F. PANGALLO (16:00):** Yes, it is. Can the Treasurer answer: does the government enforce every law that is passed by this parliament then?

**The Hon. R.I. LUCAS (Treasurer) (16:00):** I am here to respond in relation to shop trading hours legislation. I am here to respond in relation to legislation that I have responsibility for, and I can certainly indicate to the Hon. Mr Pangallo, as minister in legislation that I have responsibility for, that will certainly be the intention that I have. I would expect that that would be the case for my other ministerial colleagues as well.

#### SHOP TRADING HOURS

**The Hon. F. PANGALLO (16:01):** Further supplementary: why isn't it enforcing the labour hire law that was passed by the parliament?

**The Hon. R.I. LUCAS (Treasurer) (16:01):** A very simple answer: the legislation has not been proclaimed.

#### HEALTH SERVICES

**The Hon. J.E. HANSON (16:01):** I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing regarding unanswered questions.

Leave granted.

**The Hon. J.E. HANSON:** On 9 May 2018, the Treasurer was asked a question by the Hon. John Darley about responding to questions taken on notice within the 30-day time period the government set for themselves. The Treasurer responded that—

*Members interjecting:*

**The Hon. J.E. HANSON:** I am asking the Minister for Health and Wellbeing, but the content of the matter relates to what was stated by the Treasurer. I will finish the question first and maybe then we will all be much more clarified. On 9 May 2018, the Treasurer was asked a question by the Hon. John Darley about responding to questions taken on notice within the 30-day time period the government set for themselves. The Treasurer responded:

On behalf of my ministerial colleagues, I give you the undertaking that, to the extent that we can, we will endeavour to comply with the spirit and intent of the sessional order in relation to questions that we take on notice during question time.

Since July 2018, there are approximately 30 questions that the minister has taken on notice which he has not provided a response to. This includes on subjects such as Silver Chain, SHINE SA, KordaMentha, food contamination, NDIS funding and syphilis outbreaks. My question to the Minister for Health and Wellbeing is: why has the minister not provided answers to these questions, and will the minister commit to providing these answers before the end of this sitting week?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:03):** I will certainly follow up on the particular questions that the honourable member raises, but there is a point to be made here between questions on notice and questions without notice taken on notice. I will certainly seek to comply with the policy of the government which, as I said earlier, makes the practice of the former government through the years that I was in this parliament look very pallid. We take this chamber seriously.

**HEALTH SERVICES**

**The Hon. J.S.L. DAWKINS (16:04):** My question is directed to the Minister for Health and Wellbeing. Will the minister update the council on the government's achievements in health and wellbeing over the last 12 months?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:04):** I thank the honourable member for his question. This past Sunday marked one year since the election of the Marshall Liberal government. I must admit I need to wait until Friday to celebrate one year since I took my commission.

There was a raft of reasons why the people of South Australia decided to back the Marshall Liberal team's vision for this state, and many of them were the result of the incompetence and arrogance of the previous Labor government. That incompetence and arrogance was particularly evident in the area of health. Under Labor's Transforming Health experiment, Labor broke its promise to never ever close the Repat. They did close it and they cut more than 100 beds from the system.

Labor built a hospital that costs \$640 million more than budgeted and which was designed without genuine clinical engagement, putting more stress on the system rather than relieving stress. Labor cut services at Modbury, The QEH and Noarlunga Hospital. They promised upgrades at The QEH and did not deliver them, putting the money instead into Transforming Health.

*Members interjecting:*

**The PRESIDENT:** Order! I cannot hear the minister. Minister.

**The Hon. S.G. WADE:** The Marshall Liberal government said quite openly that this sort of damage cannot be undone in a month or year, but we are committed to fixing the mess and we are delivering in every area which Transforming Health impacted. We committed to reactivate the Repat and we are doing that right now with the hydrotherapy pool open, radiology services and care transition beds operating on the site that Labor was going to sell off for apartments. We consulted with the community who endorsed our master plan to develop the site as a genuine health precinct.

We are committed to restoring services at hospitals downgraded by Labor. We have already delivered 24/7 cardiac services to The QEH and are upgrading the cardiac cath lab. Working with the Morrison Liberal government we have won a full MRI licence for The QEH, delivering more medical imaging services to Adelaide's west. We have returned multiday surgery to Modbury Hospital. We have established a clinical working group to deliver the HDU at Modbury Hospital and have committed the funds needed. We are committed to the \$96 million upgrade of Modbury Hospital and planning work is underway. We are working to deliver a 12-bed acute care unit at Noarlunga Hospital after committing funds for that in the 2018-19 budget.

After Labor allowed a succession of budget overspends in CALHN to reach \$300 million, the Marshall Liberal government has drawn a line in the sand. We have appointed KordaMentha, who turned around the Whyalla steelworks, to fix what they called the most broken organisation they had ever seen.

We paused the rollout of Labor's botched EPAS program which had already spent more than \$300 million but reached less than 30 per cent of beds. We appointed an independent review and we have taken on board their recommendations as we move to implement the electronic medical records in the RAH and Mount Gambier. We have engaged clinicians to ensure that the system supports them in their work.

In conclusion, I want to acknowledge the stellar work of the member who asked the question. The Hon. John Dawkins was appointed the Premier's Advocate for Suicide Prevention last year and has ably led the Premier's Council on Suicide Prevention. In that role, he has continued his long-term commitment to the area. He has particularly enhanced the comprehensive network of suicide prevention networks across South Australia and will continue to form more SPNs across the next two years. I would also like to acknowledge the work that he is doing within the Public Service in concert with the member for Waite in the other place, to take the opportunity to raise suicide prevention as an issue right across the Public Service.

*Members interjecting:*

**The PRESIDENT:** Are you all finished? The Hon. Mr Pangallo.

#### **GOVERNMENT-FUNDED TELEVISION PROGRAMS**

**The Hon. F. PANGALLO (16:08):** My question is to the Treasurer.

*Members interjecting:*

**The PRESIDENT:** Go on, the Hon. Mr Pangallo.

**The Hon. F. PANGALLO:** No brief explanation, Mr President.

**The Hon. K.J. Maher:** You do have to ask the question.

**The Hon. F. PANGALLO:** I do, yes. Can the Treasurer explain why he and his government have slashed funding to the locally-produced and successful television show on Channel 9 *Building Ideas*, 20 years jointly funded by the Master Builders Association, and successive governments, which promotes thousands of small businesses in South Australia, coming at a time when the building industry is struggling, and is the government also cutting its financial support to other magazine TV programs?

**The Hon. R.I. LUCAS (Treasurer) (16:09):** Mr President, I have no knowledge of the government's support, or otherwise, for that particular TV program, or indeed magazine TV programs. I shall seek advice from whichever of my many capable ministerial colleagues has ministerial responsibility for this particular area of providing support (if any) to television magazine-type programs like the member has referred to. When I find him or her, I shall get an answer and bring it back to the honourable member.

#### **STATE BUDGET**

**The Hon. T.T. NGO (16:10):** My question is to the Treasurer.

*Members interjecting:*

**The Hon. R.I. Lucas:** Stop doing a Pangallo; I can't read your mind.

**The Hon. T.T. NGO:** Can the Treasurer commit that he will deliver budget surpluses in 2018-19 and 2019-20?

**The Hon. R.I. Lucas:** 2018-19 and when?

**The Hon. T.T. NGO:** 2019-20.

**The Hon. R.I. LUCAS (Treasurer) (16:11):** Mr President, I'm on the public record as saying I am very, very confident that the government will deliver—after a lot of hard work at fixing the significant financial mess that the former government left us with—a balanced budget in 2018-19. We're working our way assiduously, in a very collegial, friendly fashion, through the budget bilateral process as we speak, with a target of trying to balance the 2019-20 budget and the other forward estimate budgets as well.

Certainly, the important question in relation to the first Marshall Liberal government budget of 2018-19, after many years of very significant deficits—some even camouflaged by the sugar hit of one-off Motor Accident Commission privatisation and Land Services privatisation and the like—we are very confident we'll be able to deliver a balanced budget in our first year.

#### **STATE BUDGET**

**The Hon. T.T. NGO (16:12):** Supplementary: with the expected reduction in GST grants this financial year, is the Treasurer confident that he will still meet the surplus that he has talked about?

**The Hon. R.I. LUCAS (Treasurer) (16:12):** Mr President, the actual impact of the GST writedown is actually significant in 2018-19 but nowhere near as significant as in 2019-20. The best latest estimate that we have of the potential GST write-down in 2019-20 is \$330-odd million. That's a combination of two factors: one is less money overall in the GST pool nationally, because—or less than predicted, I should say. That's because people haven't been spending as much money as has been estimated on goods which attract GST.



The second factor was the factor announced by the independent Commonwealth Grants Commission last month, which is whatever the size of the national GST pile is, what share South Australia and the other states get. They've actually written down South Australia's share for 2019-20 by a factor which has led to a significant reduction in our GST.

I might just comment and take the opportunity—because there has been some media attention to comments made by the Prime Minister today about the GST for South Australia. The statements that I have made in relation to the GST are of course, in my view, entirely accurate. The statements that the Prime Minister has made are also accurate, Mr President; they just highlight two different things.

The Prime Minister is correct to indicate that South Australia, and indeed all states, will see increases in GST next year as compared to this year. The writedown that we are talking about is that we were estimating, as all states were estimating, significant further increases in GST as a result of increases in the GST pool nationally and also retention of the relativities argument that the states incorporate into their forward estimates.

So, there is no inconsistency in the statements the Prime Minister made on morning media this morning. He is correct to say that next year we will get more than we get this year for GST, but it is significantly less than we had budgeted for in terms of the forward estimates in the budget, both in the Mid-Year Budget Review and in last year's budget.

#### CRUISE SHIP STRATEGY

**The Hon. D.G.E. HOOD (16:15):** My question is to the Minister for Trade, Tourism and Investment. Can the minister please inform the council about the arrival of Princess Cruises' *Sea Princess* to Outer Harbor and the announcement that Princess Cruises will commence some 20 cruises departing from Adelaide in the 2020-21 season?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (16:15):** I thank the honourable member for his ongoing interest in the cruising section of our tourism industry. It is pleasing to know that it has been a record season, with 82 cruise ships visiting our shores with a capacity of 171,491 passengers and crew visiting South Australian ports and anchorages. This is an increase of 21 per cent on last year and it was valued at more than \$118 million to our economy. The cruise industry is an integral part of our \$6.9 billion visitor economy.

Regional South Australia is also reaping the rewards of the growing cruise industry, with Kangaroo Island seeing a 27 per cent increase from last year, with 26 visiting cruise ships, up from 19; and Port Lincoln has seen a 32 per cent increase from previous years, with 13 visits, up from nine. Last year, we announced the fourth regional port in South Australia for next season, Wallaroo on Yorke Peninsula. Although we have seen significant growth over the past 12 months, there are no signs of it slowing. The interest in South Australia as a cruise destination continues to grow, with not only more ships and larger ships visiting our state but we have more interesting cruise lines using South Australia as a home port, offering exciting new cruise itineraries from Adelaide.

Yesterday, it was a pleasure to join Mr Stuart Allison, Senior Vice-President Commercial South Pacific and Asia, to make another exciting announcement for the cruise industry in South Australia. Their continued commitment to Adelaide demonstrates that South Australia is a key player within the cruise industry. Princess Cruises will inject an estimated \$20 million into the state's economy in crew and passenger spending, ship supplies and port charges. Princess Cruises are long supporters of our state, who have been visiting South Australia now for more than two decades.

Yesterday, they launched the exciting news that, commencing in October 2020, they will have the largest investment in South Australia of any cruise liner to date. In the 2020-21 cruise season, Princess Cruises will have four visiting cruise ships throughout the season, including six ex-Adelaide itineraries on the *Sapphire Princess* to destinations including New Zealand, Fiji and South Africa. They will be returning with the newest and largest cruise ship in their fleet visiting Australia to Adelaide, the *Majestic Princess*, with a capacity of some 4,900 passengers and crew with its maiden visit to Adelaide this coming summer.

The cruise industry in South Australia is a significant driver of regional visitation and we will continue to work together with our local government and tourism partners to continue to grow regional

jobs and maximise regional visitor expenditure. I remind the council that the Marshall government has launched the South Australian Cruise Ship Strategy 2020 to help the record-breaking cruise industry reach even greater heights to drive tourism growth and support more jobs. The new strategy provides a blueprint for South Australia to continue to grow the sector and maximise the tourism, economic and job opportunities in this lucrative industry.

The SATC has developed a strategy with the ambitious goal of 100 cruise ships to visit South Australian ports and anchorages, contributing \$200 million to the state economy by 2020. Our visitor economy is currently at a record-breaking \$6.9 billion, and the cruise ship strategy is a key part of delivering on our \$8 billion target and will continue to be as we set our sights on 2030.

#### CRUISE SHIP STRATEGY

**The Hon. E.S. BOURKE (16:18):** Supplementary: can the minister advise if he supports the City of Victor Harbor's goal to be a cruise ship destination?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (16:18):** I think the honourable member's question was around Victor Harbor's goal to be a cruise ship destination. Was that correct? I was having some banter with the Hon. Mr Wortley. I should not have, I know, I was wrong to be distracted.

I know there have been a number of discussions and the SATC is working with the Victor Harbor community, the Victor Harbor council and the Department of Planning, Transport and Infrastructure to come up with a solution so that we can get cruise ships into Victor Harbor. It would be great for the local community. We have seen the benefit it has brought to Kangaroo Island and Port Lincoln, and of course we will see Wallaroo. So we are well aware of it and we are working on a plan to try to deliver cruise ships into Victor Harbor.

#### CRUISE SHIP STRATEGY

**The Hon. E.S. BOURKE (16:19):** Further supplementary: to which of our ports—Kangaroo Island, Port Pirie, Wallaroo, Port Lincoln and Victor Harbor—will you commit funding to make them ready for cruise ships?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (16:19):** I thank the honourable member for her supplementary. It's not about funding; it is about seeing what cruise lines wish to call in and what infrastructure—the different ships and the different sizes. It's actually about working with the cruise lines as to what vessels are available and the itineraries they want to work to. As I said, we are working to try to get ships into Victor Harbor. We are looking forward to an increased number. As I said in my answer to the previous question, we will have record numbers of passengers and record numbers of visits. It's a booming industry and we will continue to try to develop it wherever we can for the benefit of the South Australian visitor economy.

#### CRUISE SHIP STRATEGY

**The Hon. E.S. BOURKE (16:20):** Further supplementary: which of those ports will be your priority, considering the boom in this area?

**The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (16:20):** Victor Harbor is one that I see as a perfect destination to have an increased focus on but, again, we will work with the cruise lines. They are the ones that actually market these particular experiences. They are the ones that drive passengers and visitors to our economy. It's really a matter for the South Australian Tourist Commission to work with the cruise lines to work out which destinations they think provide them with the best opportunity to sell berths on the boat and drive more tourists to our regions.

#### GENE TECHNOLOGY

**The Hon. M.C. PARNELL (16:20):** I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question about the South Australian government's position on the deregulation of new genetic modification techniques.

Leave granted.

**The Hon. M.C. PARNELL:** As I outlined in my question to the minister last month on the same issue, I was advised that the federal government had asked the state representatives on the Legislative and Governance Forum on Gene Technology to sign off on the proposed regulatory changes to the federal Gene Technology Regulations by 11 March this year. The proposed changes, if approved, would deregulate a number of new GM techniques. My question of the minister is: as the South Australian representative on the Legislative and Governance Forum on Gene Technology, can the minister advise whether South Australia's position on the proposal has been decided and, if so, what that position is?

**The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:21):** The honourable member has raised this a number of times, and the honourable member is correct that the matter has been raised as an out-of-session item. But the matter hasn't been resolved, in spite of the fact that the date has passed. I think it's appropriate that, in the context of ministerial councils, we should let the processes of the ministerial council be concluded before we publicly debate them, because one of the issues is whether or not it's an appropriate matter for an out-of-session decision. It's my general view that decisions on contentious matters are best not made out of session because new material might come up, as well as, if you like, the simple binary vote. With all due respect to the honourable member, I don't intend to divulge the internal operations of the ministerial council.

### LABOUR HIRE REGULATIONS

**The Hon. K.J. MAHER (Leader of the Opposition) (16:23):** My question is to the Leader of the Government. My question is in relation to statements the Leader of the Government made today in relation to the labour hire licensing laws. Does the Leader of the Government stand by his assertion that these laws haven't come into operation? If they haven't come into operation, why did the Commissioner for Consumer Affairs on 14 March 2018 gazette exemptions from laws that are not in operation? Why is it that the bill states that it comes into operation in March 2018, after having received assent in December 2017?

**The Hon. R.I. LUCAS (Treasurer) (16:24):** I am indeed thankful to the Leader of the Opposition. I think that his response is better than the response I gave to the Hon. Mr Pangallo. I will have it checked, but I think his information is more accurate and I stand corrected, that is, that the government has—I think through Mr Soulio, but I will check what the process was—not implemented the detail of the labour hire licensing legislation as might have been intended by the original supporters of the legislation, that is, the former government.

I think the Leader of the Opposition is probably accurate in the advice he has received that the mechanism that has been used is that exemptions have been issued. If I can add anything further to the information the Leader of the Opposition has kindly put on the record and with which I now believe I agree, I will come back and add further information to the answer I first gave incorrectly to the Hon. Mr Pangallo and to the question and now subsequent confirmation of the response I have just given to the Leader of the Opposition in relation to the labour hire licensing legislation.

### *Bills*

### EDUCATION AND CHILDREN'S SERVICES BILL

#### *Committee Stage*

In committee.

(Continued from 14 February 2019.)

Clause 54.

**The CHAIR:** Honourable members, we are now on clause 54. The honourable Leader of the Opposition has moved his amendment No. 1 [Maher-1]. The Treasurer wishes to make a few comments to the committee.

**The Hon. R.I. LUCAS:** Can I seek your indulgence and the indulgence of the committee, given it has been nearly a month since we last visited this. During the extensive committee stage of the debate, a number of members asked a long series of questions. I want to acknowledge that the Minister for Education, on 12 March, has supplied what looks like a nearly 20-page series of

responses to those questions to honourable members. They do not just canvass issues that relate to clause 54; they canvass issues that were raised in the earlier clauses and indeed some of the other issues that are coming up later on.

I could seek leave to table these responses. I do not propose to read all of these answers because that would take an hour or so. I will seek leave to table it in a moment. I am happy, if any particular member has a particular answer to a particular question that they want to get on the public record on behalf of the minister, for them to repeat the particular question during the appropriate clause of the committee, and I will provide the minister's response to that particular question.

There may well be a particular answer to a particular question that a member might want to see on the public record in the *Hansard* debate on behalf of the government. I certainly would understand that. If the member, at the appropriate clause, wanted to raise that particular question, I am happy to place on the record on behalf of the government the particular response. I seek leave, with the concurrence of the committee, to table a copy of a letter from the honourable Minister for Education, John Gardner, dated 12 March, to all members of the Legislative Council, providing answers to a long series of questions which have been asked on this particular bill.

Leave granted.

**The Hon. K.J. MAHER:** I thank the Leader of the Government for outlining the response that he has and I thank him for tabling that. I think we are at a bit of a disadvantage, not having an idea of what those questions are to know whether we should ask further about them. I wonder if it is possible for copies to be made so that members can have the benefit of those documents. Can the minister inform what date they were sent around?

**The Hon. R.I. LUCAS:** It was signed on 12 March and emailed to all members of the Legislative Council on the 13<sup>th</sup>, so if your offices cannot find it please give us a yell and we will download another couple of hard copies for you, if you like. In particular, to those members who are asking the whole series of questions, which was obviously the honourable member, the Hon. Ms Bonaros I think—it does not really matter—there was a series of members who asked a series of questions and they are all referred to in that tabled reply.

If any member does have any problems with their staff not being able to locate that email on 13 March from the Minister for Education's office, or the Minister for Education himself, please indicate and we will get some hard copies circulated for the committee.

**The Hon. K.J. MAHER:** I have moved the amendment standing in my name already, and as we recommence I will reiterate. Members will remember that this is about the review committees for the closure of a school, and what our amendment does is seek to restore an AEU representative on such a committee.

**The Hon. R.I. LUCAS:** On behalf of the government, as I think I have indicated before in either the second reading or on clause 1 of the committee stage, the government formally opposes this particular amendment. The government's bill removes the right of the AEU, currently in place under the Education Act, to participate on a review committee established to consider the closure or amalgamation of a school or schools. Appropriate representation of staff in these matters is tremendously important; however, the very fact of somebody's membership or otherwise of an individual body should not determine their eligibility to represent their fellow staff members.

The government's position is that identifying the Australian Education Union singularly is contrary to our preferred model. The bill provides that a school review committee will consist of a number of members, one of whom will be a person representing the staff of each school to which the review relates, elected or nominated by the staff of each such school in accordance with the regulations. Staff who have not chosen to be a member of the Australian Education Union should not be excluded from participating on a review committee in this way.

There is nothing to preclude an Australian Education Union member from being elected or nominated by other staff of the relevant schools to represent them on a school review committee. The department has advised that there is no practical barrier to removal of automatic AEU representation on school review committees.

I think, as I have indicated—and I will not labour the point—on behalf the government, we certainly have no problem, ultimately, if staff members collectively choose an AEU rep to be their representative; that is indeed their prerogative and their choice but, equally, they should have the prerogative and choice, if they so wish, to choose other perhaps long-valued staff members with considerable experience who might, for whatever reason, have chosen not to be a member of the AEU.

**The Hon. T.A. FRANKS:** We are on clause 54, amendment No. 1 [Maher-1], but the Treasurer's response did not actually address the issue. What I would like to clarify is why the government has chosen to take this review system, where a school is facing amalgamation or closure, and previously the process was somebody not from that school. So the arguments about teachers being represented by a union member or not a union member of their school is actually not relevant to this debate. It was always that this particular position was allocated for an AEU delegate not from the schools with regard to either this amalgamation or closure decision. Why has the government taken that process?

The Hon. Connie Bonaros asked many questions about this the last time we had the debate, and I cannot see the answers in the list. If the government could put on record why they have changed an entire process—aside from this argument of pro-union/anti-union—why we are subsuming into a review and amalgamation process that was in fact inserted into the act for very good reason of somebody not involved, and not with a stake at the schools involved, and transposed this anti-union provision into that particular process.

**The Hon. R.I. LUCAS:** We did touch on this in the previous debate. The position of the government is that staff at the school that is looking to be closed or amalgamated should have the right to be represented on a committee that is looking to amalgamate, close or merge them, whatever is the appropriate thing. The member is right to say that the former legislation is that the staff at that particular school, under their model, was that an AEU rep from another school, not from the particular school that was being considered for merger, would be on the committee. That is an entirely defensible position for the Labor Party and for other parties to take, if they wish.

What the government is saying is that, if you are in a school that is facing merger or closure, we think that you might actually support having one of your staff members on that committee putting a point of view on behalf of your staff. Now the head teacher or principal is there, but it is not always the view that perhaps staff members believe that their views are being represented by the boss, as they might see it—the principal or head teacher of the school.

As the Hon. Ms Franks says, the model she is indicating is a different one, and the government happens to take a view that, if you are actually in a school and you are a member of the staff in that particular school, why should you not be able to participate in a closure or merger decision? It is a pretty simple proposition. I would have thought that on most occasions many members would agree with the position that, if you are confronting closure, merger or those sort of momentous decisions, you should be in a position to be able to have your voice represented on that particular committee. If you do not want to support that, then you do not want to support the government's position; you can support the amendment from the Labor Party.

**The Hon. T.A. FRANKS:** I foreshadow that I have a similar amendment to amendment No. 1 [Maher-1], but my amendment inserts, contains and keeps the AEU representation not from the schools involved in addition to the government's proposed members of the staffing of the schools involved in the decision. I assume I can move that formally at this stage, given that we are on this clause—clause 54, amendment No. 1 [Franks-3]?

**The CHAIR:** My understanding is that we are not quite there yet, the Hon. Ms Franks, but you could speak to it.

**The Hon. T.A. FRANKS:** I am speaking to it; I just wanted to see if I could. I am foreshadowing it, and asking the government whether it is its view that the AEU representation not from the schools involved needs to be removed, and what it proposes to do to replace that particular delegation if so. Does it see any harm in having the school staff who are subject to the closure or amalgamation involved, in addition to the current situation where there is also AEU delegation?

**The CHAIR:** We are only on amendment No. 1 [Maher-1], but the Hon. Ms Franks' amendment No. 1 [Franks-3] states a person not being a teacher at a school nominated by the Australian Education Union. The two amendments are not in conflict but they relate to the same issue.

**The Hon. T.A. FRANKS:** Put simply, amendment No. 1 [Franks-3] would allow those people to be represented in an amalgamation or closure review. Is the government steadfastly opposed to having only one representative role or will it accept the addition of the AEU one on top of this proposed change?

**The CHAIR:** So, Treasurer, the amendment is not in conflict. They are putting another—

**The Hon. R.I. LUCAS:** I understand, but I am sequentially moving through the committee stage in terms of having an amendment before us. In order to assist the committee and assist the Hon. Ms Franks, when we come to her amendment the government will be opposing that as well. The potential natural consequence of the Hon. Ms Franks' amendment is that we may end up with two AEU reps on the committee; that is, the one from the amendment she is proposing from another school that is an AEU rep, and the one elected from the staff.

As I have indicated before, it would be my expectation that more often than not it would be an AEU rep, because the AEU indicates it has very strong membership in terms of the teaching force; I suspect that more often than not the staff representative will be an AEU rep. A combination of the two amendments would potentially see two AEU reps on the review committee, one potentially from the school and one potentially from another school. When we come to that particular amendment the government's position will be to oppose that as well.

**The Hon. T.A. FRANKS:** It might be three or four AEU reps, because we are talking about schools being either amalgamated or closed, and you would hope that each of the schools would have some sort of representation as well as what we have currently, which was an external representation to ensure that people did not, in fact, have vested interests. How will the government ensure there are no vested interests in these decisions? What consultation did it do regarding the need to get rid of that position of impartiality in this review and amalgamation or closure process?

**The Hon. R.I. LUCAS:** I am not sure how any government gets rid of vested interests in issues of education and amalgamation. I do not have an answer for that particular question. However, the member is right to say that if there are three schools being contemplated merging there could be three AEU reps, or there could be three staff reps or any combination thereof under that provision. If it were a straight school closure where you are just looking at the closure of a particular school it would be one, but the member is correct to say that there could be two or three, depending on the number of schools involved.

**The Hon. K.J. MAHER:** In relation to that point, under what the government is proposing—let's say it is four schools that are looking to be amalgamated; it could include junior schools and a senior school in two locations, four schools in total—is the minister saying that there will necessarily be, under the government's proposal, at least four people representing schools that are elected or nominated by the staff of each school? Can the minister explain again—because that was the point we left on last time—the difference and why the drafting has chosen to say 'elected or nominated' rather than just 'elected', what work the 'nominated' has to do?

**The Hon. R.I. LUCAS:** My advice is that in the example the member has raised there would be four staff persons elected or nominated by the staff. The second question, which is 'or nominated', I do not know that we ever came to a satisfactory landing on what work the words 'or nominated' did, what circumstances they canvassed. I am advised that the phrase 'or nominated' has been included deliberately, that is, where you have a very small school and you might only have one nominee from a very small number of staff, they would just be nominated; there would be no election.

**The Hon. J.A. DARLEY:** For the record, I will be opposing amendment No. 1 [Maher-1].

**The Hon. K.J. MAHER:** I am interested to tease this out. In the example of a small school—I think we talked about this last time—it is not just the teachers but any employee of the school who is capable of being appointed; is that correct?

**The Hon. R.I. LUCAS:** Yes.

**The Hon. K.J. MAHER:** Even in that case where there is one person who nominates, in my experience that will constitute elected unopposed, so I am still not sure what 'nominated' does, rather than being elected unopposed. Why 'nominated'?

**The Hon. R.I. LUCAS:** I can just relay the advice I have that 'nominated' has been deliberately chosen to cater for those circumstances.

**The Hon. K.J. MAHER:** Can I further check what the government is proposing in its clause 54 for this review committee? The review committee, under 54(2), requires that it be appointed by the minister. Does the minister have any discretion then in the appointments that the minister makes under clause 54(2)(d)?

**The Hon. R.I. LUCAS:** I think the plain reading of the legislation. I have certainly seen similar drafting in other pieces of law. The minister is required to nominate in accordance with the following subclauses. It makes it clear that the subclause provides that they will be either elected or nominated by the staff of the school. It is not an issue for the minister to choose his or her favoured person from the staff to be the nominee.

**The Hon. C. BONAROS:** I indicate for the record that SA-Best will be supporting the Hon. Tammy Franks' amendment in this instance and not the opposition's amendment.

Amendment negated.

**The Hon. T.A. FRANKS:** I move:

Amendment No 1 [Franks-3]—

Page 40, after line 30 [clause 54(2)]—Insert:

- (da) a person (not being a teacher at a school to which the review relates) nominated by the Australian Education Union (SA Branch);

I thank members for their indulgence in the previous debate, because I think the two were so entwined that they did deserve to be heard somewhat in concert.

This amendment inserts, in addition to the government's proposed changes to where a review process is put in place for a school amalgamation or closure, that in addition to the government now selecting somebody from the school—who I note may or may not be a teacher, and I certainly have some concerns that that does not necessarily have the best outcomes for the education of this state, but regardless of that—it will also keep the current independent AEU delegate as part of that process.

The reason that a delegate from the AEU is so important, and in this case an independent delegate outside the school or schools involved in these decisions, is because they are difficult decisions; they are decisions that are impactful and personal to those communities but they are decisions that also demand the corporate knowledge that a body like the AEU brings to the table, and the professionalism and expertise that a body like the AEU brings to the table in these very difficult decisions which actually affect the education options and standards of our schools overall.

In the spirit of compromise, the Greens offer the government the ability to keep that great corporate knowledge and keep that independence and expertise but also get their new changes where they have stripped away the words 'AEU' and in fact inserted additional staff representation into these processes. With that, I formally move the amendment.

**The Hon. R.I. LUCAS:** I will not repeat myself but the government's position is to oppose this particular amendment. I might just point out to the Hon. Ms Franks that in previous discussions she indicated that there was a possibility that the staff representative could be someone other than a teacher. My recollection is that the AEU actually represents school services officers who are not teachers. So under the proposed amendment that the honourable member is moving it does not designate that it has to be a teacher member of the AEU; the AEU could actually nominate a school services officer delegate to represent.

If that is of concern to the honourable member—it is not a concern to the government—she should be aware that the particular amendment that she canvasses, if my recollection is correct that

the AEU represents not just teachers but school services officers as well, it may well be that the AEU delegate is able to be somebody other than a teacher in relation to it.

For the reasons I have outlined previously, the end result of the honourable member's amendment, if it was passed, is that instead of having potentially one AEU representative on the committee we may well end up with an additional AEU representative on the committee, and that is not a proposition that the government supports.

**The Hon. T.A. FRANKS:** Can the Treasurer explain how the government's new bill provides for an AEU representative to be on these committees?

**The Hon. R.I. LUCAS:** I am only repeating myself. The staff can represent anyone they wish. The staff could elect a member of the AEU if they wished; it is up to them.

**The Hon. C. BONAROS:** Can we just clarify that: by extension then they could elect somebody who is not a member of the union? Under the Hon. Tammy Franks' amendment we could end up with a union member, or we would end up with a union member, but we would also end up with someone potentially who is not a member of the AEU, a union member.

**The Hon. R.I. LUCAS:** We went over the first part of the honourable member's question last time, and I think the Hon. Ms Franks or someone asked the question last time, under the government's bill could the staff elect someone, a teacher or a staff member? Does a staff member include a non-teacher, that is, a school services officer, for example? The answer to that question was, yes, that is the case. The honourable member has raised concerns about that in her comments today and has moved another amendment in relation to ensuring there be an AEU delegate or representative on this review committee.

I am just pointing out that, if my recollection is correct, the AEU represents teachers and school services officers (non-teachers). If that is correct, this particular amendment moved by the Hon. Ms Franks would have the same issues she has raised in relation to the government's amendment. The AEU could nominate a teacher or a non-teacher; it is up to them who their delegate would be.

**The Hon. C. BONAROS:** But the amendment does address the concern that has been raised by the government, in that non-AEU members—we will just call them 'teachers'—are not represented on the panels. That is the concern we have been raising. Any teacher ought to have the same ability to be represented on those panels.

**The Hon. R.I. LUCAS:** The Hon. Ms Franks' amendment does not assist the government at all in relation to the issue. The government's bill is its preferred position, which is: staff can elect whomever they wish to represent them. They could elect a teacher who is a member of the AEU. They could elect a long-serving teacher who is not a member of the AEU, and that is entirely their prerogative. They could also elect a school services officer who is a member of the AEU—a union member—or they could elect a school services officer who is not a member of the AEU.

Under the government's preferred bill, all of the choices and prerogatives would rest with the staff in terms of who they want to represent them. The amendment the Hon. Ms Franks is now asking the committee to consider provides, in addition to that, we should guarantee another position for the AEU in relation to a person from outside of the school to serve on the committee.

The point that I am making is that this person could be a teacher or a school services officer. Under the amendment, if it is passed, that would be an issue entirely for the AEU. They could choose who they wanted their delegate to be.

**The Hon. J.A. DARLEY:** Just for the record, I will be opposing amendment No. 1 [Franks-3].

**The Hon. K.J. MAHER:** To assist the committee, for the record, the opposition will be supporting the Franks amendment.

The committee divided on the amendment:

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



## AYES

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

Bourke, E.S.  
Hunter, I.K.  
Pangallo, F.  
Wortley, R.P.

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

## NOES

Darley, J.A.  
Lee, J.S.  
Ridgway, D.W.

Dawkins, J.S.L.  
Lensink, J.M.A.  
Stephens, T.J.

Hood, D.G.E.  
Lucas, R.I. (teller)

## PAIRS

Pnevmatikos, I.

Wade, S.G.

Amendment thus carried; clause as amended passed.

Clauses 55 to 81 passed.

Clause 82.

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

Amendment No 1 [Darley-1]—

Page 56, line 26 [clause 82(1)]—After 'may' insert:

, with the approval of the governing council of the school,

I am sure that many members have also been contacted by constituents who would rather have an opt-in model for religious and cultural activities than the opt-out model that is in the bill. I have spoken to the government about the rationale behind having an opt-out model and have agreed that if the model were changed to opt-in there would be no point in having religious and cultural activities because the majority of children would be excluded.

I have said before that the principal is best placed to decide what is appropriate for their school; however, many parents felt that consultation was lacking. As such, I have moved this amendment that states that, if a principal decides to set time aside for religious and cultural activities, the principal must first get the approval of the school's governing council. Governing councils are in the best place to represent the best interests of the school community and the students and are well placed to scrutinise the principal's decision.

**The Hon. T.A. FRANKS:** I move:

Amendment No 1 [Franks-2]—

Page 56, line 24 to page 57, line 12—Delete Division 4 and substitute:

Division 4—Special religious instruction

82—Special religious instruction

- (1) Subject to this section, special religious instruction may be given in a school.
- (2) Special religious instruction may only be given during the following periods on any day:
  - (a) before the provision of curricular instruction has commenced on that day;
  - (b) during any lunch break on that day;
  - (c) after the provision of curricular instruction has finished on that day.
- (3) To avoid doubt, special religious instruction must not be provided to a student, or class of students, at any time that curricular instruction is being, or is scheduled to be, provided to the student or class of students.

- (4) The principal of a school must give written notice of any special religious instruction that is to be given to particular students at the school to a person who is responsible for each such student.
- (5) Attendance at special religious instruction is not compulsory for any student.
- (6) Special religious instruction does not form part of the curriculum determined by the Chief Executive for the purposes of this Act.
- (7) Nothing in this section limits the operation of the *Child Safety (Prohibited Persons) Act 2016* or any other Act that imposes requirements or limitations on working with children.
- (8) To avoid doubt, nothing in this section prevents school premises from being used for religious purposes other than special religious instruction.
- (9) In this section—

*curricular instruction* means instruction provided in accordance with the curriculum determined by the Chief Executive for the purposes of this Act;

*special religious instruction* means instruction provided to students by churches and other religious groups and based on distinctive religious tenets and beliefs.

The Greens move this amendment, noting that, in this bill, there is a change between the opt-in and opt-out approaches to religious education. The Greens ask why religious education is being offered instead of curriculum, where comparative religion and religious studies of that nature are certainly part of the curriculum. Why is religious education being offered instead of curriculum? This amendment by the Greens would ensure that, during what should be curriculum time, only curriculum is offered and not religious instruction. At this point, I note—again pre-empting the debate—that we are very attracted to the Bonaros amendment to repeal clause 82.

**The CHAIR:** The Hon. Ms Bonaros, as I understand it your amendment is not really an amendment but is actually opposing the clause.

**The Hon. C. BONAROS:** It is, Mr Chair, but I would like the opportunity to speak to it.

**The CHAIR:** Yes, that is right. I am not denying you the opportunity to speak; I am simply indicating, for the benefit of the members, that you have drafted in this way to indicate to members that you are going to be opposing the clause. So it is opportune for you to speak at this time.

**The Hon. C. BONAROS:** That is correct, and I think it is fair to say that we have been spoiled for choice, in terms of this particular provision in the bill. The amendment that I am moving seeks, as you say, to oppose the clause, which is our position, and has the effect of removing clause 82 in its entirety from the bill, if that position were to be supported.

The government has provided a response in its series of responses to questions posed about the bill before the break, including the effect of the removal of clause 82. I want to read out one of those responses, which states that if clause 82 were to be removed it would remove the certainty that principals can set aside time for religious and cultural activities to be conducted by prescribed persons during time normally set aside for curricular instruction and would remove clear provision for the notification of parents of such activities and the exemption of students from participation.

It goes on to state that clause 82 makes it clear, despite the general principle in clause 7(4)(g), that education provided by government schools is to be secular. A principal can set aside time for religious activities to be conducted by a prescribed person, or class of persons, based on the prescribed person's particular religious beliefs or values.

Clause 82 provides a framework for the delivery of these activities, which allows for informed parental decision-making and provides appropriate protections for students. Clause 82 sets out a specific requirement to notify parents and other persons responsible for children at the school of the intended conduct of such activities and provides them with a right to seek exemption from participation for their child on conscientious grounds. In addition, it provides that children exempted from participation in such activities cannot be made to suffer any detriment from not participating and must be offered an alternative activity related to the curriculum. Without clause 82, this framework for informed parental decision-making would not appear in the legislation.

The first thing that strikes me in that answer is the reference to the secular nature of our schooling and then the rights of parents to seek exemption on conscientious grounds, which I would have thought you do not need if we have a secular curriculum in our schools.

I would argue that religious instruction is at odds with the idea of a secular public school system. It certainly can be argued that the only reason clause 82 is included in the first place is that, if it were not for such a clause, such instruction would amount to a contravention of the act. The practical effect of the removal of clause 82 by way of the amendment that I have proposed is that it is then up to the chief executive to set the relevant rules relating to such activities, or indeed the individual school principal, subject to departmental guidelines.

The issue then becomes if this is necessarily a bad thing, and I do not believe it is. I am of the view that these matters should be in the purview of individual schools familiar with their cohort of students and school communities, and that principals have the intelligence to determine the framework that best suits the schools that they are responsible for.

I think it is worth noting—and the minister has certainly confirmed this in my discussions with him—that there are codes of conduct that are designed to deal with those principals or staff who overstep the boundaries in terms of who they allow into their schools to provide any form of activities. Even with this in place, if those activities are noncompliant with those codes of conduct, then there are ramifications for that. If the chief executive officer or a principal allows religious instruction of the kind contemplated in the bill, internal practices can then be put in place regarding consent and exemptions via administrative rules or directions, for example.

I might then go on to point out that, as a result of what I have just said, I do not agree with the government's position that clause 82 provides a framework for the delivery of such activities—not in the true sense at least. What it does is allow the principal to set time and/or students aside for religious instruction, but it says nothing about what that may look like. In fact, I do not think the accompanying regulations or guidelines have actually been drafted or implemented to that extent.

To the extent that it is a framework, it is really one setting out the rights of parents or carers to object. I would argue, given the extracurricular nature of this religious instruction, it is simply restating the rights a parent or carer already has. In any event, as mentioned above, the framework could just as easily be implemented administratively. Indeed, given the inclusion of an education ombudsman, which has been proposed, it could even be argued that the protections afforded by clause 82 become even less important.

It is deeply concerning that the content to be provided by those who seek to provide religious instruction in our public schools is not vetted for appropriateness by the department. Rather, on this issue, they are prepared to leave it to individual principals to negotiate whether that content is relevant and appropriate for their students. Indeed, this is something that I talked about with the minister, insofar as I thought consideration was being given to an amendment that would prohibit proselytising in schools. Those are certainly discussions that I entered into with the minister and something that I expected we would also see.

But again, if that does occur in schools, there are codes of conduct and there are guidelines that would deal with that. So, on the face of it, it should not be an issue. I think this flies in the face of the government's argument for the need to maintain clause 82 and not leave it to competent principals to determine the details according to the individual needs of their school. I think it is also important to remember that the provisions in clause 82 only serve a valuable purpose if the underlying ability to conduct religious seminars is included in the act.

If clause 82 is to be removed, as I am proposing, then there is no such statutorily authorised scheme of which parents need to be notified or exempted, as the case may be. I will point out, again for the record, in this instance this is my preferred position and we will certainly be moving to oppose this clause. Perhaps you might guide me here in terms of procedure, Chair. If this clause is not opposed then there are two alternatives that we can consider.

**The CHAIR:** For the benefit of honourable members, my proposed course of action is that I am going to seek the Treasurer's response and then allow any other member to speak, and then the Leader of the Opposition will probably indicate to me that he wants to speak. The Hon. Mr Darley

has moved his amendment and so I will be putting the question that all words down to and including 'may' in line 26 stand as printed.

If an honourable member is inclined to support your position, the Hon. Ms Bonaros, which is to oppose, or the Hon. Ms Franks', then they would say no to that question and then, depending on where that vote sits, if it is a no—that is, it is not supported—I will then put in the question that the Hon. Ms Franks' position is advocating, which is that a new clause 82 be inserted. Does that make sense to the honourable member? The Hon. Mr Hunter?

**The Hon. I.K. HUNTER:** Can I just ask for some clarity on that. I think I have got you right. Let's think of a hypothetical situation: I want to support the Hon. Mr Darley's amendment. However, if that is not successful and it is voted down and then we come to the Hon. Ms Bonaros's amendment and that is not successful and is voted down, and Ms Franks' amendment is not successful and is voted down, we are going to be stuck with the government's original proposition. Is that correct?

**The CHAIR:** I do not wish to endorse the word 'stuck', as I am an independent chair, but I think that is correct.

**The Hon. I.K. HUNTER:** Is there any potential, then, to revisit the Hon. Mr Darley's amendment with that knowledge that the other two amendments were not successful?

**The CHAIR:** I think that honourable members would need to indicate whether they would be prepared to support a recommittal in those circumstances.

**The Hon. K.J. Maher:** Which would be in the hands of the committee.

**The CHAIR:** Which would be in the hands of the committee. Does that satiate your inquiries?

**The Hon. I.K. HUNTER:** It does for me, sir. Thank you.

**The Hon. C. BONAROS:** Can I indicate for the record that for us this is somewhat a process of elimination. Obviously, I have stated what our preferred position is. Our second preferred position is to support the Hon. Ms Franks' amendment, and if both of those fall over then our third position is actually to support the Hon. John Darley's amendment. But we cannot do that?

**The CHAIR:** It is my understanding that we will not be able to do that without a recommittal. The Clerk has kindly indicated that the Chair is on the right track. I have to seek that the words up to where the Hon. Mr Darley is seeking to insert words stand as printed and then I have to put the question that the Hon. Mr Darley's amendment seeks to achieve, which is insert words. They will not be able to vote for the Hon. Ms Franks' amendments, but you could, when I ultimately put another question, which is that clause 82 as amended be agreed to, still oppose that.

**The Hon. T.A. FRANKS:** For the record and for the clarity of thoughts of both the Chair and the rest of the council, the Greens are most attracted to the Hon. Connie Bonaros' amendment to delete the clause. We will certainly be supporting my amendment, should that fail, and would very much welcome a recommittal of the Hon. John Darley's amendment, should we find ourselves in that position, and would seek some clarification of whether a recommittal is possible.

**The CHAIR:** For the benefit of clarity, is the Treasurer—

**The Hon. T.A. FRANKS:** Can I seek further guidance?

**The CHAIR:** Yes, the Hon. Ms Franks.

**The Hon. T.A. FRANKS:** What would be the procedure if I do not proceed with my amendment?

**The CHAIR:** We can proceed that way. The recommittal will be required for your amendment, which is the deletion and then insertion of a new clause. In sequence, the first question is that all words down to and including 'may' in line 26 stand as printed. If you agree with the Hon. Mr Darley then you agree to those words standing as printed. Then the Hon. Mr Darley has moved, and we put the question, that the words he proposes to insert be inserted; that is, amendment No. 1 [Darley-1].

There are two stages: one, I have to seek the committee's view on those words that the Hon. Mr Darley is not seeking to amend stand as printed, and then I have to seek the council's view on the words that the Hon. Mr Darley seeks to insert. If that is agreed to, I then put the question. I am reliably counselled, the Hon. Ms Franks, that if you do not seek to move your amendment then I do not put the earlier question that I indicated, which is that all the words down to and including 'may', etc., stand as printed; I just put the question that amendment No. 1 [Darley-1] stand as printed.

**The Hon. T.A. FRANKS:** I withdraw my amendment.

**The Hon. R.I. LUCAS:** It is the government's wish to see, ultimately, that whatever the will of this chamber prevails. We are not interested in using any devices to not see the will of the chamber prevail. From that viewpoint, if it requires a recommittal eventually then the government will not have a problem with the recommittal—if that helps the committee resolve the issue. We are interested in trying to get through this as expeditiously as possible. It seems to be quite torturous, but complicated, I accept that, as to where we are.

Some members have already indicated where they are on the various amendments and that probably assists the committee. The government has not and the Labor Party has not indicated what their positions are, but the government's position is that we are opposing all the amendments now that the Hon. Ms Franks is not moving her amendments. That means we are opposing the two amendments of the Hon. Mr Darley and the deletion of a clause by the Hon. Ms Bonaros.

That is the government's position. It may assist the committee and other members if members are prepared to indicate where they are going to be. The process may be a bit easier if we understand that roughly. A vote or two might need to be recorded to demonstrate where the numbers are, but at least beforehand we may know where we are in terms of how you put these votes.

**The Hon. K.J. MAHER:** I suspect this may provide some clarity and assistance in the way we proceed. The opposition's position is that we will support amendment No. 1 [Darley-1], we will not support amendment No. 1 [Darley-2], we will not support amendment No. 1 [Franks-2] and we will not support the Hon. Ms Bonaros' amendment opposing the clause in total. Of the four different propositions before us on this clause, the opposition will be supporting amendment No. 1 [Darley-1].

**The Hon. C. BONAROS:** I am afraid to speak. If it assists, our position is that obviously we still oppose the clause, but we would support the amended clause and then oppose the clause in its entirety.

**The Hon. R.I. LUCAS:** That is useful, because both the government and the opposition have indicated that they are not supporting the Bonaros amendment. So the Franks amendments have been removed, the Bonaros amendment will eventually not get up. Essentially, it would appear we are left with a majority around the table—the Labor Party, SA-Best, the Hon. Mr Darley, and possibly the Greens as well—supporting amendment No. 1 [Darley-1], which would therefore get up.

Whatever might expeditiously get us there, the government will formally oppose that particular position but we will recognise the numbers in the chamber, if that is what it is. We can discuss amendment No. 1 [Darley-2] later. That would appear to resolve these issues as expeditiously as we can.

**The CHAIR:** I will indicate what I am about to do before I do it. Given that the Hon. Ms Franks does not wish to proceed with her amendment, the question is now quite simple. I put the question that amendment No. 1 [Darley-1] be agreed to, and I will then put the question that amendment No. 1 [Darley-2] be agreed to. My reading of what honourable members have indicated is that amendment No. 1 [Darley-1] will be successful and amendment No. 1 [Darley-2] will not. I put the question that amendment No. 1 [Darley-1] be agreed to.

Amendment carried.

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

Amendment No 1 [Darley-2]—

Page 57, line 5 [clause 82(6)]—After 'this Act' insert:

, and those activities must not be of an instructive nature, but be for the purposes of providing information and knowledge about a culture or religion (or cultures and religions), whether specifically or generally

This amendment also relates to religious and cultural activities, and simply outlines that if a principal decides to set aside time for religious and cultural activities these activities must be instructive and educative in nature.

I want to make the purpose of this amendment very clear. I believe there is a place in our schools for children to be taught about different cultures and religions. Australia is a multicultural country and it is this diversity that enriches our nation; however, these differences can lead to hate and mistrust.

I believe these negative feelings are due largely to misunderstanding and lack of knowledge. If children are taught about cultures and religions that are different to theirs, I believe it will lead to tolerance and kindness in the community. This can only be a good thing. As I said before, I believe that there is a place in our schools for religious and cultural activities. However, I do not believe that schools should be a breeding ground for recruitment for certain causes.

DECD currently has a policy with regard to political matters. The policy outlines that there should be no advocating of any political party or view, that political issues should be driven by educational programming and that a balanced view must be presented to students. I believe this should be the same for religious and cultural matters. This is the basis for my amendment: that religious and cultural activities are to be educative and informative in nature and are not to be used to recruit students to a particular cause.

**The Hon. R.I. LUCAS:** As I indicated earlier on behalf of the government, we are opposing all the amendments. We will be opposing this one and, from the earlier run-around, I think Labor is opposing this one as well. Formally, I will quickly put on the record the reasons why the government opposes this amendment. The amendment seeks to ensure that religious or cultural activities conducted for students under clause 82 are not of an instructive nature but rather are for the purpose of providing information or knowledge about a culture or religion.

This is not supported by the government as it would be, in the government's view, unworkable in practice. It is likely that most religious or cultural activities will to some degree be instructive in nature, whether that is morally or ethically instructive or practically instructive with respect to some of the practices or traditions of a particular religion or culture. Requiring principals to discern whether an activity proposed merely imparts information and knowledge or would be instructive in nature is likely to be unreasonable in the circumstances and may make the provision of religious and cultural activities actually unworkable in practice. For those reasons, we are opposing this amendment and the other ones.

Amendment negated; clause as amended passed.

Clause 83.

**The Hon. C. BONAROS:** I move:

Amendment No 3 [Bonaros-1]—

Page 57, line 15 [clause 83(1)]—After 'student' insert:

enrolled or attending at a Government or a non-Government school

I note that this requires a recommittal of clause 32, because they are related. There are two amendments: amendment No. 1 and amendment No. 3 of [Bonaros-1], both relating to the same issue, and there was agreement to recommit clause 32 in order to deal with both.

In my second reading contribution, I referred to South Australia as one of only two jurisdictions that still, on the face of their legislation, allow corporal punishment in non-government schools to remain at least on their statute books. The other is Queensland. Corporal punishment in public schools has been banned since 1991, and with good cause.

I think we all agree it is an archaic and brutal practice that has no place in our schools. I note to that extent that there is federal legislation dealing with this as well. It does not belong in any of our

schools. I note the practice has been prohibited at the federal level, but that has created a bit of an inconsistency with our state legislation which appears to allow it in, again, non-government schools.

For that reason, it is still important, I think, to align South Australian statutes with other jurisdictions and ban corporal punishment in private schools, and indeed to align them with our federal legislation. The effect of these amendments will be to bring non-government schools into line with SA public schools and the majority of other states. As I understand it—I hope I am correct—the government and the opposition are supportive of these amendments.

**The Hon. R.I. LUCAS:** The honourable member is correct. The government, I am advised, does not oppose this amendment as it further clarifies that clause 83 is intended to prohibit the imposition of corporal punishment in both government and non-government schools. Clause 4 of the bill sets out which provisions of the bill are intended to apply only to government schools and outlines that all other provisions are to apply to non-government schools.

However, the government does not oppose the inclusion of the specific clarification with respect to clause 83, and I think I gave the undertaking when last we met that we would, if necessary, recommit whatever that earlier clause was to resolve the issue.

**The Hon. K.J. MAHER:** The opposition will go one further: not only do we not oppose it but we positively support the amendment.

**The Hon. T.A. FRANKS:** The Greens okay that support.

Amendment carried; clause as amended passed.

Clauses 84 to 105 passed.

Clause 106.

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

Amendment No 2 [Maher–1]—

Page 68, lines 30 to 34 [clause 106(2)(b)]—Delete paragraph (b) and substitute:

- (b) a committee established by the Chief Executive and consisting of members appointed by the Chief Executive with the agreement of the Australian Education Union (SA Branch) (1 or more of whom must be a nominee of the Australian Education Union (SA Branch)).

In speaking briefly to this, we spoke at some length, I think, on clause 54 in relation to the school closure or mergers clause and how that committee is appointed. This is the other clause about a committee in terms of appointment to promotional level positions. I am keen to hear the government's explanation about how a teacher can be appointed and that the school may get a choice about whether or not it may be an AEU representative. However, I am not sure that that applies to this; I think it is just nominated, rather than the school actually having any say.

Our amendment seeks to restore the role of the AEU by having one of those being someone nominated by the AEU. I think the Hon. Tammy Franks has amendments that do a very similar thing. I can indicate that if our amendment fails we will be supporting the Hon. Tammy Franks' amendment so that there is clarity about what the opposition will be doing.

**The Hon. T.A. FRANKS:** I have some questions for the government regarding clause 106 and how it will operate. What provisions will be made to ensure that someone nominated to be on one of these committees is not related, has a vested interest or has a conflict of interest in those situations where we are talking about people's careers?

**The CHAIR:** The Hon. Ms Franks, did you move your amendment?

**The Hon. T.A. FRANKS:** For the sake of clarity, I move:

Amendment No 2 [Franks–3]—

Page 68, line 34 [clause 106(2)(b)]—After 'regulations' insert:

and 1 a nominee of the Australian Education Union (SA Branch)

Given that I am moving it I will speak to it. My amendment is again a compromise. It maintains and retains the AEU nominee in addition to the government's proposed changes to simply have a nominated staff member of some garden variety.

**The Hon. R.I. LUCAS:** The member might want to tease out some further questions. She has raised the issue about potential conflicts of interest, including relatives. I am advised that under the proposed arrangement, there is:

- (b) a committee established by the Chief Executive and consisting of members appointed by the Chief Executive (at least 1 of whom must be an officer of the teaching service elected or nominated by other officers of the teaching service to represent them on such committees in accordance with the regulations).

One would imagine, in relation to the question the member has raised, that the regulations would have to make it clear that anyone with a conflict, however that may be defined, might not be able to be a member of the committee. They would have to declare that or potentially they would not be there. There is equally the potential under the current act, whereby the committee consists of 'members appointed by the Minister with the agreement of the Australian Education Union.'

There is nothing specific in the current act nor in the proposed bill that directly relates to how one caters for conflicts of interest. One would assume that regulations, other guidelines, etc., would cater to those particular circumstances. That is a reasonable question that would relate to both the current act and the proposed bill in relation to ensuring that the committee would not comprise someone with a clear conflict.

Under the current act, the government would hope that the AEU would not nominate someone who had a clear conflict. Under the proposed bill, one would hope that the chief executive would not knowingly nominate somebody who had a clear conflict. I suspect it is less likely, in most circumstances, that a minister is going to know whether a particular panel member of the Eastern Fleurieu R-12 School committee is related to a potential applicant. However, they are reasonable questions and they would be need to be approached in a reasonable way, in terms of ensuring there are no conflicts of interest.

**The Hon. T.A. FRANKS:** Where a member of one of these committees is nominated, what will be their length of service?

**The Hon. R.I. LUCAS:** If I understand the member's question, until the appointment is completed. If you have a promotional position at a school, that is, you need to appoint a deputy principal or head coordinator or something, you appoint a panel to appoint the position. As soon as you have done that, your job is finished. It is not an ongoing task; it is for promotional level positions.

I am further advised that, in relation to the managing of complex issues, our Public Sector Act and Education Act guidelines require anyone who serves on panels, etc., to declare conflicts before they sit on panels of selection, or anything like that. In the event that someone seeks to hide it, I guess you are hoping that someone else at the local school or in the community would be in a position to say, 'Hold on. You're living with a potential applicant,' or, 'you're best mates with a potential applicant,' or, 'you're the brother or the sister of a potential applicant,' and in that way common sense would dictate that in most circumstances that would be out. But there would be a requirement that a panel member would declare a conflict of interest, as occurs with most other panel arrangements in the public sector generally.

**The Hon. T.A. FRANKS:** How many panels per year are envisaged to be established?

**The Hon. R.I. LUCAS:** We do not know. It just depends on how many vacancies in promotional level positions there are. It is not something that the minister or the government can dictate. If, in any particular year, 100 principals decide to retire, then you will have to have 100 separate panels to elect 100 different principals. If, in a particular year, no-one retires, which is highly improbable, then you will not have to. So it is entirely determined by factors beyond the minister and the government's control.

**The Hon. T.A. FRANKS:** Will a budget be provided, for example, to support returning officers for election to these panels?



**The Hon. R.I. LUCAS:** No, I do not believe so. I think they are handled as a normal practice of the local school. I will take further advice on how they are managed, but my general recollection of how these issues operate is that you appoint a panel, they meet a few times to interview and consider applicants, and they make a judgement and recommend the selection of a successful candidate. If there is any centralised budget for this, I will take it on notice and provide it to you, but it would not be my expectation.

**The Hon. K.J. MAHER:** Can I check for clarity—and I may have missed it in the discussion that has just gone on—in clause 106(2)(b) where it refers to one person of the committee being an officer 'of the teaching service elected or nominated by other officers of the teaching service', what does 'the teaching service' mean? I think the Treasurer has given an indication that it means of that particular school. Is that the case? Is that what 'of the teaching service' means?

**The Hon. R.I. LUCAS:** My advice is that the intention of this and in practice the way it operates is from teachers within the school. My advisers have raised the issue that if you have a really small school in the country and you only have two or three staff, or whatever else it might happen to be, in those circumstances it might allow a situation where you would appoint or nominate a teacher from somewhere else, from within a partnership; that is, evidently in the way the education department is structured there is a group of schools within a partnership, but in practice and in intention it is the teachers at the school who would elect someone from there. I cannot imagine why teachers at a particular school would be electing someone from another school to pick their principal or deputy principal.

**The Hon. K.J. MAHER:** Then who is it that makes the decision about whether the words 'teaching service' mean teachers of that school or teachers of a combination of four schools or teachers at another school? Whose call is it as to what the words 'teaching service' mean in any particular circumstance?

**The Hon. R.I. LUCAS:** It would probably be covered in the regulations. I would imagine it would be either the chief executive of the department, or under delegated authority to one of the regional directors (whatever they are called) or the education directors at the next level down, or further down, in the department. I imagine that it would be canvassed in the regulations. The intention and the practice would be that, in most of the circumstances that you could ever contemplate, it would be the teachers at the local school selecting a teacher from their local school to be involved in the panel to select the promotional position. I highlight that it is for a promotional position. It is not just a principal, it could be a deputy or an associate principal or whatever other promotional positions there are in a school.

**The Hon. T.A. FRANKS:** Did the minister take advice before answering that the definition of 'teaching service' would probably be covered in the regulations, or did he in fact refer to the current bill before us, which does define 'teaching service'? What is this 'probably covered in the regulations' answer from the minister? Is that on the advice of his advisers there, or is it something he is just making up on the run?

**The Hon. R.I. LUCAS:** I can assure the honourable member, and I am sure she would agree with me, that I do not make things up on the run when I am answering questions. My advice is that, in accordance with the regulations, under the bill it states:

(at least 1 of whom must be an officer of the teaching service elected or nominated by other officers of the teaching service to represent them on such committees in accordance with the regulations).

So it was not actually talking about the definition of the teaching service. It was talking about the process of how you might go about selecting—the sorts of questions the Hon. Mr Maher was raising with us.

**The Hon. T.A. FRANKS:** What requirement is there that one of these members of the teaching service be from the school at all?

**The Hon. R.I. LUCAS:** That is what we have just canvassed for the last 10 minutes with the Hon. Mr Maher.

**The Hon. T.A. FRANKS:** My understanding is that there is no requirement that the members appointed from the teaching service be from the school at all. Can the minister clarify that there will be no requirement that a teacher from the teaching service of the school involved in these decisions—for all this talk of democracy and representation by those most affected by the decisions, regardless of whether or not they are a union member, are we actually talking about a situation where those teachers at those schools who are now being promised this promised land, the holy grail of not having to be a union member but still being able to be on one of these panels, may not have a shot at being on these panels at all? Is that the case?

**The Hon. R.I. LUCAS:** I can only repeat the answers I have given to the Hon. Mr Maher earlier; that is, the regulations ultimately will resolve these particular issues. However, in practice, the government's intention will be that, obviously, a teacher at the particular school we are talking about will be the one that will be selected to have a say in the promotional level position. There is no interest from the government in having a teacher from somewhere else in the state selecting a promotional level position for Ceduna Area School, or whatever it might happen to be.

In response to the question that the Hon. Mr Maher raised earlier which, on advice, as I said, would have to be potentially resolved by the regulations, if you had a very small school and you had a promotional level position and, for whatever reason—for example, someone just refused to serve on a selection panel and there was only one another staff member there—your regulations are going to have to cater for those circumstances.

In those circumstances, the advice I received was that you have a partnership of local schools. You might need to have the capacity in those exceptional circumstances to get a teacher from one of the nearby schools to assist with the process. For those of us who are well aware of regional communities and small rural schools, they are not all big city schools. There are some schools with one or two teaching staff in them who happen to teach six or seven class levels in the one classroom. Indeed, my wife was taught at one many years ago in the Mid North. There are these circumstances that are different to the normal circumstance that we cater for in big regional communities or in the city, and the department has to cater for all of these particular circumstances.

With great respect, I think people are looking for conspiracies where there are not conspiracies. The intention is to have a teacher from the local school, if this amendment were to get up, participate in selecting his or her promotional level person.

**The Hon. C. BONAROS:** Can I indicate for the record and in the spirit of compromise—something we in the centre are always attracted to—that we support the Franks amendment over the opposition's amendment in this instance.

**The Hon. J.A. DARLEY:** For the record, I indicate I will be opposing amendment No. 2 [Maher-1] and opposing amendment No. 2 [Franks-3].

**The Hon. R.I. LUCAS:** Given I was answering questions, I am not sure whether I actually formally put the government's position. I think it is clear from my responses that we are opposing both amendments—the amendment moved by the Hon. Mr Maher and the amendment moved by the Hon. Ms Franks.

**The Hon. R.I. LUCAS:** We have amendment No. 2 [Franks-3]. The first question I will put is that all the words in paragraph (b) down to and including 'regulations' in line 34 stand as printed. If you are supporting the Hon. Ms Franks' amendment, or no change, you say yes to that. If you support the Leader of the Opposition's amendment, you vote no.

**The Hon. T.A. FRANKS:** I think the Leader of the Opposition and I might have the same concerns. The Greens are certainly keen to support the opposition's amendment, but if in terms of process we are unable to have the option to first support the opposition's amendment and then put the Greens' amendment—we ask for clarification on whether or not that will be possible.

**The Hon. R.I. LUCAS:** To assist the committee, I think from what members have said the Hon. Mr Maher's amendment will fall just short of a majority in this chamber and therefore will not get up. That will then mean that those who then want to support the Hon. Ms Franks' amendment will support the Hon. Ms Franks' amendment and there may well be a majority for that, as there was on the earlier vote.

**The Hon. K.J. MAHER:** Before the Leader of the Government stole my thunder, I was going to raise that I will now formally withdraw my amendment and indicate support for the Franks amendment.

**The CHAIR:** That makes the question easier. I put the question that amendment No. 2 [Franks-3] be agreed to.

The committee divided on the amendment:

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

AYES

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

NOES

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

PAIRS

Pnevmatikos, I.	Lensink, J.M.A.
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Amendment thus carried; clause as amended passed.

Clauses 107 to 123 passed.

New clauses 123A to 123M.

**The Hon. T.A. FRANKS:** I move:

Amendment No 3 [Franks-1]—

Page 79, after line 17—Insert:

Part 10A—Education Ombudsman

Division 1—Preliminary

123A—Interpretation

In this Part—

*education service* means a service consisting of the provision of—

- (a) preschool education; or
- (b) primary or secondary education;

*education service provider* means a person who provides an education service.

Division 2—Appointment and conditions of office

123B—Education Ombudsman

- (1) There is to be an Education Ombudsman.
- (2) The Education Ombudsman is appointed on conditions determined by the Governor and for a term, not exceeding 5 years, specified in the instrument of appointment.

- (3) The Governor may remove the Education Ombudsman from office on the presentation of an address from both Houses of Parliament seeking the Education Ombudsman's removal.
- (4) The Governor may suspend the Education Ombudsman from office on the ground of incompetence or misbehaviour and, in that event—
- (a) a full statement of the reason for the suspension must be laid before both Houses of Parliament within 3 sitting days of the suspension; and
  - (b) if, at the expiration of 1 month from the date on which the statement was laid before Parliament, an address from both Houses of Parliament seeking the Education Ombudsman's removal has not been presented to the Governor, the Education Ombudsman must be restored to office.
- (5) The office of Education Ombudsman becomes vacant if the Education Ombudsman—
- (a) dies; or
  - (b) resigns by written notice given to the Minister; or
  - (c) completes a term of office and is not reappointed; or
  - (d) is removed from office by the Governor under subsection (3); or
  - (e) becomes bankrupt or applies as a debtor to take the benefit of the laws relating to bankruptcy; or
  - (f) is convicted of an indictable offence or sentenced to imprisonment for an offence; or
  - (g) becomes a prohibited person under the *Child Safety (Prohibited Persons) Act 2016*; or
  - (h) becomes a member of the Parliament of this State or any other State of the Commonwealth or of the Commonwealth or becomes a member of a Legislative Assembly of a Territory of the Commonwealth; or
    - (i) becomes, in the opinion of the Governor, mentally or physically incapable of carrying out satisfactorily the duties of office.
- (6) Except as is provided by this section, the Education Ombudsman may not be removed or suspended from office, nor will the office of the Education Ombudsman become vacant.

#### 123C—Remuneration

The Education Ombudsman is entitled to remuneration, allowances and expenses determined by the Governor.

#### 123D—Acting Education Ombudsman

- (1) If for any reason—
- (a) the Education Ombudsman is temporarily unable to perform official duties; or
  - (b) the office of the Education Ombudsman is temporarily vacant,
- the Governor may, by notice published in the Gazette, appoint a person to act in the office of the Education Ombudsman and a person so appointed has, while so acting, all the powers, functions and duties of the Education Ombudsman.
- (2) A person who is a Public Service employee may be appointed under this section to act in the office of the Education Ombudsman while remaining a Public Service employee for a term not exceeding 3 months and may, on the expiration of that term, be reappointed (provided that the terms of appointment do not exceed 6 months in aggregate in any period of 12 months).
- (3) Subject to this Act, the terms and conditions of appointment and employment (including the salary and allowances) of the person appointed under subsection (1) will be as determined, from time to time, by the Governor.

#### 123E—Staff

- (1) The Education Ombudsman's staff consists of—
- (a) Public Service employees assigned to work in the office of the Education Ombudsman; and

- (b) any person appointed under subsection (3).
- (2) The Minister may, by notice in the Gazette—
  - (a) exclude Public Service employees who are members of the Education Ombudsman's staff from specified provisions of the *Public Sector Act 2009*; and
  - (b) if the Minister thinks that certain provisions should apply to such employees instead of those excluded under paragraph (a)—determine that those provisions will apply,and such a notice will have effect according to its terms.
- (3) The Education Ombudsman may, with the consent of the Minister, appoint staff for the purposes of this Part.
- (4) The terms and conditions of employment of a person appointed under subsection (3) will be determined by the Governor and such a person will not be a Public Service employee.
- (5) The Education Ombudsman may, by agreement with the Minister responsible for an administrative unit of the Public Service, make use of the services of the staff, equipment or facilities of that administrative unit.

#### 123F—Delegation

- (1) Subject to this Act, the Education Ombudsman may delegate a function or power under this Act (other than a prescribed function or power) to a specified body or person (including a person for the time being holding or acting in a specified office or position).
- (2) A delegation under this section—
  - (a) must be by instrument in writing; and
  - (b) may be absolute or conditional; and
  - (c) does not derogate from the ability of the Education Ombudsman (as the case requires) to act in any matter; and
  - (d) is revocable at will.
- (3) A function or power delegated under this section may, if the instrument of delegation so provides, be further delegated.

#### 123G—Independence

In performing and exercising functions and powers under this Act, the Education Ombudsman must act independently, impartially and in the public interest, and is not subject to the direction or control of the Minister or the Chief Executive.

#### Division 3—Investigations

##### 123H—Matters subject to investigation

- (1) Subject to this Act, the Education Ombudsman may investigate—
  - (a) any matter relating to the provision of education services by an education service provider; and
  - (b) any matter relating to school discipline,whether the matter occurred, or relates to conduct occurring, before or after the commencement of this section.
- (2) The Education Ombudsman—
  - (a) may make such an investigation—
    - (i) on receipt of a complaint; or
    - (ii) on the Education Ombudsman's own initiative; and
  - (b) must make such an investigation—
    - (i) on the referral of a matter by the Minister; or
    - (ii) on the referral of a matter by either House of Parliament, or any committee of either of those Houses, or a joint committee of both Houses of Parliament.

- (3) The Education Ombudsman must not investigate a matter on a complaint unless satisfied that the procedures for resolving complaints or disputes, if any, of the relevant education service provider have been used appropriately but without resolution of the complaint.
- (4) If an education service provider is a member of a representative organisation the Education Ombudsman must, before commencing an investigation under subsection (2)(a), attempt to resolve the matter in consultation with that representative organisation.
- (5) The Education Ombudsman—
  - (a) may not decline to investigate a matter solely on the ground that the complainant is an employee or agent of the relevant education service provider or that the matter relates to the internal management of the relevant education services provider; but
  - (b) must decline to investigate a complaint if it relates only to a person's terms and conditions of employment.

#### 123I—Conduct of investigation

- (1) An investigation may be conducted in such manner as the Education Ombudsman considers appropriate.
- (2) The Education Ombudsman may, at any time, require a complainant—
  - (a) to provide further information or documents; or
  - (b) to verify all or any part of the complaint by statutory declaration.
- (3) The Education Ombudsman may, at any time, decide to attempt to deal with a complaint by conciliation.
- (4) The Education Ombudsman may, if satisfied that the subject of a complaint has been properly resolved by conciliation under subsection (3), determine that the complaint should not be further investigated under this Part.
- (5) The regulations may make further provision in relation to the conduct of investigations by the Education Ombudsman, including (without limiting the generality of this subsection)—
  - (a) prescribing circumstances in which the Education Ombudsman may determine not to conduct an investigation following receipt of a complaint; and
  - (b) making provision with respect to the procedures to be followed on investigations.

#### 123J—Education Ombudsman to have powers of a Royal Commission

For the purposes of an investigation, the Education Ombudsman has the powers of a commission as defined in the *Royal Commissions Act 1917* and that Act applies as if—

- (a) the Education Ombudsman were a commission as so defined; and
- (b) the subject matter of the investigation were set out in a commission of inquiry issued by the Governor under that Act.

#### Division 4—Reports and directions

##### 123K—Reports

- (1) The Education Ombudsman—
  - (a) may prepare a report of the Education Ombudsman's findings and conclusions at any time during an investigation; and
  - (b) must prepare such a report at the conclusion of an investigation.
- (2) The Education Ombudsman may provide copies of a report to such persons as the Education Ombudsman thinks fit, and must, in the case of a matter referred to the Education Ombudsman under section 123H(2)(b)(ii), provide a report to the House or Committee that referred the matter.
- (3) A report may contain information, comments, opinions and recommendations for action.
- (4) No action lies against the Education Ombudsman in respect of the contents of a report under this section.
- (5) The regulations may make further provisions in relation to reports under this section.

123L—Education Ombudsman may direct Minister in relation to school discipline policy

- (1) The Education Ombudsman may, by notice in writing, issue a direction to the Minister in relation to school discipline policy.
- (2) If, following receipt of a notice under this section, the Minister is of the opinion that, in the circumstances, failure to comply with the terms of the notice would be reasonable and justifiable, the Minister may determine not to comply with the notice (in which case the Minister must advise the Education Ombudsman of that determination, in writing, as soon as practicable).
- (3) If the Minister fails to comply with the terms of a notice received under this section the following provisions apply:
  - (a) the Minister must, at the request of the Education Ombudsman, report to the Education Ombudsman within the time allowed in the request on the reasons for the failure to comply with the notice;
  - (b) if, following receipt of the Minister's report, the Education Ombudsman is of the opinion that the failure to comply with the notice was unjustified or unreasonable, the Education Ombudsman may make a report on the matter to the Premier;
  - (c) the Education Ombudsman may forward copies of any report to the Premier to the Speaker of the House of Assembly and the President of the Legislative Council with a request that they be laid before their respective Houses.
- (4) A power or function of the Education Ombudsman under this section must not be delegated.

Division 5—Miscellaneous

123M—Annual report

- (1) The Education Ombudsman must, on or before 31 October in each year, report to the Minister on the operation of the Education Ombudsman during the preceding financial year.
- (2) A report under this section must include the information required by the regulations.
- (3) The Minister must, within 12 sitting days after receiving a report under this section, have copies of the report laid before both Houses of Parliament.

I see this as consequential; it inserts the details for an education ombudsman at part 10A. I note that many weeks ago now we voted on what was treated as the substantive clause, even though that was a more administrative one. The impact of an education ombudsman would be most important, and my speech will not do it justice today because the time is short and I think we should get on with the debate.

**The Hon. R.I. LUCAS:** The government position was that we opposed this package of amendments, but we lost the earlier vote and we accept the will of the parliament in relation to the committee. We do not propose to divide, but we are still opposed.

**The Hon. C. BONAROS:** For the record, I indicate our support for the amendment.

New clauses inserted.

Clauses 124 to 140 passed.

Clause 141.

**The Hon. T.A. FRANKS:** I move:

Amendment No 4 [Franks-1]—

Page 91, after line 10 [clause 141(2)]—Insert:

- (ta) any matter relating to the functions and powers of the Education Ombudsman;

I note that this is consequential with regard to the education ombudsman.

Amendment carried; clause as amended passed.

Schedule 1 passed.

Clause 32—reconsidered.

**The Hon. C. BONAROS:** I move:

Amendment No 1 [Bonaros-1]—

Page 29, line 12 [clause 32(1)]—Delete 'Government'

**The Hon. R.I. LUCAS:** Consequential on the earlier debate, there was support in the chamber for it.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with amendment.

*Third Reading*

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

That this bill be now read a third time.

Bill read a third time and passed.

*Parliamentary Committees*

#### **LEGISLATIVE REVIEW COMMITTEE**

The House of Assembly informed the Legislative Council that it had appointed Mr Szakacs to the committee in place of Dr Close (resigned).

*Bills*

#### **CRIMINAL LAW (HIGH RISK OFFENDERS) (PSYCHOLOGISTS) AMENDMENT BILL**

*Introduction and First Reading*

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

At 18:11 the council adjourned until Wednesday 20 March 2019 at 14:15.



*Answers to Questions***OVERLAND TRAIN SERVICE**

In reply to **the Hon. J.E. HANSON** (13 November 2018).

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

- Great Southern Rail (GSR) has confirmed that the *Overland* train service will continue throughout 2019.
- GSR has published the *Overland* timetable on their website for travel 1 April 2019-31 December 2019.
- This details two services per week from Adelaide to Melbourne (Monday and Friday services) and two return services per week from Melbourne to Adelaide (Tuesday and Saturday services).

**RELIGIOUS EDUCATION IN SCHOOLS**

In reply to **the Hon. J.A. DARLEY** (12 February 2019).

**The Hon. R.I. LUCAS (Treasurer):** The Minister for Education has provided the following advice:

The decision to engage in religious and cultural activities is a local management decision which may be informed by consultation with the school community. School leaders are responsible for reviewing the content of religious and cultural activities to determine what is appropriate for their school community, including age appropriateness. There is no centralised audit of these activities by the department.

It is important not to confuse religious and cultural activities with religious education. Religious and cultural activities can include activities to celebrate Diwali, Ramadan, Lunar New Year, Christmas, Easter, Holi, Mid-Autumn Festival and Hanukkah.

The purpose of these activities is not to bring about commitment to any set of beliefs or religion but to support students to develop inclusiveness, respect and empathy with the beliefs of others and the role and significance of religion in our society and in a global context. The activities may include watching the performance of a play, creating artwork, singing songs and playing games.

Religious education is represented in the curriculum as an opportunity to learn about the perspectives, beliefs and values of people, past and present, rather than the study and teachings of a particular faith. The Education and Children's Services Bill 2018 specifically states that religious and cultural activities do not form part of the curriculum.

The Department for Education's policy requires teachers to use the Australian Curriculum and the South Australian Certificate of Education subject outlines to design and deliver the curriculum.

**BUILDING INDUSTRY**

In reply to **the Hon. F. PANGALLO** (13 February 2019).

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

Requirements for rainwater tanks exist in development plans and the National Construction Code and serve a number of purposes, including water saving and reuse objectives, stormwater management and water supply for bushfire fighting. In some circumstances, such as outback areas, rainwater tanks are required for survival purposes where no reticulated supply exists.

The National Construction Code requires rainwater tanks with a capacity of 1,000 litres to be plumbed to certain fixtures in dwellings for water saving purposes.

A number of development plans historically require plumbed rainwater tanks for water saving and stormwater purposes that exceed the minimum requirements of the National Construction Code. This approach causes confusion, unnecessary duplication and inconsistencies.

These issues are being actively addressed through the development and implementation of the Planning and Design Code which is being rolled out in three phases. Phase One – the Outback Code, is currently out for consultation and suggests that rainwater tanks be provided on the basis that there is no reticulated water supply.

Phases 2 (Regional SA) and 3 (Greater Adelaide) of the Planning and Design Code will be released for consultation progressively during 2019 and will address the appropriateness (or otherwise) of rainwater tanks in areas where a reticulated supply is provided.

When the Planning and Design Code has addressed the circumstances in which rainwater tanks should or should not be used, the rainwater tank requirements of the National Construction Code will be amended accordingly.