LEGISLATIVE COUNCIL

Thursday, 16 May 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

PAPERS

The following papers were laid on the table:

By the President—

Report by the Independent Commissioner Against Corruption on a Twelve Month Review of the Police Complaints and Discipline Act 2016 [Ordered to be published]

By the Minister for Human Services (Hon. J.M.A. Lensink) on behalf of the Minister for Child Protection (Hon. R. Sanderson)—

Children and Young People in State Care in South Australian Government Schools 2008-17 Report dated July 2018

Ministerial Statement

WYNNE PRIZE

The Hon. R.I. LUCAS (Treasurer) (14:17): I table a copy of a ministerial statement on the subject of the Wynne Prize made by the Premier.

HILLIER CASE

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:17): I table a copy of a ministerial statement, entitled Response to the Hillier case, made by the Minister for Child Protection.

Parliamentary Procedure

ANSWERS TABLED

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

Parliament House Matters

SOUTH AUSTRALIAN FLAG

The PRESIDENT (14:19): I alert honourable members that the north-eastern corner has a flagpole. For the past few sitting weeks, the South Australian flag has been flying. It is available for members to give to their constituents or community groups with a certificate of authenticity saying that it has flown on the parliament for a week of its sitting, on the Legislative Council side. It is on a first come, first served basis. That is the end of the parish notices.

Question Time

PUBLIC TRANSPORT

The Hon. K.J. MAHER (Leader of the Opposition) (14:20): My questions are to the Treasurer. How long has the Treasurer known about the Minister for Transport, Stephan Knoll's, previously secret plan to privatise our rail network? Given the crises plaguing infrastructure projects around the state, does the Treasurer really think that that junior minister is up to the job of carrying

out the government's previously secret plan for privatising the rail network? Finally, given that the junior Minister for Infrastructure touts himself as a future treasurer, will the current Treasurer rule out staying on beyond the 2022 state election even if the Premier attempted to convince him to do so?

The Hon. R.I. LUCAS (Treasurer) (14:20): I would have thought the Leader of the Opposition should have been adult enough to refer to ministers and members of another chamber by their correct title. There is no title 'junior minister' as it refers to minister Stephan Knoll.

Members interjecting:

The Hon. R.I. LUCAS: Exactly. I will let that one slip through to the keeper. Can I say—and I know I would speak on behalf of all my cabinet colleagues and parliamentary colleagues—we have enormous confidence in minister Stephan Knoll.

Members interjecting:

The PRESIDENT: Has the opposition bench finished? The Treasurer is keen to inform you.

The Hon. R.I. LUCAS: Thank you. We have enormous confidence in minister Stephan Knoll. Frankly, Mr President, he would play the lot of them on a break. As someone who has worked very closely with minister Stephan Knoll over the period in government and also the period in opposition, he is a man and a minister of enormous talent, who enjoys the support not only of myself and the Premier but indeed of his parliamentary colleagues.

There is no plan, decision or otherwise in relation to the privatisation. There has been no decision in relation to—

Members interjecting:

The PRESIDENT: Leader of the Opposition, I am not going to give you supplementaries if you are going to choose to shout them.

The Hon. R.I. LUCAS: I will endeavour to answer the Leader of the Opposition's questions. The minister has indicated, supported by the Premier, that all options are on the table in terms of trying to deliver a much more efficient and productive public transport system, and the Premier and the minister have said, as indeed some other ministers have said in relation to questions, that they are not going to play the rule in or rule out game. That is a game for oppositions, and good luck to the current opposition in playing that particular game. They can have as much fun as they wish in relation to playing that game.

The government will, in due course, make decisions in relation to a productive and efficient public transport system, and when those propositions come to the cabinet, we will address the particular issues at that stage. As the Premier and the minister have indicated, there has been no decision taken in relation to the future shape and structure of the delivery of our public transport system at this particular stage.

Finally, in relation to the very kind invitation of the Leader of the Opposition for me to continue after the next election, I have indicated publicly that, no matter who might ask, my position is quite clear: I am here for just under three more years and that will be the end of me.

TRANSPORT SUBSIDY SCHEME

The Hon. C.M. SCRIVEN (14:24): My question is to the Minister for Human Services. Will the minister confirm that the South Australian Transport Subsidy Scheme recipients are now required to present fresh medical forms qualifying their disability when they order their last ever bonus book?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:25): I thank the honourable member for that question. As she knows, I am not the minister who has primary responsibility for this matter. I have undertaken, with my colleague the Hon. Stephan Knoll, in terms of lobbying the federal government and most recently the National Disability Insurance Agency to resolve those particular issues. I would be surprised if that was the case, but I would need to double-check that with my colleague the Hon. Stephan Knoll.

TRANSPORT SUBSIDY SCHEME

The Hon. C.M. SCRIVEN (14:25): Supplementary: if the minister has written to the NDIA, as she is stating, why is she then saying that she is not responsible for this matter to this chamber?

The Hon. K.J. Maher: Good question. Why are you writing, then?

The PRESIDENT: Leader of the Opposition, please!

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:25): If I can answer that question without being interrupted by disorderly members opposite, I am the minister responsible for disabilities and assisting in the management of the NDIS transition for South Australian recipients.

TRANSPORT SUBSIDY SCHEME

The Hon. C.M. SCRIVEN (14:26): Further supplementary: given that it would be good to have some answers, but she is sometimes responsible and sometimes not.

The PRESIDENT: Commentary; we do not need commentary.

The Hon. C.M. SCRIVEN: I was merely thinking aloud, Mr President.

The PRESIDENT: And whilst I am correcting members, can we keep with either 'the Minister for' and whatever they are minister of, without their personal name, or 'member for Schubert', or whatever it is? Can we keep the discipline?

The Hon. C.M. SCRIVEN: Certainly.

The PRESIDENT: That wasn't specifically directed at yourself, the Hon. Ms Scriven.

The Hon. C.M. SCRIVEN: Will the minister table the letter she has written to the NDIA that she referred to in interviews today? And presumably that is the same letter that she is referring to now, and could she confirm that?

The Hon. J.M.A. Lensink: Sorry, can you repeat that?

The Hon. C.M. SCRIVEN: Can the minister table the letter that she referred to to the NDIA that she has apparently written? Can she table that for the chamber? And is that the same letter or lobbying that she is referring to now with the Hon. Stephan Knoll?

The PRESIDENT: Member for Schubert.

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:27): The letter that I am referring to we posted on Monday. It was reported publicly, I think, on Wednesday in *The Advertiser* largely pretty much in full. I will check whether I am able to table that particular letter and get back to the chamber if that is the case.

TRANSPORT SUBSIDY SCHEME

The Hon. I.K. HUNTER (14:27): Supplementary to the minister arising from her original answer: is the minister aware that people with disabilities who are seeking further transport voucher books are being denied those books by—I believe it is—DPTI if they have any single vouchers left? If she is not aware, will she make herself aware?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:27): My understanding of DPTI's position was that, regardless of the number of vouchers that people had in their possession, they could apply for an additional book prior to 30 June. So what the honourable member has outlined is contrary to what the government's understanding is of what should be being provided. I will undertake to have a conversation with my colleague the Minister for Transport and ensure that his department is responding appropriately to anybody who makes that request.

SUPPORTED ACCOMMODATION

The Hon. E.S. BOURKE (14:28): My question is to the Minister for Human Services. What communication has the minister now had with residents and next of kin regarding her backflip to halt the privatisation of supported disability accommodation?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:28): I thank the honourable member for her question. My understanding is that all of the people who are families or residents of group homes have been advised that the government has modified its position in the sense that we consulted with families to ask how they were progressing under the current scenario. The report was made publicly available for anybody who wanted to read it. The advice that we got back from residents and families was that the NDIS was a very challenging transition time for them, so they have asked that we pause any change at this stage while they transition to the NDIS.

The Hon. E.S. Bourke: Not deliver your policy—the policy that you made during the election, the 18 words of your policy?

The Hon. J.M.A. LENSINK: Mr President, I am hopefully becoming more deaf in my right ear so that I can ignore the disorderly interjections of the members opposite.

The Hon. C.M. Scriven: All your side are deaf in both ears, usually.

The PRESIDENT: Can we just keep the private conversations—

The Hon. J.M.A. LENSINK: As I have stated in this chamber numerous times, South Australian participants were due to be at full transition by 30 June 2018. That was delayed, as we know. The ambition of transitioning people onto the new scheme was very ambitious. The federal government, under previous prime minister Julia Gillard, ignored the advice of their own Productivity Commission and commenced transitioning people a full 12 months earlier, which led to the description of the NDA as being like trying to fly a plane while it is being built.

I think most people understand that people were put through the system too quickly and there was a focus on quantity rather than quality. This has impacted on a whole range of people with disabilities as they have transitioned through. That is true no less for people who are living in supported accommodation services. It has been quite a difficult process for a lot of people. Some people receive a range of different services, including their accommodation services.

What the report that we commissioned has said to us is that there are some people who would like to have options in terms of what alternatives are offered by the non-government sector. Some people are quite fearful of any change, but we do know that universally we would like to increase the capacity of people to make those decisions for themselves because that is what the NDIS is all about; it is about choice and control for participants.

In the meantime, I think the report demonstrates that people are not universally embracing of the government-supported accommodation services. There are some comments in there that are quite negative and so we expect that there are some people who would probably like a change. But it is focused on people with disabilities. Very much the clients should be front and centre in these decisions. We have listened to them. I make no apology for actually asking people what they think, which the Labor Party never did. They didn't actually consult anybody about what their process was. We have actually asked the employees, we have asked the clients and their families and we have listened to them.

SUPPORTED ACCOMMODATION

The Hon. E.S. BOURKE (14:32): A supplementary: considering the report's findings, is privatising supported disability accommodation still a Marshall government policy?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:32): What we are about is providing a choice to people who are living in supported accommodation. Some of those people may well wish to transition to non-government service providers. They ought to be offered choice because choice and control is at the centre of the National Disability Insurance Scheme.

SUPPORTED ACCOMMODATION

The Hon. E.S. BOURKE (14:33): Supplementary: will the minister confirm that this is a backdown and is a broken election commitment?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:33): No, Mr President.

STUDYADELAIDE

The Hon. T.J. STEPHENS (14:33): My question is to the Minister for Trade, Tourism and Investment. Can the minister advise the council on how the government is growing international student numbers through StudyAdelaide initiatives with overseas agents?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:33): I thank the honourable member for his question and his ongoing interest in the international student sector. As members would know, the Marshall government has made much progress in fulfilling our election commitments in international education. We have increased annual funding to StudyAdelaide to $2.5 million a year and we have more than doubled StudyAdelaide's student ambassador program and introduced new initiatives such as a ministerial advisory council on international education.

Already, South Australia is seeing significant growth in the sector, with the past year seeing strong growth of 10.6 per cent in the value of international education to our state. Now our international education exports are worth some $1.62 billion, with nearly 38,000 international student enrolments in 2018.

Before the election, our government made a pledge to strengthen our interaction with overseas agents, and I would like to share the details of StudyAdelaide's latest agent familiarisation visit. Around 75 per cent of international students in Australia are recruited through agents, making them the key marketing channel into our local international education industry. The past two weeks has seen South Australia welcome 87 agent representatives from over 20 countries. This has been a huge undertaking by StudyAdelaide and a significant jump in size compared to last year's familiarisation visit with Austrade, which saw 58 agent representatives visit our state.

The agents visited all South Australian universities, TAFEs and a number of colleges and schools. They also visited some key regions in South Australia, introducing the representatives to our best-performing and emerging student agencies, and to the South Australian lifestyle to experience for themselves the very best that South Australia has to offer. I attended a gala event last Friday and spoke with a number of these agents and also our education institutions. The whole program received fantastic feedback from many of the agents that I met, and they spoke very highly about our great state of South Australia. I am sure they will become strong advocates for our state in recommending our quality education to their students.

Indeed, many of our students had only heard of Adelaide for the first time because of their agents' recommendation. I commend the StudyAdelaide team for hosting this year's successful agents' tour. The more international students we are able to attract to this state, the greater the benefits for our local economy. All of these students will spend money on accommodation, goods and local services while they are living here, creating more jobs for South Australians.

The PRESIDENT: The Hon. Mr Hunter, could you please remove your political badge; it offends the President.

The Hon. I.K. HUNTER: Sir, just for clarity, are you suggesting to me that my badge drawing attention to the Liberal government's privatisation of trains and trams is disorderly?

The PRESIDENT: It is disorderly and in breach of standing orders. I might have tolerated it if it said, 'I love my President', but it doesn't—get it off.

The Hon. I.K. HUNTER: I will take it off, sir. I take off my badge that says the Liberal government plans to privatise trams—

The PRESIDENT: No, sit down. You have had your moment.

The Hon. I.K. HUNTER: —and trains.

The PRESIDENT: You have had your moment in the sun.

The Hon. I.K. HUNTER: And next sitting week I will wear a badge saying, 'I love my President'.

Members interjecting:

The PRESIDENT: We have had it. The Hon. Mr Darley.

SERVICE SA

The Hon. J.A. DARLEY (14:36): I seek leave to make a brief explanation before asking the Minister for Trade, Tourism and Investment, representing the Minister for Transport, Infrastructure and Local Government, a question about Service SA.

Leave granted.

The Hon. J.A. DARLEY: In the last state budget the government proposed the closure of Prospect, Modbury and Mitcham Service SA centres. I understand that part of the rationale behind this proposal was that the need for in-person attendance at Service SA centres had decreased as most of the services were now able to be done online. Can the minister advise which services provided by Service SA will be conducted in person and which services are proposed to be provided online?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:37): I thank the honourable member for his question. While I am on my feet, as I did not get a chance to do it yesterday, I congratulate the honourable member and wish him a happy birthday for yesterday, for his 82nd birthday. I don't know if other members did but it slipped through a bit unnoticed, so I wanted to do it in person.

I thank the honourable member for his ongoing interest in the Service SA centres. As we know, it is an issue that has been dealt with by my colleague, the very hardworking and very capable—as the Treasurer said before—Hon. Stephan Knoll. I will take that question on notice and refer it to him.

The PRESIDENT: Member for Schubert—

The Hon. D.W. RIDGWAY: The member for Schubert.

The PRESIDENT: —or Minister for Transport, or whatever he is the minister of.

The Hon. D.W. RIDGWAY: Right, Mr President. I will take it on notice and refer it to the Hon. Stephan Knoll, Minister for Transport and member for Schubert—one of our greatest wine regions.

BRAND SOUTH AUSTRALIA

The Hon. K.J. MAHER (Leader of the Opposition) (14:38): My question is to the Minister for Trade, Tourism and Investment. Has Brand SA been stripped of its funding, and has the successful I Choose SA campaign been dumped?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:38): I thank the honourable member for his question. As members would know, the Marshall Liberal government undertook a major review of trade and investment, which was called the Joyce review, to help drive exports and investment growth. We are going to be making some changes as to how we promote South Australia to ensure that we are focused on promoting South Australia both interstate and overseas rather than within South Australia.

BRAND SOUTH AUSTRALIA

The Hon. K.J. MAHER (Leader of the Opposition) (14:39): Supplementary question: as part of the Joyce review, which the minister mentioned, will he rule out that Brand SA has been stripped of its funding?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:39): As my colleague the honourable Treasurer said earlier, we are not going to play the rule in, rule out game. It's a game the opposition has played. We are not going to play the rule in, rule out game. We have a budget on 18 June, and that's when all will be revealed.

BRAND SOUTH AUSTRALIA

The Hon. K.J. MAHER (Leader of the Opposition) (14:39): Further supplementary: has a decision been made to defund Brand SA?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:39): As I said, I am not going to rule in or rule out anything. I am not going to divulge any conversations that we have at a cabinet level. All will be revealed on 18 June at the budget.

TRADE, TOURISM, AND INVESTMENT DEPARTMENT

The Hon. K.J. MAHER (Leader of the Opposition) (14:40): Is the minister concerned that his department might be leaking information about what's being defunded at the budget?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:40): No, the only thing I am concerned about is the way that this mob opposite attack the hardworking public servants in my department. Yesterday they said it was in chaos. I think that's offensive that an opposition would attack the hardworking people who are trying to implement the Marshall government's agenda and grow our economy. They obviously want to attack them and undermine their confidence. We don't. We want to grow the state's economy.

JOYCE REVIEW

The Hon. T.A. FRANKS (14:40): What further community consultation, particularly with the tourism industry as a sector, will the government undertake following the Joyce review?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:40): I don't quite understand the member's question with regard to the tourism sector consultation. As members would have heard me speak last year, I had 19 'meet the minister' regional visits across South Australia. I am still getting sensational feedback that a minister is actually prepared to get out of the city and into those regions. I have regular meetings with all of the industry council people.

I think it's next week I am meeting with the regional chairs of the tourism—eight of the 11 regional chairs are available to meet with me next week. So I am continually sitting down and talking to the tourism industry. The South Australian Tourism Commission has been out consulting on the 2030 plan that's in development stage at this stage. There's a large amount of consultation with the South Australian tourism industry. It has been happening almost from the day I was sworn in.

REGIONAL HEALTH SERVICES

The Hon. J.S.L. DAWKINS (14:42): I seek leave to make a brief explanation before asking—

Members interjecting:

The PRESIDENT: Order! I cannot hear the Hon. Mr Dawkins.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, it's not a social club.

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

Leave granted.

The Hon. J.S.L. DAWKINS: I have been a consistent advocate for regional health services in South Australia, and the regions in South Australia generally. In that vein, I was delighted to participate—

Members interjecting:

The Hon. J.S.L. DAWKINS: I can shout you down any time you like.

The PRESIDENT: The Hon. Mr Dawkins, don't engage in conversation with them.

The Hon. J.S.L. DAWKINS: In that vein, I was delighted to participate in the forum to establish a suicide prevention network in the Barossa, attended by 150 people at Nuriootpa on Monday night. Will the minister update the council on regional health initiatives for people beyond the reach of our hospital network?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:43): I thank the honourable member for his question. The Marshall Liberal government was elected with a strong commitment to reverse the neglect of country health services after 16 years of Labor. We have already started investing $20 million in a rural health workforce strategy. We have already started investing $140 million over 10 years to address the backlog in country capital works. We have invested another $50 million in individual health projects in rural areas, including upgrades to the Mount Gambier hospital and Healthy Towns Challenge.

Today, I want to highlight a recent investment by the Marshall Liberal government in services to rural and regional areas. The Marshall Liberal government has provided 23 powered stretchers to the Royal Flying Doctor Service. The stretchers are an investment by the Marshall Liberal government of $325,000 and they replace the manual stretchers used in the past by the Royal Flying Doctor Service with new stretchers used by the Ambulance Service. Having the same stretcher in RFDS planes and in South Australian Ambulance Service vehicles means that critically ill patients across South Australia will be able to transfer seamlessly between an ambulance and an aeromedical aircraft and, on their arrival, back into an ambulance. This initiative is the next step in a decades-long partnership between the South Australian government and the Royal Flying Doctor Service.

These stretchers mean that patients will be provided with additional comfort, support and safety, giving patients a range of positions to better provide for their health needs, and they are easier and safer to get on and off vehicles. This will not only provide greater patient comfort, it will also support the workplace safety of our health professionals.

When powered stretchers were deployed across SAAS patient and staff safety was enhanced, with 46 per cent fewer injury claims since their introduction. So I am delighted that, having delivered positive outcomes for health professionals in the Ambulance Service, that high level of safety will now be available to help professionals working in the Royal Flying Doctor Service.

In addition to the powered stretchers provided to the Royal Flying Doctor Service, the government was delighted to witness the arrival of the new Med-Jet 24, with the capacity to carry three patient stretchers—a 50 per cent increase—and travel more swiftly than its fixed-wing contemporaries. My understanding is that the Med-Jet 24 could actually fly from Darwin to Adelaide without refuelling. This will literally be a lifesaver for country South Australians and other South Australians as they travel to the country, and it was a privilege to be present at its arrival.

These initiatives may not make headlines but they make a difference to the lives of country South Australians, and they are just more examples of the Marshall Liberal government working in partnership with health providers such as the RFDS to give quality and safe services to country South Australians.

KANGAROO ISLAND FERRY

The Hon. C. BONAROS (14:46): I seek leave to make a brief explanation before asking the Minister for Tourism, representing the Minister for Transport and Infrastructure, a question in relation to the Kangaroo Island ferry.

Leave granted.

The Hon. C. BONAROS: The SA government announced last year that it will put the KI ferry service, currently one of the most expensive ferry services in the world, to a competitive tender. The current long-term operator is Adelaide-based SeaLink, which has provided the vital service linking the mainland to KI since 1989 and whose licence expires in July 2024. On the back of the government's decision, SeaLink has revealed it has delayed millions of dollars in new investment until it 'has clarity' on its position in South Australia.

I note that in a letter to our hardworking federal colleague, Centre Alliance's member for Mayo, Rebekha Sharkie, the Minister for Transport and Infrastructure, Stephan Knoll, has advised that DPTI is 'currently working through the procurement process and options for future operating models to support an appropriate ferry service tender release time frame to market'.

1. Can the minister provide an update on the current status of the tender process, including whether that includes an international tender process?

2. Will the criteria and subsequent assessment of the tender process to ensure value for money be made public; if so, when?

3. How will the government ensure value for money for KI residents in its eventual ferry service tender process?

4. Is the government willing to consider direct subsidies to the successful ferry service operator, as has been suggested in some quarters as presenting value for money?

5. Would the minister describe subsidies as a preferred option; if so, why, or if not, why?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:48): I thank the honourable member for her question and for her ongoing interest in regional South Australia. I will take that question and refer it to the minister, the Hon. Stephan Knoll, member for Schubert.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. T.T. NGO (14:48): I seek leave to make a brief explanation before asking a question of the Minister for Human Services regarding the National Disability Insurance Scheme.

Leave granted.

The Hon. T.T. NGO: If elected, federal Labor will establish an NDIS future fund, meaning that every dollar set aside for the NDIS is guaranteed to be spent on the NDIS now and into the future. My questions are:

1. Does the minister support the establishment of an NDIS future fund to ensure NDIS funds are actually spent on South Australians living with a disability?

2. Does the minister believe that the waiting times for NDIS approvals and reviews that people are currently facing are appropriate?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:49): I thank the honourable member for his question. In relation to the way that people have been transitioning through their planning meetings and so forth, I think we are all aware that there have been some very unsatisfactory times for plan reviews, initial plans and the like. To that end, I can only repeat that my office stands willing and able for any individuals who need assistance with communicating to the NDIA, and we are more than happy to assist.

I am very pleased that the members' and senators' contact office has been made available, not just to federal members and senators. Indeed, the Hon. Kelly Vincent had access to that service when she was a member. That has been available to the relevant minister and shadow minister for some time. I think it was in November last year when that was extended to all state electorate offices, which I think has assisted them to make inquiries on behalf of their constituents, which has been quite useful.

A lot of the problems with the NDIS stem back to that original decision that I referred to before where effectively people were being pushed through the system too quickly. It was a question of quantity rather than quality, as the numbers that federal and state Labor had signed up to were very high. It's not just the balance of hindsight, but I think anybody who looked at those numbers would have appreciated how complex the case was.

Disability is very diverse. People who have vision or hearing impairment have very different needs, for instance, from people who have autism or physical disabilities. I don't think that level of diversity was appreciated through the scheme as it was established, and at the same time all of the state and territory disability service agencies were preparing summaries of their existing clients to provide that information going forward.

In relation to federal Labor's proposal, my view is that it is a complete stunt. As I have said in this place before, the National Disability Insurance Scheme is a service that if somebody is eligible then they will get a service. We saw a couple of years ago that there was an increase to the Medicare levy that was implemented to fund the NDIS because it was anticipated that there would be more

demand. From memory, that didn't eventuate, but the federal government can make these decisions as it needs to.

As it stands, on the information we have, which is publicly available, it is fully funded into the future. Labor is really just using once again vulnerable people, people with disabilities, as pawns for its own purposes, effectively scaring people. What is the message that individuals who may be on the NDIS are taking from Labor portraying things in this way, that the existing services they have they may not get into the future? It's really quite reprehensible the way the Labor Party uses vulnerable people for its own purposes to try to undermine a service which is effectively demand driven.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Order, Leader of the Opposition!

The Hon. J.M.A. LENSINK: It is a demand driven system. Labor is inherent in their questioning and in their out-of-order interjections that they don't even understand how the scheme works.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.M.A. LENSINK: It is a demand driven system. I could keep repeating myself. Perhaps we need to have a briefing. Perhaps I need to organise a briefing for Labor members so that they can understand the basics of how the National Disability Insurance Scheme operates because time and time again I get asked these questions, which is quite embarrassing really. A major political party, which was in office (to most people's regret) a little over 12 months ago, has so little understanding of how this system operates.

NATIONAL DISABILITY INSURANCE SCHEME

The Hon. T.T. NGO (14:54): Does the minister support the establishment of a national disability strategy in a COAG-style national disability agreement between the federal, state and territory governments?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:54): My understanding is that all states and territories are participants in a National Disability Strategy, which drives policy that operates between jurisdictions going forward. It may or may not have been a topic in years gone by about the NDIS, but certainly we have shared interests in this space and work towards these things.

TASTING AUSTRALIA

The Hon. D.G.E. HOOD (14:54): My question is to the Minister for Trade, Tourism and Investment. Can the minister update members on how the recent record-breaking Tasting Australia event showcased South Australia as not only a tourism destination but also a premium food and wine producer?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:55): I thank the member for his ongoing interest in our burgeoning food and wine sector. Tasting Australia is South Australia's premier eating and drinking festival and is one of the pre-eminent food and wine festivals in Australia. In fact, it was a Liberal initiative back in the former Liberal government that started Tasting Australia. This year, it was held from 5 to 14 April, and it has gone from strength to strength since it was established back in 1997, as I said before, under a previous state Liberal government.

Tasting Australia promotes our state as a culinary and tourism destination, showcasing South Australia's wonderful food and beverage experiences. The event is focused on people (the chefs, the producers and the restaurants), the produce (South Australian seafood, meat, wine and spirits) and the place (the wonderful destinations in South Australia). Tasting Australia not only

showcases our city and our regions but it creates a platform for South Australia's culinary and beverage excellence to be showcased to potential investors and exporters.

The 2019 event saw two records broken, with an attendance of more than 64,000 people who attended the Town Square for Tasting Australia and with more than 9,400 tickets sold throughout the festival. The economic impact is currently being generated by Action Market Research. This year, we also had a sizeable trade focus. The event worked closely with the Department for Trade, Tourism and Investment to present the Tasting Australia buyers and influencers program, which showcased innovative export-ready food and beverage products to the Chinese and American buyers and influencers.

Coinciding with food and wine inbound missions focused on promoting South Australia's premium food and wine export opportunities, we hosted 15 delegates from China, Hong Kong and Malaysia. They participated in an immersive experience designed to profile South Australia's premium food products—things like packaged foods, dairy, seafood, beverages and meat—to drive exports to those key Asian markets.

The wine mission hosted eight delegates from the United States, China, Hong Kong and Malaysia, participating in a program designed to profile South Australia's premium wines and regions. The food delegates visited the Barossa Valley, Port Lincoln, the Adelaide Hills and metropolitan Adelaide. There was a great opportunity to interact with existing and emerging food, beverage and spirit producers. South Australian producers were given the opportunity to exhibit their products and gain insight from these decision-makers and influencers.

The wine delegates visited the Adelaide Hills, Clare Valley, McLaren Vale and the Barossa wine regions and interacted with wine exporters from Langhorne Creek, the Riverland, Kangaroo Island and the Limestone Coast through the South Australian food and wine producers trade showcase. During the five-day visit program, wine delegates met with representatives from 49 wineries, visited 13 wineries and participated in six wine masterclasses, 12 wine tastings, one spirit tasting and a winery speed dating session. In total, 64 South Australian wineries featured in the program.

During the visit, delegates posted to social media sites, including Instagram and Facebook. The director of wine education, Winebow Group, filmed the masterclasses held in the Adelaide Hills, Clare Valley, McLaren Vale and Barossa wine regions for use by the Winebow Group's wine education department and their community of wine and spirits educators. The festival creates a tangible link between South Australia and the culinary world through the attendance and involvement of international and national chefs, winemakers, sommeliers, media and industry leaders.

AUSTRALIA DAY CITIZENSHIP CEREMONIES

The Hon. T.A. FRANKS (14:58): I seek leave to make a brief explanation before addressing a question to the Treasurer, as the Leader of Government Business, about the achievability of a core Marshall election promise.

Leave granted.

The Hon. T.A. FRANKS: It is now 425 days since the state election poll date. As every member of this council, and no doubt the Treasurer, well knows, in the document of the Marshall then opposition, A Strong Plan for Real Change, they proclaimed:

> We're ready.
>
> Over the last four years we've been working hard developing our vision for the future of South Australia.
>
> Not just policies but a series of achievable milestones that have been crafted for the long-term benefit of our state.

One of those was the promise that:

> If elected in March 2018, a Marshall Liberal Government will legislate to ensure January 26 continues to be recognised as Australia Day and that local councils hold citizenship ceremonies as part of the celebrations.
>
> We will do this by amending the Local Government Act.

All prospective citizens who have successfully applied should have the right to receive their citizenship during the celebration of Australia Day if they so wish.

The promise went on to say:

A Marshall Liberal Government will take this action recognising that in South Australia the State Government has constitutional responsibility for the affairs of local councils.

My question to the Treasurer is: what constitutional responsibility does the state government have for dictating the date of citizenship ceremonies? Is this election pledge in compliance with the Australian Citizenship Ceremonies Code, and why has the Marshall government chosen not to focus in fact on Australian Citizenship Day, which is coming up sooner?

The Hon. R.I. LUCAS (Treasurer) (15:00): I am quite happy to refer the substance of those questions to my learned legal colleague the Attorney-General, the Hon. Vickie Chapman. I do not profess to provide legal advice, and I assume that, essentially, these will be issues within her realm of responsibility. All I can say on behalf of the Marshall Liberal government is that we are unabashed, unashamed supporters of Australia Day, and nothing will divert us from that particular intention.

It was a platform we took to the election, and we were overwhelmingly supported by the majority of South Australians in terms of the package, the Strong Plan for Real Change, which we outlined comprehensively prior to the election. In relation to the detail of the legislative response promised by the then opposition, I will, as I said, consult my learned colleague and bring back a reply.

AUSTRALIAN CITIZENSHIP DAY

The Hon. T.A. FRANKS (15:01): Supplementary: can the Treasurer provide the council with the date of Australian Citizenship Day?

The Hon. R.I. LUCAS (Treasurer) (15:02): I said I would refer the question to my learned legal colleague and bring back a reply.

AUSTRALIAN CITIZENSHIP DAY

The Hon. T.A. FRANKS (15:02): Supplementary: does the Treasurer know the date of Australian Citizenship Day?

The Hon. R.I. LUCAS (Treasurer) (15:02): I have nothing further to add to my earlier answers.

BRAND SOUTH AUSTRALIA

The Hon. K.J. MAHER (Leader of the Opposition) (15:02): I seek leave to make a brief explanation before directing a question to the Minister for Trade, Tourism and Investment on funding for Brand SA.

Leave granted.

The Hon. K.J. MAHER: Earlier today, the minister told this chamber that no decision has yet been made about funding for Brand SA. The minister went on to say that we will find out about that funding in the budget. We understand that a decision has already been made and is already being implemented. My question to the minister is: has the minister deliberately misled this chamber, or does he genuinely not know that the Premier has made a decision about programs within his portfolio?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:03): I answered the question around the Joyce review that we have a different approach to how we market and promote South Australia, and I do not have anything further to add at this stage, other than: wait until 18 June.

BRAND SOUTH AUSTRALIA

The Hon. K.J. MAHER (Leader of the Opposition) (15:03): I seek leave to ask a supplementary about the results of the Joyce review, which the minister—

The PRESIDENT: Well, if it's not arising out his answer you don't have the right of a supplementary. You have to—

The Hon. K.J. MAHER: No, I have a supplementary question in relation to the Joyce review that the minister referred to in his answer to the question.

The PRESIDENT: Well, I will listen to the supplementary and then I will make a ruling.

The Hon. K.J. MAHER: The minister referred to the Joyce review and the programs to be funded or not funded under the Joyce review, of which Brand SA is one. Is the minister aware of whether the Premier has advised Peter Joy, Chair of Brand SA, in the last 48 hours that funding from Brand SA has been stripped?

The PRESIDENT: That is not necessarily a supplementary arising out of the original, but the minister can answer if he wishes.

The Hon. K.J. MAHER: Supplementary arising out of the answer—

The PRESIDENT: The minister hasn't given you any more information—

The Hon. K.J. MAHER: —is the minister aware of the consequences of misleading the chamber?

Members interjecting:

The PRESIDENT: No, you are not going to answer the question. The Hon. Ms Lee, you have the call.

Members interjecting:

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

WOMEN'S SUFFRAGE ANNIVERSARY

The Hon. J.S. LEE (15:04): Thank you, Mr President, for your call. My question is to the Minister for Human Services.

Members interjecting:

The PRESIDENT: Are the opposition benches finished?

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, I am not giving your side the call again for questions for the remainder of question time. Can the crossbench please prepare themselves. The Hon. Ms Lee.

The Hon. J.S. LEE: Thank you, Mr President. My question is to the Minister for Human Services about the 125th anniversary of women's suffrage in South Australia.

Members interjecting:

The Hon. J.S.L. Dawkins: They don't care about women's suffrage.

The Hon. J.S. LEE: Yes, don't you care about this milestone?

Members interjecting:

The PRESIDENT: Order! Order! The Hon. Ms Lee, please state your question again.

The Hon. J.S. LEE: Thank you, Mr President. My question is to the Minister for Human Services about the 125th anniversary of women's suffrage in South Australia. As this is an incredible milestone celebration, can the minister please provide an update to the council—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, it is an important question on women's suffrage. Show some respect.

The Hon. I.K. Hunter: They already got it. She wrote it all out. Goodness gracious. She already has the question. She already has it written down. She wrote it for The Hon. Ms Lee. Let's not pretend.

The PRESIDENT: Show some respect. It is an important topic, The Hon. Mr Hunter. Start the question again, The Hon. Ms Lee.

The Hon. J.S. LEE: Thank you, Mr President. My question is to the Minister for Human Services about the 125th anniversary of women's suffrage in South Australia. As this is an incredible milestone celebration, can the minister please provide an update to the council about how the government is supporting the community to recognise this momentous occasion?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:06): I thank the honourable member for her question.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, I would like to hear the minister's answer on an important topic. Minister, please do not pick up bad habits from the Leader of the Opposition.

The Hon. J.M.A. LENSINK: I am struggling to talk at the moment, for which I apologise, but it is very difficult.

The PRESIDENT: There is no need to apologise. If the minister wishes to speak in response to—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition! I may carry on the penalty to the next question time.

The Hon. J.M.A. LENSINK: Thank you, Mr President. December 2019 marks the 125th anniversary of landmark legislation that enabled women in South Australia, for the first time anywhere in Australia, to vote in general elections and to stand as members of parliament. This incredible achievement was the end result of years of campaigning, letter writing, signature gathering and lobbying by men and women in South Australia who put their passion into action. Gaining the vote was a huge step towards gender equality in South Australia and meant that women could participate in public life by having their say at general elections.

The theme for the 125th anniversary is 'Their triumph, our motivation', which recognises how the extraordinary efforts of the suffragists in the late 19th and early 20th centuries drive our continued efforts in working towards gender equality. Through the Office for Women, we have commissioned a graphic, which was designed by Jayne Arnott and is available on the Office for Women site, and which people can download and add to their events. We have a hashtag of #SAsuffrage125, which I note some members have used already.

The official colours of the 125th anniversary commemoration campaign are gold and purple. Golden yellow symbolises enlightenment, illumination and intellect and is historically associated with the suffragist movement in South Australia. While its origin is not known, a gold ribbon tied up the Great Petition urging parliament to give women the vote. Purple symbolises reverence and dignity and was associated with the British suffragette struggle of the 20th century.

I think it is important to distinguish between the terms 'suffragists' and 'suffragettes' because they are sometimes used incorrectly interchangeably. Suffragettes is associated with the campaign in the UK, particularly because it was led by women, whereas in Australia it was led by both women and men.

We have provided some community grants to 28 organisations that are involved in a range of events, some of which have started to occur, and there is a calendar of events. We had a kick-off event that was held at the Science Exchange, which examined 2094, which would be 200 years from the historic event. It was called 'Mars 2094: A Gender Equal World'. This took place on 13 March and a range of panellists spoke, including Dr Kristin Alford, who is from the Museum of Discovery at UniSA; Wing Commander Marija Jovanovich; Lucy McEwen of Fyfe and Women in Resources; and Shona Reid of Reconciliation SA.

There are a number of events that are also coming up that involve councils and the History Trust, and with history month a range of events are taking place. There is a state dinner to be held on 6 June. I am pleased to see that other portfolios have also been participating in this.

The Minister for Education, the Hon. John Gardner, and myself recently announced that a women's suffrage competition was being held to celebrate the event. So we are very thrilled that a lot of organisations are getting on board. I encourage people to check the Office for Women website for the range of events that may be taking place that they can participate in, and I look forward to honourable members of this chamber participating in events for this year.

SA POWER NETWORKS

The Hon. F. PANGALLO (15:10): I seek leave to make a brief explanation before asking a question of the Treasurer and Leader of the Government about SA Power Networks' deal that insulates its big profits.

Leave granted.

The Hon. F. PANGALLO: As we know, the Australian Energy Regulator granted a $59 price increase to the South Australian Power Networks for its distribution charges to residential customers and more to commercial customers to make up for shortfalls to the significant profits of a privately owned business which paid no tax last year. It will result in increased charges being passed on to consumers, both residential and commercial. My question to the Treasurer is:

1. Will he now admit that his government will not be able to deliver the reduction of up to $300 on power bills, as they promised last year, and that delivering power cuts is almost an impossibility?

2. Is he comfortable with the cosy arrangement that has allowed SA Power Networks to keep slugging its customers when it suits them to maintain their profits just because more South Australians are embracing renewable energy to wean them off the grid?

3. Will the government consider action that can alter this bizarre arrangement, where a government regulator allows a business to protect its revenue at the expense of consumers?

4. Where else does this gold plating occur?

The Hon. R.I. LUCAS (Treasurer) (15:12): I have enormous confidence in my ministerial colleagues, the Minister for Energy, the Hon. Dan Van Holst Pellekaan, and the Premier, the Hon. Steven Marshall, in terms of delivering on the promises that they gave to the people of South Australia prior to the election, including the particular promise to which the honourable member has referred. I have certainly received no evidence at this stage from my ministerial colleagues that in any way they are backing away from the commitment that they have made on behalf of our party to the people of South Australia.

The Australian Energy Regulator is not a government regulator. It is an independent regulator appointed by governments, federal and state, Liberal and Labor, so it is certainly not a creation or a creature of the South Australian government. It is an independent regulator. It is common practice in many industries. We have our regulator in South Australia, the Essential Services Commission, that regulates prices such as water prices because we have a government-controlled water monopoly. So the Australian Energy Regulator is an independent body, an independent regulator, answerable ultimately to federal and state Labor and Liberal ministers in relation to electricity pricing.

If the member chooses to be critical of the independent regulator that is entirely his prerogative in relation to the inference that there is some cosy relationship between these independent people who serve the people of Australia as best they can as being regulators and a particular company that is being regulated. I do not join with him in terms of that particular criticism of those people who, as I said, have been appointed—

The Hon. K.J. MAHER: Point of order: the question was not to the Treasurer but to the energy minister. The point of order is relevance. I appreciate that the Treasurer is trying to protect his minister who has misled the house—

The PRESIDENT: No, it's—

The Hon. K.J. MAHER: —but the question was to the energy minister and he has been going for about six minutes now.

The PRESIDENT: It is convention that the Treasurer can attempt to answer it or seek to answer it and also refer those other remaining matters that he cannot answer, which are in the mind of the minister alone, and refer them to him. Treasurer, please go on.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, please, if you want to carry these conversations on, please leave—remove yourself from the chamber.

Members interjecting:

The PRESIDENT: Leader of the Opposition, you are only embarrassing yourself at the moment. I would like to hear from the Treasurer.

The Hon. R.I. LUCAS: I will stand corrected, but I thought the member did direct a question to me as Leader of the Government and also, as I said, by way of direction to my ministerial colleague, the Minister for Energy as well. Let me conclude, as I was getting to the end of my explanation. As I said, I don't choose to join with the honourable member in terms of the criticism of people who have been chosen by governments, Labor and Liberal, to do the best they can to independently regulate what is a very complicated National Electricity Market and a very complicated industry. It is not an easy task.

I haven't been able to turn up very quickly the morning media report to which the honourable member has referred, but the number he has referred to, $59, I think there was some reference, and I will stand corrected when I do find the article, that there were various other issues that would need to be taken into account before the actual cost impact on individual households needed to be taken into account. Certainly, when I, on reflection, get the further advice, I might be able to provide further information to the member in terms of what the ultimate impact on customers will be as a result of this particular decision of the energy regulator.

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

SA POWER NETWORKS

The Hon. F. PANGALLO (15:16): Yes, but also I would just like to clarify something the Treasurer said. I wasn't inferring that there was a cosy arrangement between the regulator and SA Power Networks, I was actually referring to the arrangement it has actually managed to negotiate in terms of being able to come to these arrangements. The supplementary I have is: is the Treasurer aware that his own minister, the Hon. Dan van Holst Pellekaan, conceded on radio today that they will not be able to meet their election promise of reducing power bills by the amount of money that was—

Members interjecting:

The Hon. R.I. LUCAS (Treasurer) (15:17): No, I am not aware of any statements the honourable minister has made on morning radio to that particular effect, but I am happy to take that on notice and bring back a reply if that's required. Can I just—

Members interjecting:

The PRESIDENT: This is not a conversation. Treasurer, do you have anything more to say?

The Hon. R.I. LUCAS: Yes, I do, but I am just waiting for the interjections to stop. Returning to the first part of the honourable member's supplementary question: I am not sure if he is not indicating there is a cosy relationship between the regulator and SA Power Networks. I am not sure between which bodies there would be a cosy relationship because these decisions are taken by (a) an application from the company, which is SA Power Networks, and the regulator, which is the independent regulator. They are the two bodies that make this particular decision. One makes an application, the other one makes a decision.

So the reference to a cosy relationship, if the member, on reflection, wants to indicate which other body he is referring had a cosy relationship, I am happy to seek further clarification. But this decision was an application from a company to an independent regulator. The independent regulator made that particular decision.

MUSIC FESTIVAL PILL TESTING

The Hon. T.A. FRANKS (15:18): I seek leave to make a brief exploration before addressing a question to the Minister for Health and Wellbeing on the subject of pill testing.

Leave granted.

The Hon. T.A. FRANKS: This year, at the Groovin the Moo ACT music festival, Pill Testing Australia were able to trial pill testing. In that trial, 171 samples were tested on behalf of 234 participants. About 35 volunteer doctors, chemists and counsellors worked on shifts during the trial to educate young people about drug use and its negative effects, one doctor even flying over from Perth to participate.

It was reported in *The Guardian* on 29 April this year that the lives of seven young people were potentially saved that weekend, at that pill testing at Groovin the Moo festival in Canberra which identified lethal substances. Patrons discarded their drugs after testing alerted them that their pills contained dangerous N-Ethylpentylone. MDA was, of course, the most common substance but it was also identified that cocaine, ketamine and methamphetamines were in the pills tested.

The doctor, well known to South Australians, who led Australia's first government-backed pill testing, Dr David Caldicott, has offered pill testing through Pill Testing Australia to any jurisdiction that wishes to take up the offer for free. Dr Caldicott stated:

> Our goal is to ensure that people don't get hurt or killed consuming drugs.
>
> And if we can change the way people are using drugs to start with, then we might be able to change their attitude to drugs in their entirety.

My question to the Minister for Health and Wellbeing is: is he familiar with the outcome of Pill Testing Australia's trials at Groovin the Moo in the ACT, and can he update the council on any drug-related health incidents that were as a result of Groovin the Moo here in South Australia this year?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:21): I thank the honourable member for her question. In relation to any events in South Australia, I am not aware of being advised of any adverse outcomes at the South Australian event but I will take that on notice and bring back an answer to the honourable member.

The Marshall Liberal government does not support pill testing at events. We believe that we need to send a clear message to people that illicit drugs are not safe. We believe that pill testing at events would give people a false sense of security in relation to illicit drugs. We will continue to monitor evidence-based research from around the world, but we are committed to implementing alternative strategies that can improve safety and reduce health outcomes at public events, including the planning and management of these events in close cooperation between event organisers, health, law enforcement and other agencies to minimise health and safety risks.

Drug and Alcohol Services South Australia, in collaboration with South Australia Police and other stakeholders, have developed safer music event guidelines to improve safety and reduce harm at events. I think it would be fair to say that the SA Police had a very strong and visible presence at this year's event.

The guidelines that I referred to urge organisers to be ready for adverse outcomes, particularly to have chill-out areas at events to provide well-ventilated, cool and quiet spaces for patrons to rest and recover, supervised by staff with first aid training. It recommends the availability of free drinking water at multiple locations within events that are easy to access, and dedicated, equipped and accessible first aid locations—they are just some of the few.

We are keen to minimise the potential harm of the use of illicit drugs at these events but we do not believe that the safety of these events would be enhanced by pill testing.

Bills

SUPPLY BILL 2019

Second Reading

The Hon. R.I. LUCAS (Treasurer) (15:24): I move:

That this bill be now read a second time.

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

Leave granted.

A supply bill is necessary until the budget has passed through the parliamentary stages and the Appropriation Bill 2019 receives assent. In the absence of special arrangements in the form of the supply acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill. The amount being sought under this bill is $5,515 million.

Clause 1 is formal.

Clause 2 provides relevant definitions.

Clause 3 provides for the appropriation.

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

HEALTH CARE (GOVERNANCE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 14 May 2019.)

The Hon. D.G.E. HOOD (15:25): I rise to speak in support of the Health Care (Governance) Amendment Bill, which introduces measures to fulfil the Marshall Liberal government's election promise of developing a new governance and accountability framework for South Australia's public health system.

As you would be aware, the state government committed to developing decision-making in the public health system through the establishment of metropolitan and regional boards, deferring responsibility and accountability for health services at the local level with appropriate oversight and holding governing boards accountable for the performance of their respective local health networks (LHNs).

This was a determined effort to shift away from the previous Labor state government's endeavour to centralise control of our health system through abolishing local health boards via the introduction of the Health Care Act in 2008. It has always been the Marshall Liberal team's firm position that a $6 billion sector, comprising 77 hospitals and health services and almost 40,000 employees, would be best administered at a local level.

Critical decisions pertaining to health care should be made as close as possible to the areas and people who will be affected, to enable the involvement and engagement of these communities and their local health professionals in the process at hand. This policy was developed by the Marshall Liberal team prior to the 2018 election. It was consulted with stakeholders prior to the election and it was taken to the election as a clear and publicly held policy.

It goes without saying that the government was then elected, endorsing the policy taken to the election. It was followed by a first round of legislation, with consultation, and now a second. I am proud to be part of a government which, unlike the former Labor government, lays its cards on the table ahead of the election. For the Leader of the Opposition to talk about a lack of consultation is to add insult—

The Hon. I.K. Hunter: And then lies about it. That's what you've done: lied about privatisation. You lie about all your promises.

The PRESIDENT: Order! The Hon. Mr Hunter, please!

The Hon. D.G.E. HOOD: For the Leader of the Opposition to talk about a lack of consultation is to add insult to the injury of their consistent opposition to this government's work to fix their mess which was the health system.

Let's be clear: Labor abolished the boards. Labor criticised our policy at the election. Labor opposed the bill which reintroduced boards. Labor is continuing to play the wrecker with this bill. If

members recognise the mandate of the government or support devolution, they should be very wary of Labor's games on this bill.

As the Minister for Health and Wellbeing outlined in his second reading explanation, the first stage of implementation of the Liberal government strategy included the formation of governing boards, which provided for board chairs to be appointed in preparation for the commencement of their operation on 1 July this year. Those boards would be responsible for the delivery of high-quality, accessible local health services within their geographical areas and will be required to demonstrate their progress against key performance indicators, with ultimate accountability to the minister. This bill provides for the execution of that second stage, which is the establishment of a new governance and accountability framework for public health.

To reiterate the specifics of the bill, it amends the Health Care Act 2008 to revise the functions of the chief executive of the Department for Health and Wellbeing; formalise service agreements between the chief executive of the department, LHNs and SA Ambulance Service; dissolve the Health Performance Council once a commission on excellence and innovation has been established; create transitional provisions for the annual reporting and transfer of assets and liabilities from the metropolitan governing councils that will be resolved on 1 July; and introduces minor amendments to certain sections of the act to reflect the new framework or to clarify their intent.

I note Labor's opposition to this bill. Of course, they opposed the last bill, too. They will do anything they can to make it difficult for the government to improve the healthcare system. That is a shame indeed. The Health Performance Council is a case in point. The Health Performance Council was established by the former Labor government in the context of the dissolution of local boards and the centralisation of control into the department.

In his contribution the Leader of the Opposition spoke in some outrage about the proposed dissolution of the Health Performance Council. He described it as, 'the body that sits atop the SA Health system and, importantly, provides independence, oversight, reporting to parliament and the view of the entire healthcare system for South Australia, not just hospitals.'

What the member does not say is that the government in which he was a minister introduced bills in this parliament twice to dissolve the Health Performance Council—twice—while maintaining the centralised control, which was one of the factors in their Transforming Health disaster. It was only the amendments moved by the Marshall Liberal team that prevented the dissolution of the Health Performance Council, and our defence of the Health Performance Council was in the context of the health system as it was then structured. The member for Bragg made that quite clear when, in her contribution, she pointed out that there are no boards to provide accountability in the system.

The Marshall Liberal team has been consistent in its approach. When the health system was centralised without the accountability of boards, we supported the functions of the Health Performance Council. Now we are increasing accountability through the institution of boards; we believe the boards and a range of alternative arrangements will now provide robust performance monitoring.

In contrast, Labor tried, in government, to reduce their own accountability and then, when the Marshall Liberal government is reforming health governance to increase accountability, Labor simply acts as wreckers. This council deserves better from its members than those sorts of cynical political games.

In my estimation it has been evident that reform of the current system has been warranted to reinstate the influence of local medical professionals and residents on the outcome of possible healthcare service changes, and it is no surprise that the Liberal government's plan has been particularly well received in country South Australia. Since my election to this place, the requests for assistance I have received from constituents have often pertained to their personal healthcare needs or to concerns with the adequacy of services provided in the regions. I have no doubt other members present would have had a similar experience during their time in this place.

As a result, from the time Labor pursued its own overhaul to our health system just over a decade ago I have become increasingly active in my advocacy for South Australians receiving unsatisfactory or insufficient health care, most often on behalf of those residing in rural and regional

South Australia. Indeed, I attempted to legislate for a guarantee of greater consultation and scrutiny when the government of the day, the Labor government, proposed the closure of any country hospital, held community meetings to gauge the sentiment of local residents when the provision of medical services were at risk of diminishing, and also raised awareness of numerous needs that were seemingly being ignored due to a move towards centralised decision-making.

South Australians have clearly been calling for change, and this bill seeks to fulfil a key aspect of the Marshall Liberal government's comprehensive strategy to improve health care for all South Australians. We are intent on reducing excessive bureaucracy that has the propensity to inhibit productivity whilst focusing on the quality, safety and accessibility of basic medical necessities for all patients.

In a state as vast and diverse as South Australia, our hospitals and health centres demand a structure that facilitates the development and execution of measures that respond appropriately to challenges unique to their specific localities. I am confident that this framework will result in a reliable public healthcare regime that better meets these varying needs.

South Australians deserve a sustainable, transparent and robust system that adopts best practice wherever possible and espouses the collaboration of clinicians, managers, health service partners and consumers for an innovative and pragmatic approach to meeting the evolved requirements of the changing population. I strongly support the bill.

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

SENTENCING (SUSPENDED AND COMMUNITY BASED CUSTODIAL SENTENCES) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 May 2019.)

The Hon. R.I. LUCAS (Treasurer) (15:34): As no-one has indicated any further speakers to speak to this second reading, I thank honourable members for their contributions to the second reading and their indications of support for the legislation. I look forward to its speedy passage through the Legislative Council.

Bill read a second time.

Committee Stage

In committee.

Clause 1 passed.

Clause 2.

The Hon. K.J. MAHER: In relation to the commencement date, my question is: when does the government envisage this bill will come into effect, and is there any plan to delay the commencement of any parts of this bill?

The Hon. R.I. LUCAS: My advice is that there is no plan from the Attorney or the government to delay the proclamation of any particular parts of the legislation. Should the legislation pass in its current form, then the proposal would be just to do the usual things and see its implementation as soon as possible.

The Hon. K.J. MAHER: My next question is: with the benefit of certificates of early commencement, what is the earliest possible date this bill could come into effect?

The Hon. R.I. LUCAS: I am advised that there is no particular delay. There are just the usual things in terms of proclamations and/or cabinet processes. My advice is there is no particular issue which would delay it.

The Hon. K.J. MAHER: I thank the Treasurer for his response but, with respect, that was not my question. What would be the earliest possible date that this could come into effect?

The Hon. R.I. LUCAS: I cannot give a precise earliest possible date because we have not worked through that process yet, but it would be as soon as the legislation has passed, has been assented to, and then it would go to cabinet. The member has been a cabinet minister before; there are processes with cabinet. If there was any particular urgency that was required, cabinets and executive councils can be brought on out of cycle or earlier, if there is a particular emergency or reason for doing so. But there is a normal cycle for cabinet meetings. They meet every Monday.

I am not sure about the processes under the former government, but our normal cycle is generally 10 days' notice is given for items that go to cabinet. However, there are occasions where urgent action needs to be taken and all of that can be short-circuited if there is a particular reason for doing so. At this stage, we do not have an actual date where I can say to the minister, 'This is the earliest possible date,' because we actually have not worked our way through that particular process. Should it pass the parliament and the Attorney saw some urgent need for it to be enacted out of cycle, if I can put it that way, there are options available to the Attorney to pursue.

The Hon. K.J. MAHER: Following on from that, can the Treasurer then confirm that there is no intention of the government to make sure that this legislation is enacted before the Deboo case returns to the Supreme Court? Is he not aware that the government or the Attorney-General thinks that is urgent?

The Hon. R.I. LUCAS: I cannot provide any specific advice in relation to particular cases and the Attorney's thinking in relation to particular court cases. I just do not have any information that I can share with the Leader of the Opposition on that issue, or indeed any other particular case for that matter. We would have to speak to the Attorney-General and see whether or not she had any information in relation to either that case or other particular cases.

The Hon. K.J. MAHER: Will the minister take on notice and seek a reply about whether the government feels that the return of the Deboo case to the Supreme Court warrants this being enacted early?

The Hon. R.I. LUCAS: I am happy to take that particular question on notice and refer it to the Attorney.

Clause passed.

Clauses 3 and 4 passed.

Clause 5.

The Hon. R.I. LUCAS: I move:

Amendment No 1 [Treasurer–1]—

Page 3, line 8—Delete 'definition of *terrorist act*' and substitute:

definition of *serious offence*, (c)

This amendment corrects a drafting error in the bill. Existing clause 5 of the bill purports to update the definition of 'terrorist act' in section 52 of the Sentencing Act 2017. However, in section 52 'terrorist act' is part of the definition of 'serious offence' rather than a stand-alone definition provision. This amendment merely corrects that reference. The substance of the amendment is the same, namely, to update the reference to 'terrorist act' to refer to part 5.3 of the Criminal Code of the commonwealth rather than the Terrorism (Commonwealth Powers) Act 2002.

The Hon. K.J. MAHER: I have a question on the amendment. I note that this remedies a drafting error. When was the government aware of this error?

The Hon. R.I. LUCAS: It was between the passage of the bill between the two houses, but I cannot give you an exact date.

The Hon. K.J. MAHER: Can the Treasurer inform the house of who brought to attention the drafting error?

The Hon. R.I. LUCAS: I am advised it was picked up by parliamentary counsel.

The Hon. K.J. MAHER: Is there a date when parliamentary counsel was asked to draft this bill originally? I will repeat the question: when did parliamentary counsel receive instructions from the Attorney-General to draft this bill?

The Hon. R.I. LUCAS: My advisers do not have the precise date, hour and minute the instructions were given, but their best recollection is that it was some time early this year, perhaps January or February. If it is a matter of great consequence to the Leader of the Opposition, we would have to take that on notice. If that would suffice, the best recollection of the advisers is that it was around the early part of this year, January or February.

The Hon. K.J. MAHER: I will take up the Treasurer's invitation to bring back an exact answer in relation to that.

Amendment carried; clause as amended passed.

New clauses 5A, 5B and 5C.

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

Amendment No 1 [Maher–2]—

Page 3, after line 10—Insert:

5A—Amendment of section 57—Offenders incapable of controlling, or unwilling to control, sexual instincts

(1) Section 57(9)—delete 'The' and substitute:

Subject to this section, the

(2) Section 57—after subsection (9) insert:

(9a) In determining an application under this section, the Supreme Court may, but need not, have regard to any other scheme available under this Act, the *Criminal Law (High Risk Offenders) Act 2015* or any other Act under which—

(a) the person may be further detained (whether indefinitely or for a fixed period) on the expiration of a term of imprisonment, or of all terms of imprisonment, that the person is liable to serve; or

(b) a court may order that the person be subject to supervision on the expiration of a term of imprisonment; or

(c) other measures may be taken to reduce the risk the person poses to the community, but the mere fact of the availability of one or more such schemes cannot be the sole ground on which the Court refuses to order that the person be subject to detention under this section.

5B—Amendment of section 58—Discharge of detention order under section 57

(1) Section 58(4)—delete 'The' and substitute:

Subject to this section, the

(2) Section 58—after subsection (4a) insert:

(4b) In determining an application under this section, the Supreme Court may, but need not, have regard to any other scheme available under this Act, the *Criminal Law (High Risk Offenders) Act 2015* or any other Act under which—

(a) the person may be further detained (whether indefinitely or for a fixed period) on the expiration of a term of imprisonment, or of all terms of imprisonment, that the person is liable to serve; or

(b) a court may order that the person be subject to supervision on the expiration of a term of imprisonment; or

(c) other measures may be taken to reduce the risk the person poses to the community, but the mere fact of the availability of one or more such schemes cannot be the sole ground on which the Court discharges an order for detention.

5C—Amendment of section 59—Release on licence

(1) Section 59(4)—delete 'The' and substitute:

Subject to this section, the

(2) Section 59—after subsection (4a) insert:

(4b) In determining an application under this section, the Supreme Court may, but need not, have regard to any other scheme available under this Act, the *Criminal Law (High Risk Offenders) Act 2015* or any other Act under which—

(a) the person may be further detained (whether indefinitely or for a fixed period) on the expiration of a term of imprisonment, or of all terms of imprisonment, that the person is liable to serve; or

(b) a court may order that the person be subject to supervision on the expiration of a term of imprisonment; or

(c) other measures may be taken to reduce the risk the person poses to the community, but the mere fact of the availability of one or more such schemes cannot be the sole ground on which the Court authorises the person's release on licence.

These new clauses are to fix what is somewhat of an anomaly in that we have seen cases where an offender may well be unwilling or unable to control their sexual instincts and poses a grave danger to the community and a judge of the Supreme Court has declared that, but on appeal the Full Court of the Supreme Court has said that there are other regimes available, which could be monitoring while they are in the community.

The effect of these amendments is that, if a court at first instance finds out that the provisions under the act are made out, that is, someone is unwilling or unable to control their sexual instincts, that alone is enough for them to have that apply. It may be that other regimes could also apply, but if it is made out that that should apply, then that should be good enough and not overturned on appeal because the Full Court prefers another scheme.

We think this is a problem, that part of the act may well apply to a dangerous paedophile who might be released into the community, and we would hate to see a dangerous paedophile released into the community, even though a single judge and the Full Court accepts that they are unwilling or unable to control their sexual instincts, just because another scheme could apply.

I know the Treasurer has attempted to play politics on other bills, saying that we are soft on these sort of offenders. This is now the real test for the government: this will make sure, if a judge is satisfied that this is made out, that a court cannot overturn it merely on the basis that another scheme might apply to that person, even if on appeal the judges agree that this section should apply. This is about making the community safe.

On this one, it is reasonably simple that, if a court finds that a person is unwilling or unable to control their sexual instincts and poses a danger to the community and that part of the act is made out, that is enough in and of itself and cannot be overturned merely because another part of another regime of another act could also apply.

The Hon. R.I. LUCAS: This amendment is said to be addressing the issue raised by a recent decision of the Court of Criminal Appeal in the matter of Thomas v Attorney-General (SA) 2019.

The Hon. K.J. Maher interjecting:

The Hon. R.I. LUCAS: Can I finish? The government is of the view that the amendment will not have any impact on the making of orders under section 57 of the Sentencing Act 2017, or indeed on an application under sections 58 or 59. The amendment appears to be based on a misunderstanding of what the Full Court did in Thomas. The Full Court found that an indefinite detention order was not necessary for the protection of the community in Thomas. This was not by mere fact that Mr Thomas could have been made the subject of an extended supervision order, as appears—based on the proposed amendments—to be the understanding of the opposition.

Rather, the Full Court took the view, having regard to all the evidence, that an indefinite detention order was not required to appropriately manage the risk posed by Thomas and that the community could be adequately protected by a different type of order. The proposed opposition

amendments would have no impact on this situation and for this reason the government is opposing the amendments.

The Hon. K.J. MAHER: If I understand the Treasurer's view on this, he says, 'These won't do anything, so oppose it.' Is that the gist of what the Treasurer is saying?

The Hon. R.I. LUCAS: I have put on the record the government's position. I can repeat it again if he wishes, but I can add nothing more to the government's position other than what I have already put on the public record on behalf of the government.

The Hon. K.J. MAHER: Finally, I might just add that I think the Treasurer has outlined basically the same argument that I made—so I think we are both agreeing that these amendments should be supported—and that is, that the Supreme Court found that there is another scheme that could be preferred over indefinite detention.

We say that if that is made out and indefinite detention is one of the options, it should not be overturned on the basis that there is another one that might also apply. As legislators, we would feel awful if we did not pass this and someone who might be captured by this was let out into the community and then committed further offences.

The Hon. R.I. LUCAS: It is incorrect for the minister to say that the government agrees with the opposition amendment. As I indicated in my contribution on behalf of the government, the government is opposing this particular amendment.

The Hon. T.A. FRANKS: In the absence of my parliamentary colleague, Mark Parnell, I have an indication that the Greens will be opposing this amendment. We have had conversations with the Attorney-General's office and understand, very much as the Treasurer just informed the chamber, that while this amendment proposes to address the situation it is in fact not effecting the change it seeks to, and we have accepted that advice from the Attorney-General.

The Hon. J.A. DARLEY: For the record, I will be opposing this amendment.

The Hon. K.J. MAHER: I have a further contribution. I have a question for the government: does the government consider that this amendment applies to the making of an order or the release of someone under an indefinite detention order?

The Hon. R.I. LUCAS: I have outlined the government's position in relation to this particular amendment. For the reasons I have outlined, the government will be opposing the amendment that has been moved by the Leader of the Opposition.

The Hon. K.J. MAHER: The reason I asked that, and the reason I think the Treasurer will not answer this question, is we understand that the Attorney-General, somewhat misleadingly, has been giving briefings suggesting that this applies to the release of someone on an indefinite detention order, when that is not the case at all. It applies to the making of an indefinite detention order. I ask the Treasurer again: does the government believe that this applies to the making of an indefinite detention order or the release of someone on an indefinite detention order? I will take an inability to respond as confirming my assertion.

The CHAIR: Leader of the Opposition, there was an injurious reflection. You are asking the Treasurer to reflect on the mind of the Attorney, which is impossible for any other human being, and then you are putting to the Treasurer that however he answers you are going to draw whatever conclusions you wish. You can draw whatever conclusions you want, but the question is out of order. I am ruling it out of order. Have another go.

The Hon. K.J. MAHER: Does the government consider that these amendments apply to the making of an indefinite detention order or someone on release from an indefinite detention order? Mr Chairman, it has come to my attention that some may have been suggesting that it is a release.

The CHAIR: That is the question. If you wish to make a commentary, then—

The Hon. K.J. MAHER: I will do it later.

The CHAIR: —do it subsequently.

The Hon. R.I. LUCAS: That is the second attempt at the same question. My answer remains the same. I have outlined the government's position.

The Hon. K.J. Maher: Why won't you answer a simple question?

The Hon. R.I. LUCAS: I have outlined the government's position and we do not support the amendment that has been moved.

The CHAIR: The Hon. Ms Bonaros has caught my eye.

The Hon. C. BONAROS: I apologise; I indicate for the record that we do agree that this amendment tightens the legislation, and I do not necessarily accept the position that has been put by the government. For those reasons, we will certainly be supporting the opposition's amendment.

The CHAIR: Leader of the Opposition, do you wish to make a further contribution before I put the question?

The Hon. K.J. MAHER: No, thank you, Mr President. I think the Treasurer's unwillingness to answer says it all.

The committee divided on the new clauses:

Ayes.....9
Noes 10
Majority 1

AYES

Bonaros, C.	Bourke, E.S.	Hanson, J.E.
Hunter, I.K.	Maher, K.J. (teller)	Ngo, T.T.
Pangallo, F.	Pnevmatikos, I.	Scriven, C.M.

NOES

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

PAIRS

Wortley, R.P.	Parnell, M.C.

New clauses thus negatived.

Clause 6 passed.

Clause 7.

The Hon. R.I. LUCAS: I move:

Amendment No 2 [Treasurer–1]—

Page 4, after line 11—After subclause (4) insert:

(4a) Section 71(5), definition of *designated offence*, (a)—delete '12, 12A'

This amendment corrects an existing anomaly in the Sentencing Act 2017, which was identified during consideration of the bill. In short, when the home detention provisions were amended as part of the Sentencing Act 2017, section 70(3) specified that murder includes an offence of conspiracy to commit murder and an offence of aiding, abetting, counselling or procuring the commission of murder.

Section 12 of the Criminal Law Consolidation Act 1935, which is the offence of conspiring or soliciting to commit murder, was also included in the list of designated offences, which were copied across from the suspended sentence provisions at that time. Section 70(3) of the Sentencing Act operates such that the court may not even consider exercising its powers under the provision for the offence of conspiring to commit murder, thus it does not make any sense for it to also be included in the list of designated offences in section 71(5) of the Sentencing Act.

When considering this issue, it also become apparent that the list of designated offences also includes section 12A of the Criminal Law Consolidation Act. However, section 12A of that act is not actually an offence provision itself, rather it deems certain other offending to be murder, so it should not be separately provided for in the list of designated offences. It is therefore appropriate to remove it at the same time as removing section 12 of the Criminal Law Consolidation Act.

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

Amendment No 1 [Maher–1]—

Page 3, after line 16—Insert:

(a1) Section 71(2)(b)—after subparagraph (i) insert:

(ia) for a serious sexual offence where the victim is a child, or the offence is committed in the course of, or in circumstances involving, the sexual exploitation or abuse of a child, other than a prescribed serious sexual offence that occurred in prescribed circumstances; or

(a2) Section 71(2)(b)(ii)—after 'offence' insert:

(other than a serious sexual offence to which subparagraph (ia) applies)

Amendment No 2 [Maher–1]—

Page 4, after line 11—Insert:

(4a) Section 71(5)—before the definition of *designated offence* insert:

child means a person under 18 years of age;

These are very, very simple. At the moment, serious child sex offenders are eligible for home detention. We do not think that should happen. There is a list of offenders who are not eligible for home detention and we think serious child sex offenders should come into that list. The government has a very different view to us. They think that there should be the possibility of serious child sex offenders receiving home detention.

There are some minor changes to the way that works, but there is a very, very stark difference. The opposition thinks that there should be no possibility that a serious child sex offender should be allowed to have home detention. We believe monsters, predators like Vivian Deboo, should not have the option of staying at home for their sentence, they should go to gaol. We put a private members' bill up to make sure that was the case that the government has refused to deal with in the lower house. The government prefers the option of serious child sex offenders having the possibility of home detention. What we are seeing at the moment is the aforementioned Vivian Deboo going through the appeals process to try to be released into his home rather than staying in gaol.

If we pass these amendments, what it will mean, if the government enacts this soon enough—and that went to the questions that I put to the Treasurer earlier on—if we pass this bill with the amendments that the opposition has proposed, along with the transitional provisions, we can stop Vivian Deboo from continuing with his appeal and having the prospect of getting home detention.

If you support the opposition, you support Vivian Deboo not having the possibility of home detention; if you wish to give Vivian Deboo the possibility of home detention, if you wish to give other serious paedophiles the option of serving their sentence on home detention, then you should support the government in opposing the opposition's amendments.

The Hon. R.I. LUCAS: I only moved amendment No. 2 [Treasurer-1] standing in my name so—

The CHAIR: We will deal with the Hon. Mr Maher's amendments and then I will ask you to formally move your amendments later. I intend to put amendments Nos 1 and 2 of [Maher-1] to the committee for decision.

The Hon. R.I. LUCAS: Before the one that I have already moved and the one that I have not yet moved?

The CHAIR: Yes. I will deal with those separately, so there is no need to address them just yet.

The Hon. R.I. LUCAS: I have addressed the first one already but—

The CHAIR: Yes.

The Hon. R.I. LUCAS: —I will now address the amendment moved by the Leader of the Opposition. The government's position is to oppose this particular amendment. I am advised as follows: this amendment is a convoluted way of saying that home detention is not available for an adult committing a serious sexual offence against (1) a child, unless the young love exception applies, and (2) an adult, unless special reasons apply. In short, leaving the young love exception to one side, it is trying to shut the door on the application of the special reasons test so that it cannot be used if the victim of a serious sexual offence is or was a child.

The sentiment behind this amendment is clear and in some respects understandable. All sexual offences are inherently heinous but sexual offences against children are particularly so. However, the government's position is that the sentencing restrictions for home detention, as amended by the bill, are well adapted to address this, while balancing the circumstances of offenders who are so aged or permanently infirm that they no longer present an appreciable risk to the safety of the community.

That is not to say that everyone who is able to establish that they are so aged or permanently infirm that they no longer present an appreciable risk of safety to the community will automatically receive a home detention sentence. In many cases, the court will still form the view, as part of the sentencing process, that the interests of the community as a whole would not be better served by permitting the defendant to serve their sentence on home detention. That may be because of the seriousness of the offending or for other reasons. In those cases, the offender will be required to serve their sentence in prison notwithstanding the lack of current risk and their incapacity.

However, if it is accepted that there is a place for the special reasons exemption, and it must be—because it was the opposition who first introduced that clause into the Sentencing Act when they were in government—it must also be recognised that the situation whereby an offender was able to offend against a child but by the time of their sentencing that they are now so aged or permanently infirm, is inherently most likely to apply in the situation involving historical sex offences against children.

That has arisen since the abolishment of the immunity from prosecution for historical sexual offences in 2003. That is the very cohort of offenders to whom this provision is most likely to apply. It is for those reasons that I am advised that the government is opposing this particular amendment.

The Hon. C. BONAROS: SA-Best's position is that there is a special place in hell for the perpetrators of child sexual offences, and so we absolutely support the amendments proposed by the member opposite. When a child is a victim of a sexual offence, it is our position that there is absolutely no margin for that person to be released on home detention. On that basis, we do not agree with the government's position. We think that this parliament should make it abundantly clear that that person ought not be released on home detention ever.

The other point that will raise, though, is in relation to the young love exception. I use that term loosely. The Leader of the Government has also moved an amendment which proposes to increase the age to 20 years. That is a position that we also support. It is my understanding—and I will be corrected if I am wrong—that those two provisions can coexist, so we have the provisions in relation to child sex offenders and then the provisions that relate to young love exceptions. So there is no issue, as I understand it, with those provisions coexisting. If that is the case, if I am correct,

then our position is to support both the opposition's amendment but also the government's amendment in relation to the young love exception.

The Hon. K.J. MAHER: What amendment No. 2 [Maher-1] does is make sure of that so-called young love exception. We are going to support the government's amendment to the ages in that young love exception in relation to our first amendment.

On clause 7 generally a question to the Treasurer: given that what we seek to do is to have no chance for a dangerous child sex offender of gaining home detention, under the regime as it currently exists, would a dangerous child sex offender have access to an intensive correction order?

The Hon. R.I. LUCAS: My advice is that, under the bill, no sex offenders will be entitled to access an intensive correction order.

The Hon. K.J. MAHER: I thank the Treasurer. That is my understanding as well, that under other provisions that we are going to come to, that are amendments that we filed that the government has now copied, and we will support the copying our amendments, it takes out the possibility that a dangerous child sex offender can get an intensive correction order. My question to the Treasurer is: if it is good enough for a dangerous child sex offender to not under any circumstances be able to get an intensive corrections order, then why on earth should that same dangerous child sex offender be able to get home detention?

The Hon. R.I. LUCAS: I am advised that the intensive correction order is directed towards a group of people who are able enough to be able to participate in rehabilitation and community service orders. You need to be in a physical enough condition to be able to participate in those sorts of programs. By the very nature of the debate that we are having, someone who is so aged and infirm—this particular cohort that we are talking about—is clearly not in a position to undertake intensive correction orders because they are so aged and infirm they would not be able to go out for rehabilitation of community service orders. We are talking about two different groups of individuals, so I am advised.

The Hon. K.J. MAHER: Under intensive correction orders, there is a necessary component that is community service. Is this what the Treasurer is advising the chamber?

The Hon. R.I. LUCAS: I cannot add to what I have said. My advice is rehabilitation and community service orders.

The Hon. T.J. STEPHENS: This is of particular interest and concern to me because I have had a bit to say about child sex offenders in recent times. I have been assured by the Attorney that the reason we are not going to support this amendment—and I have probed and shown keen interest—is that if the person is virtually in a vegetative state they want the ability to let those people have home detention so that the state, in particular, is not taking care of them. I will be supporting the government's position but I am watching extremely closely.

The Hon. K.J. MAHER: I place on record that I know the term 'in a vegetative state' is being bandied around but there is nothing about that in this bill. It does not refer to a vegetative state, it refers to aged or infirm. It is either of those two; it is not that you have to be infirm. You could get home detention just because you are old enough under this legislation, and we just do not agree with that.

The Hon. R.I. LUCAS: My advice is that that claim from the Leader of the Opposition is just not true.

The Hon. T.A. FRANKS: For the assistance of the Chair, I indicate that the Greens will be supporting the government's amendments and opposing the opposition's amendments. These are the instructions I have been given by my colleague the Hon. Mark Parnell.

The Hon. J.A. DARLEY: I will be supporting the government's amendments.

The committee divided on the Hon. K.J. Maher's amendments Nos 1 and 2 [Maher-1]:

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

AYES

Bonaros, C.	Bourke, E.S.	Hanson, J.E.
Hunter, I.K.	Maher, K.J. (teller)	Ngo, T.T.
Pangallo, F.	Pnevmatikos, I.	Scriven, C.M.

NOES

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

PAIRS

Wortley, R.P.	Parnell, M.C.

Amendments thus negatived.

The Hon. R.I. LUCAS: I move:

Amendment No 3 [Treasurer–1]—

Page 4, line 36 to page 5, line 3 [clause 7(7), inserted subsection (6)(a)]—Delete paragraph (a) and substitute:

(a) the defendant was, at the time of the offence, 20 years of age or less; and

(ab) the circumstances of the offending, including the victim's age and the age difference between the defendant and the victim, are such that it is appropriate that a home detention order be made; and

This amendment will change the young love carve out provided for in the bill. The government has obtained data based on court outcomes that indicate that the three-year age gap proposed and the limitation on the application of the provision to 18 and 19 year olds were not quite broad enough to cover the types of young love offences being handled by the courts.

The data showed that there were cases where the age gap between defendant and complainant was between three and four years and where the defendant was up to age of 20 years, which would currently result in a suspended sentence or home detention sentence being imposed. The government is of the view that it would not be in the best interests of the community to require this type of offender to be imprisoned in all cases and that it is appropriate to retain the discretion of the court so that they can impose a suspended sentence or home detention order on the limited cohort of defendants capped at 20 years of age and limited by reference to the prescribed offence's inappropriate circumstances.

The Hon. R.I. Lucas's amendments Nos 2 and 3 carried; clause as amended passed.

Clauses 8 and 9 passed.

Clause 10.

The Hon. R.I. LUCAS: I move:

Amendment No 4 [Treasurer–1]—

Page 7, lines 4 to 6 [clause 10(2), inserted paragraph (ab)(i)]—Delete subparagraph (i)

This amendment corrects a drafting error in the bill which occurred when copying over the relevant restrictions applicable to home detention orders into the intensive correction orders regime. It removes a reference to an intensive corrections order not being available for a sentence with a non-parole period of two years or more.

Section 47(5)(a)(ii) of the Sentencing Act provides that the court may not fix a non-parole period in respect of a person liable to serve their sentence on an intensive corrections order. Thus, the reference to 'non-parole period' as a limiting factor is an error. However, the existing two-year sentence limitation applicable to intensive corrections orders remains in place and will therefore continue to provide a limitation on when any offence could be the subject of an intensive corrections order.

The Hon. K.J. MAHER: I have a question on the clause generally, but in particular on the amendment that has already been moved. It is similar to a question I asked about a previous government amendment. When did the government become aware that these amendments were necessary, on what date were these amendments drafted and at whose suggestion?

The Hon. R.I. LUCAS: Unsurprisingly, the answer is the same: in between houses, and I suspect it was also raised by parliamentary counsel. It may well have been a combination of parliamentary counsel and Attorney-General advisers who picked it up between the houses, so shared responsibility is the best way of describing it.

The Hon. K.J. MAHER: I suspect this was not the result of an inadvertent drafting error. This is a policy change and a policy shift, not some sort of inadvertent drafting error. As I stated in my contribution before, what we are doing by the work of these amendments is removing the possibility of an intensive correction order for a dangerous child sex offender. The government saw fit to give a get out of gaol free card for dangerous child sex offenders for home detention.

We filed amendments that would stop that get out of gaol free card for both home detention and intensive corrections orders. The government has now been dragged kicking and screaming to the intensive corrections order, which we welcome. I foreshadow that I will not be moving [Maher-1] amendments Nos 3, 4, 5, 6, 7, 8 and 9. I will be voting with the government's amendments, which do what we had put in before the government put them in. We thank the government for taking up our suggestions, but it is a pity that they kept that get out of gaol free card for the home detention orders.

The Hon. R.I. LUCAS: For clarification, I am advised that maybe the Leader of the Opposition is referring to my next amendment, amendment No. 5.

The Hon. K.J. MAHER: The set of amendments that do these things.

The Hon. R.I. LUCAS: The Leader of the Opposition has indicated, for the reasons he gave, that he is supporting the government amendment, so I will not pursue the debate.

The CHAIR: For my benefit, Leader of the Opposition, do you have any other amendments to clause 10 that you wish to pursue?

The Hon. K.J. MAHER: We will not be moving any of the amendments on clause 10, which are [Maher-1] amendments Nos 3 to 9 inclusive.

The CHAIR: I thank the Leader of the Opposition. I want to clarify it before we start moving everything. In respect of clause 10, we will only have amendments Nos 4, 5, 6 and 7 [Treasurer-1], all of which you will be supporting?

The Hon. K.J. MAHER: Yes.

The CHAIR: Treasurer, I will get you to move them all, explain the package and then I will give the other members an opportunity to comment.

The Hon. R.I. LUCAS: Given what the Leader of the Opposition has just indicated, I think it would make sense for me to move the package of amendments. I will explain the package of amendments. There are different reasons for different amendments. We can then potentially move them together. I have spoken to amendment No. 4, which I have moved. I will now move amendment No. 5 [Treasurer-1] and explain that. I move:

Amendment No 5 [Treasurer–1]—

Page 7, lines 7 to 9 [clause 10(2), inserted paragraph (ab)(ii)]—Delete 'unless the court is satisfied that special reasons exist for the making of an intensive correction order'

This amendment removes the special reasons card out from the intensive corrections provisions. It means that serious sexual offenders will not be eligible for an intensive corrections order at all. The Attorney-General has indicated in the other place that the government was awaiting some final consideration on the overall changes to the intensive corrections order regime proposed by the bill before finalising what might amount to special reasons in the intensive corrections orders provisions.

It is not proposed to mirror the special reasons considerations that are contained in the home detention order regime in the intensive corrections orders regime because of the different nature of the two sentencing regimes. The nature of an intensive corrections order, with a focus on rehabilitation and a requirement to perform community service if the offender is not employed, is not suitable for an offender who is so aged or infirm that they no longer present an appreciable risk of safety to the community. As no other category of sexual offender who would merit serving this sentence in the community pursuant to intensive corrections has been identified by the Department for Correctional Services, the government is of the view that there should be no special reasons exception to enable a serious sexual offender to get an intensive corrections order. I also move:

Amendment No 6 [Treasurer–1]—

Page 7, lines 24 and 25 [clause 10(3), inserted subsection (5), definition of *designated offence*, (b)]—

Delete paragraph (b)

This amendment is similar to amendment No. 3 [Treasurer-1]. It removes a reference to section 12A of the Criminal Law Consolidation Act and the list of designated offences for the same reason given for amendment No. 2. It is, in essence, consequential on the earlier debate. I also move:

Amendment No 7 [Treasurer–1]—

Page 8, lines 6 to 9 [clause 10(3), inserted subsection (5), definition of *prescribed designated offence*]—

Delete the definition of prescribed designated offence

Again, this amendment is consequential on amendment No. 4. The only reference to 'prescribed designated offence' was in the paragraph to be deleted by amendment No. 4. Removal of that paragraph means that there is no need to define 'prescribed designated offence'. Therefore, this amendment removes that definition.

The Hon. C. BONAROS: I indicate for the record that we will be supporting the government's amendments.

Amendments carried; clause as amended passed.

Clause 11.

The Hon. K.J. MAHER: This clause is in relation to conditions of intensive corrections orders. My question to the Treasurer is: who supervises intensive corrections orders?

The Hon. R.I. LUCAS: I am advised the department for corrections.

The Hon. K.J. MAHER: Was the department for corrections consulted on this bill before it was introduced into parliament? My recollection is that the Attorney-General in another place said that the department for corrections was not consulted before the bill was introduced.

The Hon. R.I. LUCAS: If that is an accurate reflection of what the Attorney said, I will have no evidence to the contrary. They have clearly been consulted as a result of ongoing discussions, but the honourable member's question was in relation to before the bill. If the Attorney-General has put on the record a particular statement, she would know much more about the degree of consultation than would I. I would certainly not say anything that would contradict what she has put on the record, if that is indeed what she has put on the record.

The Hon. K.J. MAHER: If that is indeed the case, which I am sure we will find out soon, why was the department for corrections not consulted before this bill was introduced, given clauses such as this one refer to what they do?

The Hon. R.I. LUCAS: Based on the advice I have with me today, I am not in a position to give the Leader of the Opposition an answer to that particular question. It may well be a question

that can be directed to the Attorney in question time in the future, but I do not have any advice today to be able to throw any light on who was consulted and why some were and some were not.

The Hon. K.J. MAHER: I would be grateful if the Treasurer, as he has already in the conduct of this bill, would take that question on notice and bring back a reply and that particular answer. I think it is quite a reasonable question because the opposition previously introduced legislation in relation to these issues to parliament, particularly in the lower house, which the government has refused to allow to be progressed, on the basis of the Attorney-General claiming that the Attorney-General will do a thorough review and have a very considered look at how these laws operate.

If it turns out that this thorough review and very considered look at the way these laws operate failed to consult with a key department—in fact, a department whose work will be affected by this review—it casts doubt on whether this was actually a thorough review or whether it was just the Attorney at the time stalling for time.

The Hon. R.I. LUCAS: As I said, I am happy to take the question on notice and bring back a reply on behalf of the Attorney. Again, the leader has been a minister before, and the other point I could make is that in the normal course of events if something goes to cabinet, generally at least 10 days before, if it has not gone to a cabinet committee beforehand—I am not sure whether this did or did not—it is circulated, certainly to ministers and to CEOs of departments, prior to any cabinet deliberation of particular issues.

Certainly, that would provide an opportunity, potentially, for agencies that are impacted or have a view—they do not even have to be impacted—on a particular bill that the minister is bringing to cabinet. As I say, that is the normal course of events. Whether or not that occurred in this particular case, I cannot say, but if the Attorney-General has indicated in another place or elsewhere that they were not consulted prior to it, if that is a correct reflection of what she said, I am happy to accept what the Attorney has said.

The Hon. K.J. MAHER: I thank the Treasurer, but my question actually was: will he take that on notice and bring back a reply? My second question is: is the Treasurer now in receipt of any information that would indicate whether Corrections was consulted or not?

The Hon. R.I. LUCAS: I have said yes to the taking on notice. In relation to advice, I have said I do not have any advice that can throw any light on who was consulted or, if people or departments were not consulted, why they were not.

Clause passed.

Clauses 12 and 13 passed.

Clause 14.

The Hon. R.I. LUCAS: I move:

Amendment No 8 [Treasurer–1]—

Page 12, after line 22—After subclause (2) insert:

(2a) Section 96(9), definition of *designated offence*, (a)—delete '12, 12A'

Amendment No 9 [Treasurer–1]—

Page 14, lines 12 to 18 [clause 14(6), inserted subsection (10)(a)]—Delete paragraph (a) and substitute:

(a) the defendant was, at the time of the offence, 20 years of age or less; and

(ab) the circumstances of the offending, including the victim's age and the age difference between the defendant and the victim, are such that it is appropriate that the sentence be suspended; and

Amendment No. 8 replicates amendment No. 2 but in respect of suspended sentences. It is necessary because clause 13 of the bill replicates a section in the existing home detention provisions that specifies that the offence of murder is to be taken to include an offence of conspiracy to murder and an offence of aiding, abetting, counselling or procuring the commission of murder. In doing this, the reference to section 12 of the Criminal Law Consolidation Act is made redundant for the same

reasons already given in the context of amendment No. 2. Similarly, the reference to section 12A of the Criminal Law Consolidation Act is also necessary.

Amendment No. 9 will change the young love carve-out provided for in the bill for the same reasons explained in relation to amendment No. 3. Both of these the government would see as consequential on earlier amendments.

Amendments carried; clause as amended passed.

Clauses 15 to 17 passed.

Schedule 1.

The Hon. R.I. LUCAS: I move:

Amendment No 10 [Treasurer–1]—

Page 16, lines 13 to 22 [Schedule 1, Part 2, clause 2(2)]—Delete subclause (2) and substitute:

(2) Section 75—after subsection (1) insert:

(1aa) If—

(a) a person is sentenced to imprisonment for an offence committed while on parole; and

(b) the court orders that the person serve the sentence subject to a home detention order or an intensive correction order under the *Sentencing Act 2017*, the person is liable to serve the balance of the sentence, or sentences, of imprisonment in respect of which the person was on parole, being the balance unexpired as at the day on which the offence was committed (and the person will serve that balance subject to the conditions of the home detention order or intensive correction order (as the case requires)).

Note—

Section 45(2) of the *Sentencing Act 2017* provides that the sentence for the offence committed while on parole will be cumulative on the sentence, or sentences, in respect of which the defendant was on parole.

(3) Section 75(1a)—delete 'Subsection (1) applies' and substitute:

Subsections (1) and (1aa) apply

(4) Section 75(2)—after 'subsection (1)' insert:

or (1aa)

(5) Section 75(3)—delete 'in prison under this section' and substitute:

under this section in prison or under a home detention order or intensive correction order (as the case requires)

Amendment No 11 [Treasurer–1]—

Page 16, line 23 [Schedule 1, Heading to Part 2]—Delete 'Transitional' and substitute:

Savings and transitional

Amendment No. 10 clarifies the intended amendment to section 75 of the Correctional Services Act 1982 contained in the bill. Following feedback on the bill, the amendment as it appears in the bill was considered to be unclear. It has been redrafted to address this.

Presently, the combined operation of section 45(2) of the Sentencing Act and section 75 of the Correctional Services Act means that where a defendant commits an offence while on parole they must serve the unexpired parole in prison prior to commencing the sentencing for the breaching offence. Where a sentence of imprisonment is imposed for the breaching offence, as it generally is, this is not problematic. However, if the sentencing court determines it would be appropriate to impose an intensive corrections order or home detention order, notwithstanding the seriousness of breaching parole by committing further offences, the existing legislative requirements may undermine the very intent of the sentencing court in imposing a community-based custodial sentence.

The amendment is designed to facilitate the defendant serving the unexpired parole under the same terms as the home detention order or intensive corrections order in those circumstances rather than requiring them to be returned to prison first.

Amendment No. 11 is a consequential amendment on amendment No. 12, which I have not moved yet but that I will move at a later stage of debate, I suppose, or do you want me to move that as well?

The CHAIR: I am going to have to put the questions separately.

The Hon. R.I. LUCAS: The leader has indicated he is supporting them as a block.

The Hon. K.J. MAHER: We will be supporting all of the three amendments. In regard to amendments Nos 11 and 12 as consequential amendments, whichever way they are put we will be supporting the whole package.

Amendments carried.

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

Amendment No 10 [Maher–1]—

Page 16, lines 26 to 28 [Schedule 1, Part 2, clause 3(1)]—

Delete 'the offence for which the defendant is being sentenced was committed before or after that commencement.' and substitute:

—

(a) the offence for which the defendant is being sentenced was committed before or after that commencement; or

(b) the defendant is being sentenced at first instance or on an appeal against sentence.

The effect of this amendment is to ensure that the bill applies to the sentencing of a person or a breach of home detention or an intervention order, regardless of whether the sentencing or breach occurred before or after the commencement of the bill. We think that this is a reasonable proposition to make sure that someone is not treated differently only because this had not been passed and that it applies to those regardless of the stage of proceedings against them or regardless of the point in time that a breach that the bill otherwise would have applied to applies.

The Hon. C. BONAROS: We will be supporting this amendment on the basis that it does provide the clarity that the member opposite has referred to.

The Hon. T.A. FRANKS: The Greens are also supporting this amendment.

The Hon. J.A. DARLEY: I will be supporting the amendment.

The Hon. R.I. LUCAS: I am just advised that, on the basis of that overwhelming support, the government will not be voting against this particular amendment.

Amendment carried.

The Hon. R.I. LUCAS: I move:

Amendment No 12 [Treasurer–1]—

Page 16, after line 36 [Schedule 1, Part 2, clause 3]—After subclause (2) insert:

(3) An amendment effected by a provision of this Act does not apply to or in relation to a home detention condition included in a bond under section 96(7) of the *Sentencing Act 2017* (as in force immediately before the commencement of section 14(2) of this Act).

As I said, amendment No. 11 was actually consequential on this so I had better explain amendment No. 12. This amendment was foreshadowed by the Attorney-General in another place. The bill repeals part of sections 106 and 114 and all of section 109 of the Sentencing Act, consequential upon the repeal of section 96(7), the ability to have home detention on a suspended sentence.

The consequentially amended provisions provide for supervision and enforcement in respect of offenders on suspended sentences with a home detention condition. It remains appropriate to

remove the provisions, but it must be clear that the powers to supervise are in force and the orders continue for those offenders who might already be serving a sentence of that kind.

Parliamentary counsel are of the view that existing orders and the right to enforce them would likely continue by application of the Acts Interpretation Act 1915. However, to ensure that there is no uncertainty about this, it is considered appropriate to include this transitional provision.

Amendment carried; schedule as amended passed.

Titled passed.

Bill reported with amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (16:49): I move:

That the bill be now read a third time.

Bill read a third time and passed.

LABOUR HIRE LICENSING REPEAL BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 May 2019.)

The Hon. I. PNEVMATIKOS (16:51): I rise to speak against the Liberal government's decision to repeal the Labour Hire Licensing Act 2017. This is a bad policy that will have negative repercussions for some of South Australia's most important industries and the honest businesses that operate within them. It goes without saying that it will expose our workers to further exploitation and unfair treatment.

I have dedicated a great deal of my life to fighting for workers and their rights. It is what motivated me in my professional life before entering politics and it is something that continues to motivate me greatly since entering this place. As a society, I believe we have an obligation to ensure that everyone is treated fairly and justly. If someone is unable to fight for their basic human rights because of linguistic, cultural or educational reasons, or because they are vulnerable and afraid of negative repercussions, it is our job in this place to ensure that we do what is within our power to fight for them.

This very much includes ensuring that everyone, both workers and employers, receive fair treatment and can operate on a level playing field. This was the intention of the previous Labor government when it designed the Labour Hire Licensing Act 2017. This legislation was introduced in response to a *Four Corners* investigation that found extreme exploitation and slave-like conditions in the food production industry, mostly affecting workers employed by labour hire companies, but we know that this practice exists in the agriculture, mining, hospitality, services and retail industries.

We have seen that unscrupulous labour hire companies underpay workers and avoid their tax obligations, workers compensation payments and superannuation entitlements. We know that when these companies are investigated some are liable to quickly fold and start up a new business, thus avoiding prosecution. Simply put, this is a wage theft towards a section of our society's workforce, but it is not only workers who would be protected under this legislation. Addressing any form of wage theft will have a positive effect on the industry and the wider economy.

As the McKell Institute's Ending Wage Theft report states, wage theft also has a significant anticompetitive effect. This is because it allows businesses who break the law to gain a competitive and unfair advantage over businesses that follow the rules and play by the rules. If left unchecked, this can create a race to the bottom where employers compete to see who can undermine and exploit workers the most.

If we allow this practice to continue it will have a negative impact on our productivity and economic growth, in addition to having a devastating impact on vulnerable workers. Many states around the country have recognised this and in response have introduced similar laws to tackle this

issue, yet the Liberal government now wishes to repeal this act. So what has changed in such a short time? How can it be that legislation was considered necessary a year ago and now all of a sudden it is not needed?

The explanation the government has given is that it would create too much red tape. As the Attorney-General stated in an interview on the ABC on 21 September 2018, 'We end up with a situation where the innocent are punished just to get a few guilty.' I am sorry, but this argument just does not stand up. By repealing this legislation, the government is actually allowing the innocent to continue to be punished, while letting the guilty get away with it.

We know that workers are being exploited by unscrupulous operators right now, right here in South Australia. In an audit of the food production industry, ReturnToWorkSA uncovered undeclared remuneration discrepancies in excess of $100 million on which premiums were owed. RevenueSA identified tax liabilities of $650,000. This is just one industry where labour hire companies operate. It begs the question: how many more people are being exploited and underpaid?

The regulations set out in the Labour Hire Licensing Act are the most efficient way to both understand and get on top of the problem. It will regulate labour hire practices in three important ways. Firstly, it will require that labour hire operators must be licensed in order to operate and supply labour in South Australia. Secondly, a person engaging a labour hire provider for the supply of workers must engage only a licensed operator. Thirdly, people in breach of the licence will face much tougher penalties. I firmly believe that a rigorous labour hire licensing scheme is the best way to put an end to some of this appalling exploitation and clean up this industry.

Are we as a society truly willing to allow workers to be mistreated simply to save companies the trouble of applying for and adhering to the conditions of a licence? All the evidence shows that, by repealing this legislation, not only will vulnerable workers suffer but so will honest businesses, industries and our economy as a whole.

We still do not have enough evidence to fully understand the extent of the problem because the South Australian Fair Work Ombudsman has audited fewer than 1 per cent of businesses in the state. This legislation could have the additional benefit of creating greater transparency and understanding regarding operators. We on this side of the council have repeatedly stated that these laws would ensure that those businesses that are doing the right thing will continue to be able to exist and thrive.

Let's just take a look at one industry as an example: the agricultural industry. This is an industry that is well known for noncompliant labour hire companies that exploit workers, especially with the growth in reliance on seasonal workers. It is an industry that has been heavily investigated and audited by a number of organisations, including the Fair Work Ombudsman in its Harvest Trail inquiry report from 2018, as well as a report conducted by the University of Adelaide and the University of Sydney, entitled 'Towards a Durable Future: Tackling Labour Challenges in the Australian Horticulture Industry', 2016-18.

Significantly, it is also known as an industry of vital importance to the South Australian economy. Our primary industries are the state's largest export sector, accounting for over half of the state's merchandise exports. The industry is also a major employer, particularly in regional South Australia, employing 152,000 people in our state. Clearly, this is an industry that we want to protect and see grow and prosper, yet the Liberal government wants to repeal legislation that could protect this vital industry. As the Towards a Durable Future report states:

> It is clear from our research that this is a time of tremendous opportunity for growth of the Australian horticulture industry. But the industry has also reached an important crossroad in relation to the labour force that will service the industry.

The choice is between the low road, involving a lack of compliance and protection for honest businesses which will result in more negative media stories, further damaging the reputation of the industry and its potential for growth into new markets, or the high road, which will involve real reforms and legislation that will ensure those businesses that are doing the right thing are not disadvantaged. It is about a thriving, regulated environment versus unsustainable and deregulated chaos.

It is clear that the Liberal government, by repealing this legislation, is intent on dragging South Australia down the low road. I and my Labor colleagues want our state to take the high road

where we protect workers, honest businesses and industries from unscrupulous operators. As the McKell Institute stated in its submission to the South Australian parliamentary inquiry into wage theft:

> Given the extent of the issue, and the lack of federal oversight, it is beholden on the South Australian government to explore every policy response available to it, and act.

This is what the previous Labor government did. If the Liberal government really wants to protect our workers, our honest business owners, our industries and our state's economy, it will reverse its decision to repeal the Labour Hire Licensing Act 2017 or, at the very least, put this bill to the chamber so that we can get on with protecting workers and honest businesses operating currently.

The Greens and SA-Best, in fact all the crossbench alongside Labor, have made clear their position, namely that they will not support the government's bill to repeal the act.

The Hon. J.E. HANSON (17:01): It would not surprise anyone that I rise today to speak on this bill. In looking at the Labour Hire Licensing Repeal Bill, it actually bears some thinking about what it is that we are even talking about. This is a licensing regime, this is about making sure that we regulate how people operate.

I really cannot think of any other type of industry where we are looking at winding back licences, and it is worth looking at what we are doing in contemporary legislation these days in terms of what we regard licences being necessary for. If you are running a business where you are employing people, however you might be employing them, it is probably worth considering why you might need a licence. For instance, you might be operating in conditions where your opponents in the commercial world might be doing something you think is not entirely fair, but you cannot regulate that as a fellow market operator. You have to exist in a market atmosphere where someone might break the rules but you cannot do anything about it.

It is worth considering why you might have an ideology that says you want to encourage exactly that practice, and what kind of practice that creates. Like a lot of my colleagues on this side of the house, I am sure, I argue that what that actually creates is a race to the bottom effect. It is not new to say that—I think a lot of people have said it—but it is worth thinking about the ideology that is driving the very thing we have before us today.

I have spent a great deal of my life fighting against exactly this kind of ideology because of the impact it has on the people it affects—and the people it affects primarily, of course, are the workers. Those workers are often unfairly exploited or unfairly dealt with in regard to their employment.

I know the Treasurer loves getting out his union-bashing batten, and before he goes to work let us all remember exactly what it says when you say you fight for workers. Giving workers an ability to have an eye on things like wages and conditions, giving them the ability to talk to their boss on a level playing field, and giving them the ability to know what their rights are is not some sort of partisan thing. I know it is often betrayed that way by the Liberal Party, in particular, and some other parties I can name, but it really is not. It is pretty common here and it is pretty common across any part of the world that has a democratic and free society.

Workers not being taken for a ride by their boss or, for that matter, someone on behalf of their boss, is consistent with the kinds of modern workplaces that working families and indeed many employers actually want to see. It is a workplace that is family focused and a workplace that promotes work-life balance. Those are not buzzwords; those are modern workplaces. We should be encouraging them. We should be encouraging environments and regulations that create them. I know there are members of the Liberal Party who believe in those things, so I wonder why they would be promoting a bill like this which removes the ability to create them.

It is not partisan to want to see regulation in workplaces. In fact, it is just keeping pace with a modern world, a world that is consistently looking to stamp out exploitation and to modernise workplaces to a higher standard. That is not partisan. Why would we want to see workplaces modernised to a higher standard? Again, uncontroversially, we all want to see workplaces that are safe, or at least consistently safer, for workers. We want to see them safe for their family, we want to see them good for the environment and equitable in the marketplace for businesses which exist now and also to promote businesses to continue to emerge and promote exactly those kinds of things

we want to see—safer workplaces, more environmentally friendly workplaces and equitable workplaces which are good for when you are at work and also when you want to go home.

I put it that in seeking to remove the kind of fair and protective regulation, as we are seeing here, we see the real partisan behaviours of those in workplace politics. It is the partisan behaviour of hiding behind arguments about 'making things easier' and 'tape' and other such metaphors without detailing the substance of why. It is the partisan behaviour of alleging that workers, and their legitimate right to join associations which may help or protect them, do not have all that much to do with it.

It is the partisan behaviour of attempting to remove something before it even has the chance to work, as I know has been mentioned by the Hon. Ms Pnevmatikos. Imagine trying to remove legislation that had not even been in place and working for a year. Why would you do that? It does not make any sense. If it is going to fail, then surely it would be evident after such a short period as a year or two. But no, this government wants it gone now. It is worth wondering why. It is worth wondering how partisan actions like that are.

So far from being partisan, fighting to keep good regulation should be something this government listens to. As I have mentioned, I have seen the front line of why regulation of bosses is required. Regardless of good intentions or ignorance arguments, working below the correct wage or correct employment conditions in any environment is exploitation.

But, as has already been raised by the Hon. Ms Pnevmatikos, you do not actually have to take our word for it. We can look to the *Four Corners* investigation into such things, entitled *Slaving Away*. It uncovered gangs of black-market workers run by unscrupulous labour hire contractors operating on farms and in factories around the country. The produce they supplied was not just going to small operators, it was proven to end up in our major supermarkets and fast food chains.

These labour hire contractors in the investigation were filmed as preying upon highly vulnerable young foreigners, many with very limited English, who have come to Australia with dreams of working in a fair country. They were revealed to be subjected to brutal working hours, degrading living conditions and massive underpayment of wages claims. ABC *Four Corners* reporter Caro Meldrum-Hanna obtained undercover footage and on-camera accounts of workers being exploited. In fact, one migrant worker told her:

> I felt like we were going back in time…the way we were treated was inhumane.

Another said:

> It made me question Australia as a country.

It uncovered that female workers are particularly at risk, with women coming forward to make allegations of harassment and assault.

I am going to ask some fairly basic questions and I think the answer from all of us would be no. Is this the kind of Australia we want to see? Is this the kind of state we want South Australia to be? Are these the kind of 'simpler, easier or red-tape reduced' bosses we want? I certainly do not. I cannot see why anyone here would. In her analysis of retailers' responses to the ABC *Four Corners* investigation, Australian labour law scholar Rosemary Owens concluded the following:

> When confronted with the evidence of exploitation, the businesses frequently resorted to platitudes defending the values of their organisation and restating their commitment to ethical behaviour by all in the supply line…

What can we conclude from such harrowing investigations and evidence? The fact is that we cannot expect the market to regulate itself. Employers doing the right thing need protection. Consumers wanting to do the right thing need protection. Workers need protection. Let's be really clear what is at stake by repealing our labour hire regulation laws.

It is well past time as a nation and as a state that we stop seeing the failure to pay or treat workers by the law as anything but just that: a failure to adhere to the law. Let's not kid ourselves, the repeal of this bill will make it easier for negligent employers to fail to adhere to the law. It will be easier to accidentally break the law. It will be easier to break the law in ignorance of it. It will be easier to break the law on purpose.

The rights of workers under threat here will not be some difficult thing to understand. They will not be a technical legal point. They are easy things to understand. The rights being placed under threat are wages. The rights being placed under threat are conditions, such as knowing your rate of pay before you start work, the right to know how much tax has been deducted from your pay, the right not to be assaulted sexually or otherwise at work and the right to know where your superannuation is paid or if it was even paid at all.

Any one of us would want these rights for our friends, for our partners and, indeed, for our children. They are not special, they are fundamental rights. South Australian workers and small businesses need protection from companies and industries where wage theft is rife, exploitation is common and phoenixing is part of the business plan. Not giving a bill that seeks to prevent those things a chance to work just does not make any sense. Removing a bill—any bill—that seeks to protect people against those things does not make any sense.

As the Leader of the Opposition said, using the government's logic, it is the equivalent of abolishing licences for drivers or builders or gambling licences. Labour hire licensing is one of the major levers state governments can pull to ensure better standards in the workplace within our jurisdiction. With the notable exception of South Australia, major state governments are moving ahead with labour hire licensing initiatives in lieu of federal regulation in the area. I know as well that there are plans federally to look at exactly what we are talking about here.

By removing a regulation like this while everyone else is moving forward we are placing our workers as the metaphorical last dog at the bowl when it comes to protecting them from unscrupulous and criminal employers. Why would we want to do that to anyone? What happens to the last dog at the bowl? It dies.

The Hon. T.A. FRANKS (17:13): I rise on behalf of the Greens to oppose the repeal of the Labour Hire Licensing Act. I note that, back in February when the Treasurer brought this bill into this place, he uttered only 56 words before seeking leave to insert the remainder of his second reading explanation into *Hansard* without him reading it out loud. In that, he outlined that the government had received numerous written submissions, which were apparently made to the office of the Treasurer, including from industry representative groups and small businesses, outlining their confusion, angst and concerns regarding the scheme.

As a result of this, the Attorney-General then undertook to closely review the issues raised and, in consultation with Consumer and Business Services, they then made it clear to this industry that the current Marshall government would not be going ahead with this legislation. I note in the very small number of words—those 56 words—with which the Treasurer introduced this repeal bill that he noted that the Labor Hire Licensing Act 2017 had been introduced by the former government.

It may have been introduced by the former government but it was passed by the entire parliament. Parliament makes the laws, not the government. This was a law for which there was a great need, a need that has not been addressed at a federal level, which not only was debated in this place and the other place for many, many hours but also went through a select committee. This is a law that anyone who saw the *Four Corners* expose knows we need. This is a law that we are told is too much red tape because 90 per cent of this industry is apparently doing the right thing.

As did the Hon. Kyam Maher when we first debated this, I recognise that there are many people in this industry doing the right thing. The 10 per cent doing the wrong thing are, of course, those to whom this act applies—10 per cent. That is one in 10 of everyone in this industry having been found to be doing the wrong thing. This is an industry known for phoenixing. This is an industry known for exploiting the most vulnerable workers. This is an industry that trades on portraying itself as something it is not. This is an industry where that red tape might as well be equated to the blood of those workers, where health and safety is sacrificed, where wages are sacrificed, where conditions are sacrificed and where a fair go, if you are willing to have a go, is absolutely sacrificed.

I am not willing to allow this government to get away with flouting the laws of this state. This labour hire act that we currently have is the current law of this state, but the Attorney-General and the Treasurer have indicated, and used their departments to indicate, to this industry that they will not be applying this law. Here we have a repeal bill that is based on the 'confusion, angst and concern' of a few hand-picked representatives of those who have the ear of government, but certainly does

not stand up for the exploited workers with whom I have met through my work in recent years with the National Union of Workers.

I had occasion to meet with these workers in a small lounge room in Belair Athol, who told me stories of being too scared to take any time off, to take leave to go back home, to take any sick leave. These are people who were sleeping in their cars because the shifts were so close together. These are people who were getting by on what you would have to say were unacceptably low wages. These are people who were working for companies that were supplying the Woolworths and Coles of this country with that 'fresh food' that they proclaim and love the consumers to go and buy.

We know that D'Vine Ripe does not like us pointing out that they are Perfection Fresh. I am sure that they do not like these labour hire licensing laws very much because it means that they cannot exploit their workers anymore, but this Marshall government is happy to thumb its nose at the current law of the land and stand up for the 10 per cent doing the wrong thing. This is similar to shop trading hours, where that bill came to this place and the Marshall government tried to have its way with this parliament, but failed. The Treasurer then basically operates by stealth and wages a campaign flouting the current laws that this parliament has made.

There is no respect for this parliament in this bill that comes before us today because this bill is a straight repeal bill. It is not an amendment bill; it does not seek to address the issues of angst, confusion and concern, but it certainly wipes away all the issues of protection of work health and safety, standards and job security. We will not cop it. This parliament will speak loud and clear against the government's attempt to repeal the entire act. To have this sit on the *Notice Paper*, hanging over the head of the industry as a sign that perhaps the department does not have to actually implement the laws of the land, is an affront.

This should be going to a vote. The government rails against it going to a vote because they know what the result will be. They know that a repeal bill is a pathetic excuse for them not winning the vote the last time in the last parliament, so they are having another go, and now that they are the government they think they can control the department. That is unacceptable. That is not democracy. That is certainly not something that most Australians would expect in terms of protection for workers in this country.

We are a proud nation that has respect for workers, that has workers' rights, and we have that fine tradition to uphold. We will not be signing off those workers' rights by letting the government play politics in this place with bills that sit on the *Notice Paper* like this one and like the rate capping bill where, because they do not get their way and because they do not have the numbers in the parliament, they play politics to enact their polemics.

Bring on a vote because then we will know the numbers for sure. Here today in our speeches we will make our position loud and clear and we will hope that the department will see and respect the will of the parliament, not the whim of the government. Otherwise, why do we not just see the Firearms Act or the Road Traffic Act not complied with either? While I am on that, I have one final piece of advice for the Treasurer: the Liberal Marshall government came to power promising to amend the Road Traffic Act to increase speed limits. Why are you continuing red tape there but not here?

The Hon. C. BONAROS (17:21): I rise to speak on the second reading of the Labour Hire Licensing Repeal Bill 2019. Of course, the former Labor government, as has already been mentioned, passed the bill prior to parliament rising ahead of the 2018 state election, and it did so with the support that has been alluded to by the Hon. Tammy Franks.

The proposed new laws, as we know, were designed to protect labour hire workers and legitimate employers by making it illegal for businesses to operate as a labour hire provider without a licence, and of course to crack down on the rampant exploitation of vulnerable workers revealed in the *Four Corners* program from 2015, 'Slaving Away'.

In theory, the licensing scheme came into effect on 1 March 2018 and, whilst it is technically operational, Consumer and Business Services, which has been charged with its enforcement, has not issued any licences, despite receiving 125 applications. Indeed, they have also refunded all fees that have been paid.

Since coming to power last year, the Marshall Liberal government has failed to enforce the legislation and therefore has gone against the will of the previous parliament. Instead, we have the bill before us, which seeks to scrap the law in its entirety. As with other pieces of legislation it has tried to introduce, the government has not accurately gauged the pulse of the community.

For the benefit of government members who were not present at the recent rally on the steps of Parliament House in opposition to this bill, I will repeat the comments I made to the many members of the community who battled the cold and the rain that day to make their position known to all of us. For the record, SA-Best does not support the repeal of the legislation, although we do acknowledge there are valid concerns with the practical application of the current legislation. Again, we would be amenable to working with the government to tighten elements of the existing legislation if, of course, they are open to doing so.

I think the Hon. Tammy Franks put it well when she said that our job is not simply to scrap legislation; it is to fix legislation if we think that there are glaring problems with it. We know that there are mechanisms now that the government could be using to address the current legislation and the concerns that have been raised by stakeholders. I, for one, have availed myself of the advice that supports that position. There are further changes that could be made to tighten the framework of the current legislation if that is what is required.

But the Marshall Liberal government has been unwilling to entertain these changes because, as we all know, it is ideologically opposed to a labour hire scheme. As a member of the wage theft select committee, an inquiry instigated by the Hon. Irene Pnevmatikos, I can assure you SA-Best does not share those same views, especially given some of the accounts that have been placed on the public record, accounts which point overwhelmingly to the need for a labour hire scheme. We cannot support the Liberals' plans to throw the baby out with the bath water.

Once again, as I have said to her in person, I implore the Attorney to work with all sides of politics—the government, the opposition and the crossbenches—to strengthen the current legislation and tighten those areas of concern that have been expressed. There are a number of stakeholders who have expressed concerns; we do not dismiss those concerns. But that is not this government's intention. This government's intention is just to throw it out and replace it with absolutely nothing: 'We are not going to debate the merits of the scheme or whether we should be looking at fixing those glaring omissions which have been pointed out; we are just going to throw it out altogether.'

For the record, I think it is worth including a couple of the issues which have been pointed out by those stakeholders who have expressed concern with the scheme. They centre predominantly around the definition of 'labour hire' and are aimed to ensure that we capture industries that were intended to be targeted by the legislation and exempt, of course, those industries that were never intended to be captured by the scheme without those businesses having to jump through hoops unnecessarily.

I acknowledge also that issues have been raised surrounding the penalties that exist within that scheme, but again the answer is not to throw it out; the answer is to come back here to this chamber and have a debate with all members of this parliament in relation to the merits of those issues.

Like other honourable members, I think it is important to acknowledge that this issue is countrywide; it is not something that is limited to South Australia only. But, of course, in the absence of a national scheme it makes absolute sense for a state-based licensing scheme to protect vulnerable workers and operators who do the right thing in weeding out dodgy operators.

I was encouraged by this year's federal budget announcement by the Coalition of what it will, if it forms government, introduce, and I quote:

> A National Labour Hire Registration Scheme will be introduced to protect vulnerable workers. It will be a 'light touch' registration scheme to target unscrupulous operators and level the playing field for law-abiding businesses. Stakeholders will be consulted as the scheme is developed.

In addition, it was announced that the Fair Work Ombudsman would be provided with additional capacity to conduct investigations and take action against employers who exploit vulnerable workers, along with an increased focus on providing information and education to vulnerable migrant workers

to ensure they are aware of their workplace rights. SA-Best obviously welcomes those proposed budget initiatives to protect vulnerable workers from exploitation as part of that announcement.

We also welcome the federal Labor Party's announcement in relation to a number of measures to prevent the exploitation of workers in the labour hire sector, including wage theft more generally. I think it is fair to say that in recent days—I think it was yesterday in particular—that was a hot topic of the federal election campaign and certainly one issue that the Labor Party has given its commitment on in terms of addressing it if it forms government after the weekend.

Regardless of which party forms government, however, following this weekend's federal election, I can say that our federal counterparts in Centre Alliance will also continue to put pressure on the government during the soon-to-be Forty-Sixth Parliament to get moving with those commitments as a matter of urgency. I hope that this government and the Attorney-General will do the same.

A point which cannot be overstated is the need for the Fair Work Ombudsman's budget, which has been slashed almost by half, to be reinstated. It is all good and well for our Prime Minister to come out and say that the Fair Work Ombudsman is going to be provided with additional capacity to conduct investigations and take action against employees, but the fact remains that they are not going to be able to do that on the shoestring budget that they currently have to operate with.

Yesterday, I spoke in this place in support of ongoing funding for JusticeNet. The fact is, organisations like JusticeNet exist because of deficiencies in government services. Successive governments know only too well that those sorts of organisations save them millions of dollars they would otherwise have to cough up each and every year in order to provide adequate services that ultimately they are responsible for.

These organisations provide a community service where government services are left wanting. They help our most vulnerable community members, community members who would otherwise have nowhere to turn. They step up when the Fair Work Ombudsman cannot because of budget cuts. They step up because the ALRM or the Legal Services Commission cannot because of inadequate budgets. They step up time and time again for the benefit of the community and they rely on the goodwill of their professions, and in particular the legal profession, which volunteers its precious time as a way of giving back. They are volunteers who give their time to help those who could otherwise not afford private legal representation, and they ask for little in return in terms of funding.

It seems to me that this government would prefer members, staff and volunteers of these organisations to spend their time flipping pancakes and hosting fundraisers as a means of funding their services rather than as a means of topping up their budgets and, importantly, as a means of spreading the message of the good work they do in garnering support and, of course, more importantly, valuable volunteers. I raise that again in the context of The Fair Work Ombudsman because we should not be relying on community legal centres to represent community members who have been caught up in dodgy labour hire scheme arrangements or in wage theft, whether it is through superannuation or whether it is through an underpayment of wages, whatever the case may be.

These community members should not have to rely on the goodwill of community legal centres to provide them with representation. The reality is, if these centres did not exist then these individuals would have no recourse in terms of recouping the entitlements that they are entitled to at law. On that point, I think it is important to note that if the federal government fails to acknowledge that the Fair Work Ombudsman is as cash-strapped as it is so as to limit its ability to undertake its core work—and that is what it is: its core work—in assisting these people who have been ripped off by dodgy operators or who have been underpaid their entitlements as employees, it will absolutely be to their detriment.

I will close on this point: at a state level, SA-Best remains hopeful that common sense will prevail, that we can stop politicising a crucial issue merely for the sake of political pointscoring based on nothing other than ideology, and a sensible compromise solution can be achieved. There is obviously enough goodwill in this chamber to ensure that that happens, but we need the government in this instance to step up to ensure that we are able to go down that path. In closing, for the record,

it is worth noting that the health, the livelihood, the safety of thousands of South Australians depend on the government doing just that.

The Hon. J.A. DARLEY (17:34): This bill will repeal the Labour Hire Licensing Act which was introduced by the former government last year. I understand the current government undertook to repeal the act in its entirety if amendments they presented whilst in opposition were not successful. The amendments failed. The opposition then won the election and is now in government and they are standing by their commitment to repeal the act.

I understand that enforcement of the act has not yet commenced. This is partly due to the fact that it took a little while for the bill to be proclaimed and then, as with many changes in law, there was a phase-in period before enforcement was to begin. In the meantime, the new government made it clear that it intended to repeal the act, so I can understand why resources were not focused towards enforcing an act which was likely going to be obsolete.

In my briefing on this bill I was advised that a task force of sorts had been established where the heads of certain agencies got together to identify operators who were doing the wrong thing. One agency in particular would take the lead in each case to investigate, and it was hoped that through information sharing the bad operators would be identified and dealt with under the appropriate existing act.

Whilst this seems somewhat promising, I am a little concerned that this is the proposed alternative to the Labour Hire Licensing Act. I understand that there has been concern that the definitions of the act capture some industries that were not intended to be captured while at the same time excluding some industries that should have been captured in the act. If problems are identified with an act, the usual process would be to amend the existing act or, if the existing act is so bad, replace it entirely with a new bill.

It seems to me that there is appetite in this parliament to amend the act to rectify the issues which have been identified; however, the government has chosen to repeal the entire act and abandon the good elements of the act. This does not seem to be the right way to go forward. I encourage the government to work with the regulator, industries and stakeholders to amend the current act so that we can provide a framework to ensure that labour hire operators are conducting themselves appropriately and not exploiting vulnerable workers.

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

Motions

GREAT AUSTRALIAN BIGHT

The Hon. F. PANGALLO (17:37): I move:

That this council—

1. Acknowledges that the Norwegian government owns 67 per cent of the oil and gas exploration company Equinor;

2. Further acknowledges that Equinor plans to drill in the pristine and environmentally sensitive waters of the Great Australian Bight despite overwhelming public opposition to the proposed drilling;

3. Supports the Norwegian government's decision in 2018 that its own sensitive Lofoten Islands be protected against oil and gas drilling;

4. Recognise that our own Great Australian Bight should also be similarly protected;

5. Further recognises that it is within the Norwegian government's power, as majority shareholder, to stop Equinor's plan to drill for oil and gas in the Great Australian Bight; and

6. Requests the Norwegian parliament take note of the wishes of the majority of South Australians and broader Australians by imploring the Norwegian government to have Equinor abandon its exploration plans to drill for oil and gas in the Great Australian Bight.

I rise to speak on the motion in my name regarding oil drilling in the Great Australian Bight. I cannot recall a conservation issue in more recent times which has resonated across Australia and internationally as much as this one. The tidal wave of opposition to drilling for oil in these pristine waters has united a majority of Australians in protest. Even the most unlikely voices in our society

are screaming out loud to be heard. The warnings and alarm are not only coming from the customary green activist groups but from all walks of life. Our Indigenous communities, schoolkids, everyday families, seniors, celebrities, sportspeople, politicians and industries that have a stake in it have spoken out strongly.

Life carries risks every day and many of them are so manageable that they become insignificant as we go about our daily lives: driving to work, picking up the kids from school, taking a holiday, playing sport, cleaning the gutters, even avoiding Carlton in your office tipping context. However, there are some risks not worth taking. Would anyone seriously pay for a round trip to Mars if they knew they would never make it back home? Would you risk trusting an oil giant when it says that it has all the contingencies covered to either prevent or minimise the effect of an oil spill in an environment so precious as the Great Australian Bight where there are so many rare and special marine species?

Most Australians do not trust Equinor, despite its assurances that the risk is low and that its extensive work in preparing its voluminous environmental plan shows that it can safely drill in the Bight to the unprecedented depth of two kilometres. This global monolith, and the oil and gas industry generally, also like to point out that there has been oil and gas drilling going on without serious incident in the Bass Strait since the 1960s, but we do know that they happen.

How much faith can we have in the so-called independent regulator, the National Offshore Petroleum Safety and Environmental Management Authority (NOPSEMA), which will determine the future of any drilling in the Bight? Not much, when you learn that there was a 10,500-litre oil spill in an offshore well somewhere off the coast of Australia in 2016 but NOPSEMA refused to reveal where it occurred or name the company responsible. Only after prodding from a media outlet did it confirm that the leak that was caused by a faulty seal went unnoticed for two months.

There have been other safety breaches at Exxon Mobil-operated oil platforms in the Bass Strait since 2013, including one where the regulator found it failed to properly respond to a spill only 45 kilometres off the coast of Lakes Entrance in Gippsland and that it posed a significant threat to the environment. What was the penalty? An improvement notice; no fine. Yet, a fisho not wearing a life jacket on the waters or taking undersized fish would cop a bigger penalty.

Companies are compelled by law to report leaks, but why the secrecy? The public has a right to know. Another thing I find disturbing is that NOPSEMA does not require oil wells to be inspected during construction to ensure they meet safety standards, nor does it have a set standard for well control. Ten years ago, poor decisions in construction caused Australia's worst ever oil spill in the Timor Sea, where 2,000 barrels of oil and gas a day leaked into the ocean for 10 weeks before the well was finally capped.

The industry, regulators and Equinor say safety measures have improved dramatically since then. In its modelling for the Bight, Equinor says it would take 17 days to respond to a spill in a best-case scenario; 39 days in the worst case; while its goal was to have it fixed within 26 days. In a worst-case scenario, a spill could leak between 4.3 million barrels and 7.9 million barrels, spreading from Albany in Western Australia to Port Macquarie in New South Wales. That is a significant distance.

Adelaide would have a 97 per cent chance of being hit. The damage would be immense on Kangaroo Island and Port Lincoln. The risks to our local fishing industry, worth $440 million a year, and coastal tourism, worth $1 billion a year, is enormous. The Bight attracts eight million visitors a year, marvelling at the marine diversity, such as whales in calving season.

Incredibly, BP, Equinor's former partner in the Bight, reckoned that an oil spill would be a good thing for local economies involved in clean-up operations. The fishing industry in the Bight region directly employs 3,900 people. A spill would threaten over 9,000 jobs in South Australia. How could that be good for our economy?

In contrast, Equinor says its project would create 1,361 jobs and return $5.9 billion a year to Australia's gross domestic product if it discovers a major oil field, but it would need to drill more than 100 wells and those benefits would not be realised for at least another 20 or so years. South Australians would see little of that revenue because much of it would go to the federal government's cashbox through the petroleum resource rent tax. And the profits, of course, would mostly go offshore to Equinor and its major shareholder, the Norwegian government. Compare that to the total value to

Australia's economy from fishing and tourism in this region, which is in the vicinity of $10 billion—twice as much as the Great Barrier Reef. So is the risk worth it? I think not.

I met with Equinor representatives here recently. They were at pains to tell me of the precautions they have taken, and explained there are several failsafe steps to minimise the fallout. They were also mindful of the concerns being expressed by Australians, hence their extensive environmental report.

According to Greenpeace figures obtained from Norwegian regulators, Equinor has had more than 50 safety and control breaches, including 10 oil leaks, in the past 3½ years—and in environments with stricter conditions than in Australia. In 2018, Equinor withdrew from drilling in its own sensitive Lofoten Islands in the Arctic because of environmental concerns. The Norwegian government owns 67 per cent of that company, and I believe it should apply the same principles here.

As we know, there is a federal election on Saturday. Do not be fooled, as Labor and the Liberals are fence sitting on this very important issue. I urge all voters who care about the Great Australian Bight to cast their vote for the candidates who will have influence in the new government, Centre Alliance and the Greens.

Later this year, I will be following in the footsteps of that intrepid Labor explorer for Mawson, Leon Bignell, to Oslo to meet with representatives of the Norwegian government, other Norwegian MPs and Equinor to again state the case in the strongest possible way that Big Oil is not welcome in our bight.

We have seen large, passionate protests on our beaches and coastlines and in Norway. There are more to come. I hope Equinor and the Norwegian government are taking notice because, as history has shown so many times, people power is a formidable and unstoppable force.

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

Bills

PARLIAMENTARY COMMITTEES (PETITIONS) AMENDMENT BILL

Second Reading

The Hon. T.J. STEPHENS (17:47): I move:

That this bill be now read a second time.

I rise to introduce the Parliamentary Committees (Petitions) Amendment Bill into this chamber. As the presiding member of the Legislative Review Committee I welcome the bill moved by the member for Florey in the other place and the subsequent government support.

This bill aims to further engage the South Australian public with the democratic process by granting petitioners more influence within the parliamentary system. Essentially, any petition signed by more than 10,000 people would come under mandatory review by the Legislative Review Committee followed by a ministerial response to parliament on said review.

Currently, ministers and their officers are not required to provide any response to tabled petitions provided to them. This can cause an erosion of trust between the public and the government, as genuine concerns are ignored in the decision-making process. A mandated review and response will ensure there is an open dialogue and allow communities to have their voices heard.

Specifically, the process would require the Legislative Review Committee to inquire, consider and report back on eligible petitions, which would then be referred on to the minister with primary responsibility. From this the parliament would receive an address and a tabled response by both the primary minister and prescribed minister in each house, a stark difference to the usual ministerial response to committee reports, stemming from a new category of reports created by the bill.

This is a form of review and response that such public sentiment deserves. Petitions with signatures from over 10,000 South Australians should not simply be cast aside and ignored by the government of the day. To be accountable to the people of this state, governments must respond to the concerns of the people. The signature threshold put in place by this bill is of enough significance

that a mandatory response is not only viewed as reasonable but logical by any democratic and transparent government.

In order to prevent interference from parties interstate, overseas and even within South Australia, safeguards remain in place. Petitioners must reside in South Australia and declare their address when signing the petition. Petitions are still required to be physically signed by petitioners at this time. Governments will be mandated to report back on issues and concerns which the public deem serious enough to put their signatures to in significant numbers. The bill goes a long way to increasing trust between the public and members while creating a more transparent parliamentary process. I commend the bill to the chamber.

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

At 17:51 the council adjourned until Tuesday 4 June 2019 at 14:15.

Answers to Questions

KORDAMENTHA

In reply to **the Hon. J.E. HANSON** (8 November 2018).

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

1. I provided financial authorisation for the contract.

2. The list of tenderers remains confidential and is not subject to disclosure without their consent.

KORDAMENTHA

In reply to **the Hon. I.K. HUNTER** (8 November 2018).

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

1. I provided financial authorisation for the contract.

2. The list of tenderers remains confidential and is not subject to disclosure without their consent.

DRINKING WATER QUALITY

In reply to **the Hon. T.A. FRANKS** (4 December 2018).

The Hon. S.G. WADE (Minister for Health and Wellbeing): The Minister for Environment and Water has been advised:

1. Under the Safe Drinking Water Act 2011, any plans developed by SA Water for monitoring drinking water supplies, including testing of reservoir waters, have to be approved by SA Health. SA Water has advised that the proposed review of existing laboratory services will not reduce monitoring capabilities, including testing of reservoir waters.

In addition, in line with government commitments, the opening of reservoirs for recreational access will be undertaken in a manner that protects the safety of drinking water supplies and ensures compliance with the requirements of the Safe Drinking Water Act 2011.

To support these commitments, SA Health is leading a public health risk assessment in conjunction with SA Water and the Department for Environment and Water to identify which recreational activities can be introduced with low risk to drinking water safety.

2. SA Water has advised SA Health about a proposed restructure of its operations in a business unit. This restructure is currently the subject of consultation.

I am advised that this proposed restructure relates to the loss of an interstate water testing contract. I am advised that any staff changes that may occur through this restructure will not compromise existing water quality testing or public health, ensuring that the skills and expertise required to meet public health responsibilities are maintained. Any suggestion of water quality being jeopardised as a result of these proposed changes is incorrect and misinformed.

DRINKING WATER QUALITY

In reply to **the Hon. I.K. HUNTER** (4 December 2018).

The Hon. S.G. WADE (Minister for Health and Wellbeing): The Minister for Environment and Water has been advised:

1. Under the Safe Drinking Water Act 2011, any plans developed by SA Water for monitoring drinking water supplies, including testing of reservoir waters, have to be approved by SA Health. SA Water has advised that the proposed review of existing laboratory services will not reduce monitoring capabilities, including testing of reservoir waters.

In addition, in line with government commitments, the opening of reservoirs for recreational access will be undertaken in a manner that protects the safety of drinking water supplies and ensures compliance with the requirements of the Safe Drinking Water Act 2011.

To support these commitments, SA Health is leading a public health risk assessment in conjunction with SA Water and the Department for Environment and Water to identify which recreational activities can be introduced with low risk to drinking water safety.

2. SA Water has advised SA Health about a proposed restructure of its operations in a business unit. This restructure is currently the subject of consultation.

I am advised that this proposed restructure relates to the loss of an interstate water testing contract. I am advised that any staff changes that may occur through this restructure will not compromise existing water quality testing or public health, ensuring that the skills and expertise required to meet public health responsibilities are maintained. Any suggestion of water quality being jeopardised as a result of these proposed changes is incorrect and misinformed.

POLICE INFORMANTS

In reply to **the Hon. C. BONAROS** (12 February 2019).

The Hon. S.G. WADE (Minister for Health and Wellbeing): The Minister for Police, Emergency Services and Correctional Services has been advised:

South Australia Police (SAPOL) have firmly established robust orders in place to ensure the highest standards of integrity and ethical behaviour by police officers when engaging a human source. Police are required to consider all ethical implications before entering into a relationship with a human source, including consideration of their employment.

SAPOL procedures and guidelines governing the relationship between police and registered human sources have been in place since 2000. These procedures and guidelines do not allow SAPOL officers to obtain and act upon information from lawyers in the manner currently being examined by the Victorian Royal Commission. The current officer in charge and all prior managers back to the formation of SAPOL's Human Source Management Section in 2000 have been spoken to concerning the engagement of solicitors as human sources in the circumstances detailed by the High Court in AB v CD [2018] HCA 58, [10]. SAPOL has advised that these officers have no recollection or record of any engagement of a solicitor as a human source in such circumstances.

At this time, there is no basis in South Australia to consider the introduction of legislation to expressly prohibit lawyers from acting as informants. Situations under which a lawyer may provide information to police are varied and include those captured within Part 9 of the Australian Solicitors' Conduct Rules as published by The Law Society of South Australia.

HIBBERT REVIEW

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (26 February 2019).

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

1. All deaths that occur in the attendance of medical practitioners are reported to the Coroner. In the case of SA Ambulance Service (SAAS), SAPOL attend all cases where a death has occurred as the Coroner's agent. In line with standard practice, each of the nine deaths that were examined as part of the Hibbert report, were reported to the Coroner at the time.

2. Under section 28 of the Coroners Act 2003 (SA), any person who becomes aware of a death that is or may be a reportable death is required to immediately 'notify the state Coroner or (except in the case of a death in custody) a police officer of the death unless the person believes on reasonable grounds that the death has already been reported, or that the state Coroner is otherwise aware of the death.

When the Coroner's Court, as part of its findings of an inquest into a death in custody, includes a recommendation directed to me as Minister for Health and Wellbeing or directed to an agency or instrumentality of the Crown for which I am responsible, then under section 25 of the act, I have a responsibility to lay before each house of parliament, within the prescribed timeframe, a report detailing 'any action taken or proposed to be taken' in response to the recommendation.

HIBBERT REVIEW

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (27 February 2019).

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

1. The Coroner is currently considering the nine deaths and I am advised it would not be appropriate to disseminate details whilst this is occurring.

HIBBERT REVIEW

In reply to **the Hon. E.S. BOURKE** (27 February 2019).

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

1. The Hibbert Review was commissioned by the SA Ambulance Service Chief Executive Officer, David Place.

SAAS reports to the Minister for Health and Wellbeing through the Chief Executive, Department for Health and Wellbeing.

Therefore, the inquiry was authorised by David Place in his capacity as chief executive officer, in accordance with government organisational reporting lines.

2. SAAS has made contact with the families of patients involved in all of the adverse incidents examined by the Hibbert Review in the course of its investigation into systemic clinical management issues.

APY LANDS COMMUNITY CONSTABLES

In reply to **the Hon. C. BONAROS** (4 April 2019).

The Hon. S.G. WADE (Minister for Health and Wellbeing): The Minister for Police, Emergency Services and Correctional Services has been advised:

1. Over 10 years.

2. The SAPOL Aboriginal and Torres Strait Islander Employee Coordinator regularly attends the APY lands to promote and progress employment applications.

Local police on the APY lands, and local communities, also engage prospective applicants in an effort to generate interest and identify suitable people for employment as community constables.

The police aboriginal liaison officers (PALO) role was introduced due to the evolving difficulty to recruit community constables. PALOs do not wear uniform and have no police powers or regular hours of employment. The primary PALO role is to assist police, who are conducting remote area patrols, with information and advice on the local community. The PALO model was modified over time as a pathway to employment as a community constable. There are two PALOs currently employed across the APY Lands (one at Amata and one at Fregon).

SAPOL is currently developing a new Indigenous policing model for operation across the APY lands. The aim is to multiskill employees to undertake policing functions, and other community safety portfolio activities. This model links directly into the philosophy of 'empowered communities', increasing employment opportunities within local communities and the provision of meaningful work across a number of disciplines.

3. This is a matter for the Commissioner of Police. I am advised that there are no recommendations currently before the commissioner to alter the recruit selection criteria.

4. SAPOL has 20 FTE sworn police positions based on the APY lands within the communities of Amata, Ernabella, Mimili, Murputja and Umuwa.

Five FTE sworn police positions are based at Marla to provide policing services to the APY communities of Indulkana and Mintabie.

A further three FTE sworn police positions are based on the APY Lands at Umuwa to provide additional temporary investigative ability to address child sexual abuse matters.

5. SAPOL intends to conduct a community constable training course in June 2019. It is proposed the course will include two Indigenous members to be placed into metropolitan community constable positions and two Indigenous members into regional locations.