

LEGISLATIVE COUNCIL

Tuesday, 2 July 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.

Bills

SUPPLY BILL 2019

Assent

His Excellency the Governor assented to the bill.

Parliamentary Procedure

ANSWERS TABLED

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

Parliamentary Committees

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE

The Hon. J.S.L. DAWKINS (14:18): I bring up the report of the committee on the key issues raised during its visit to the Anangu Pitjantjatjara Yankunytjatjara lands.

Report received and ordered to be published.

LEGISLATIVE REVIEW COMMITTEE

The Hon. T.J. STEPHENS (14:19): I bring up the report of the committee on the regulation of parking and traffic movement in South Australia.

Report received and ordered to be published.

NATURAL RESOURCES COMMITTEE

The Hon. T.J. STEPHENS (14:19): I bring up the report of the committee on the management of overabundant and pest species.

Report received.

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Regulations under Acts—

Criminal Law Consolidation Act 1935—Medical Termination of Pregnancy
Dangerous Substances Act 1979—Dangerous Goods Transport—Package
Marking and Labelling

Emergency Services Funding Act 1998—Remissions Land No. 2

Independent Commissioner Against Corruption Act 2012—Schedule 1 of Act

Liquor Licensing Act 1997—Regulated Premises

Public Sector Act 2009—Teachers Registration Board

Supreme Court Act 1935—Fees No. 3

Rules of Court—

Magistrates Court Act 1991—
Criminal—Amendment No. 74

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

Regulations under Acts—

Motor Vehicles Act 1959—Emergency Vehicles

National Electricity (South Australia) Act 1996—

Civil Penalties No. 2

Local Provisions

Planning, Development and Infrastructure Act 2016—

Development Assessment

Fees, charges and Contributions No. 2

Swimming Pool Safety

Transitional Provisions—Staged Commencement

Road Traffic Act 1961—

Emergency Vehicles and Declared Hospitals

Road Rules—Emergency Vehicles

Rules under Acts—

Road Traffic Act 1961—Road Rules—Light Vehicle Standards—

Emergency Vehicles and Other Matters

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

Revised Final Report by the Essential Services Commission of South Australia on the
2019 Review of Water Third Party Access Regime—dated May 2019

Regulations under Acts—

Child Safety (Prohibited Persons) Act 2016—

Fees

Miscellaneous

Environment Protection Act 1993—Waste Depot Levy

Volunteers Protection Act 2001—General

Water Industry Act 2012—Miscellaneous

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

Regulations under Acts—

Ageing and Adult Safeguarding Act 1995—General

Construction Industry Training Fund Act 1993—Board

Controlled Substances Act 1984—Controlled Drugs, Precursors and Plants—

Expiation Fees

Health Care Act 2008—Engagement Strategies

Health Practitioner Regulation National Law (South Australia) Act 2010—

Amendment of Law No. 4

Question Time

PRIVATISATION

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): I seek leave to make a brief explanation before asking a question of the Treasurer regarding privatisations.

Leave granted.

The Hon. K.J. MAHER: This weekend just past saw the publication of a remarkably perceptive piece of analysis from one of our state's most experienced and respected political columnists. A long-time ABC broadcaster and now *Sunday Mail* columnist wrote about the state's Treasurer, suggesting it is well and truly time for the Treasurer to slip into a pair of crocs and retire, calling for the Hon. Rob Lucas to retire.

The Hon. D.W. Ridgway: Can't you do something better than read the *Sunday Mail* for your questions?

The Hon. K.J. MAHER: I note the Hon. David Ridgway insults the *Sunday Mail*. I think it's a great record of journal, and I don't agree with that.

The PRESIDENT: It's a brief explanation. Don't incorporate the remarks of the Hon. Mr Ridgway, who is out of order, by the way.

The Hon. K.J. MAHER: Thank you, Mr President. I suspect such calls for retirement started probably 30 years ago for the Hon. Rob Lucas, but they take on real credence following the announcement that the Treasurer doesn't intend to serve in parliament after the next election. That the Treasurer doesn't have skin in the game means he is making the decisions that are, and I quote from the article, 'breaking the trust of South Australians'.

The examples given in the article include breaking the faith with massive increases in fees and charges—massive increases in fees and charges—and the complete and utter hypocrisy of a party and a person who once preached, I quote, 'Debt is very bad.' He once preached, 'Debt is very bad.' Subsequent to that article, we see the announcement of the privatisation of our public rail network from a party who assured voters and went on record before the last election saying they don't have a privatisation agenda. They don't have a privatisation agenda, like they don't with SA Pathology.

The problem for the Liberal Party is voters still remember the broken promises about not selling ETSA, and the opinion polls still rightfully blame the Liberals for high electricity prices, but this is a decision of a party that is led by a Treasurer who has already checked out, who has slipped into his crocs and is dreaming of tending to his ponies.

The PRESIDENT: Leader of the Opposition, let's just tone back the rhetoric and get on with the question.

The Hon. K.J. MAHER: He no longer has skin in the game. My question to the Treasurer is not, 'Why are you even here, Rob?' which was posed in the article.

The PRESIDENT: The Hon. Mr Lucas—no first names.

The Hon. K.J. MAHER: My question to the Treasurer is: why did the Liberals tell South Australians they had no privatisation agenda before the election, and does the Treasurer really have any other plan but for retirement and drinking muscats at dawn in the Adelaide Club at his leisure?

The Hon. R.I. LUCAS (Treasurer) (14:27): It's always good to start off a parliamentary sitting week with a little bit of comedy and humour, and I thank the Leader of the Opposition. I am delighted that the Leader of the Opposition can introduce a touch of comedy and levity into the start of question time.

I can say that my very, very good friend Matthew Abraham, who I have enjoyed a very close working relationship with for over 150 years, I suspect, was very upset with my budget. Let me explain because—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, allow the Treasurer to answer.

The Hon. R.I. LUCAS: He asked whether I would do a video with him and I did, which he filmed himself. One of the two questions that he was very upset about in the budget was why I hadn't funded public toilets at the North Haven boat ramp. I said that I would take it very seriously in future budgets and would have a look at it. That was his first penetrating question.

The Hon. K.J. Maher: You're mocking him now.

The Hon. R.I. LUCAS: It's online, Mr President. The second question indicated how upset—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, let him answer.

The Hon. R.I. LUCAS: —Mr Matthew Abraham was. He wanted to know why I had chosen to eat a Krispy Kreme doughnut instead of a Vili's doughnut on the morning of the budget. They were the two questions in an exclusive video that I filmed with Mr Abraham. He asked me whether I would give him the honour of doing an exclusive little video that he could put up online.

They were the two questions he put to me. I was delighted to answer those two questions for Mr Abraham, as I have always been delighted to answer the questions from him. Matthew Abraham has been a friend and an acquaintance for very many decades, and he will continue to be a friend and an acquaintance.

The Hon. K.J. MAHER: Point of order, Mr President. The question was very much: why did the Liberals tell South Australians they had no privatisation agenda before the election? It wasn't about a personal feud the Treasurer is engaging in with another *Advertiser* columnist.

The PRESIDENT: Leader of the Opposition, I am not going to uphold your—

Members interjecting:

The PRESIDENT: Government benches, can I rule in silence, please? The Leader of the Opposition, I am not going to uphold it. You had a long rope on your matter of a short explanation, which involved these particular issues. The Treasurer is entitled, in attempting to answer your question, to address some of the matters you raised in your explanation. Some free advice from the President: if the brief explanation had been brief, and the question had been specifically on privatisation, then I would have upheld it.

The Hon. R.I. LUCAS: Mr President, I thank you for that ruling. The Leader of the Opposition cannot introduce a whole series of issues in terms of his explanation, and then not expect to get his medicine back. If he is going to dish it up, he has to take it. If he is going to dish it up, he has to learn to take it as well. He can't be like the schoolyard bully. To conclude that aspect of the question, the explanation, I say that Mr Abraham has been and will remain a very close friend and acquaintance in the future.

I will seriously look at the issue of public toilet access at the North Haven boat ramp in future budgets, as he asked me in that exclusive little video, which I am sure is going viral as we speak. In relation to the other issues raised in the leader's question—I have answered this question many times before, but I will repeat it again—we were clear, we were explicit. We made a promise prior to the election, and I wrote a letter to Mr Nev Kitchin, the boss of the PSA (and I have quoted from that letter before), and that made it quite clear that, as the Labor Party before us had not ruled out or not implemented policies of outsourcing and commercialisation, we would not rule out outsourcing and commercialisation, as the Labor Party did.

We made a very clear promise and we have kept our promise. We would not rule out commercialisation, we would not rule out outsourcing, but we wouldn't be privatising SA Water, we wouldn't be privatising ReturnToWorkSA. We made a fervent promise to the people of South Australia and to the Public Service Association bosses that we would not rule out commercialisation, we would not rule out outsourcing.

What minister Stephan Knoll has just announced is that he is looking at an outsourcing model, as has existed in South Australia for buses for many, many years. He has indicated that we will not sell off the trains, we will not sell off the trams.

The Hon. K.J. Maher: Did you outsource ETSA, too, did you?

The Hon. R.I. LUCAS: Maybe the Leader of the Opposition can answer whether or not they privatised or outsourced the Motor Accident Commission or the Land Services SA office or the Lotteries Commission or the forests. But I'm sure we won't hear an answer to any of those particular questions. Let me conclude by saying again, we have kept the promise we made, as I wrote in the letter to the head of the Public Service Association, as I said publicly prior to the election and as I have said on any number of occasions since the election: we will not rule out commercialisation, we will not rule out outsourcing. And we have been true to our word; we have kept that particular promise to the people of South Australia.

PRIVATISATION

The Hon. K.J. MAHER (Leader of the Opposition) (14:35): Supplementary, and a very simple one, Mr President, taking on your advice: can the Treasurer give a definition to the chamber of 'privatisation'?

The Hon. R.I. LUCAS (Treasurer) (14:35): I refer the honourable member to either the *Macquarie*, the *Oxford* or any number of other dictionaries, Mr President.

The Hon. K.J. Maher: You don't know.

The Hon. R.I. LUCAS: I do know. The Leader of the Opposition is the one who doesn't know because he's asking me the question. He clearly doesn't understand; I know. I am very comfortable in my own skin. The Leader of the Opposition is the one who doesn't know. He's the one asking me the question. Well, I'm not going to assist you, Mr President; you go off and learn for yourself. You go off and learn for yourself—sorry, the Leader of the Opposition should go off, not you, Mr President. The Leader of the Opposition should go off and learn the difference. We have made it quite clear that we will not be selling the trains, we will not be selling the trams, we will not be selling the tracks, we will not be selling the train stations, but we will be looking at outsourcing the operations, as has occurred with the buses for 20 years, or more.

The PRESIDENT: Further supplementary, Leader of the Opposition.

PRIVATISATION

The Hon. K.J. MAHER (Leader of the Opposition) (14:36): Again, a very simple one: in the Treasurer's view, was the sale of ETSA an outsourcing, a commercialisation or a privatisation?

The Hon. R.I. LUCAS (Treasurer) (14:36): It was a 100 or 200-year lease.

PRIVATISATION

The Hon. K.J. MAHER (Leader of the Opposition) (14:36): Further supplementary: in the Treasurer's view, is the current operation of the Modbury Hospital an outsourcing, a commercialisation or a privatisation? And if the Treasurer doesn't know, he can just say, 'I will look at a dictionary,' which is fine.

The PRESIDENT: That's a supplementary; I've allowed the supplementary. Commentary—

The Hon. K.J. Maher: He might not have a clue; he hasn't for the last two.

The PRESIDENT: Leader of the Opposition!

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, commentary seated does not please the President. Treasurer.

The Hon. D.W. Ridgway interjecting:

The Hon. K.J. Maher: Ridgway giving you advice? How's that for irony? Taking advice from Ridgway?

The Hon. R.I. LUCAS (Treasurer) (14:37): Mr President, I'm indebted to my colleagues for any advice I get. I need all the help I can get. This is a very difficult job, and I look forward to the assistance from my colleagues both on the front bench and as members of my party room. I am indebted to them for the frequent advice that they give me. In relation to all of the issues, we can spend the rest of question time going, 'What is this one? What is that one?' Let me answer the question.

The Hon. K.J. Maher: If you know; just say if you know.

The Hon. R.I. LUCAS: Well, I can make it quite clear, Mr President. Under the former Labor government—

The Hon. K.J. Maher: You don't know.

The Hon. R.I. LUCAS: Under the former Labor government—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, please! Just let the Treasurer answer.

The Hon. R.I. LUCAS: Mr President, under the former Labor government—

The Hon. K.J. Maher: He doesn't know.

The PRESIDENT: Well, we won't know, Leader of the Opposition, if you don't allow him to speak.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, let's just hear what the Treasurer has to say.

The Hon. R.I. LUCAS: Under the former Labor government, in the health sector, the transport sector, but in the health sector is the most recent question the Leader of the Opposition has asked, there have been a number of examples where services have been contracted out or outsourced to the private sector. The government of which the Leader of the Opposition was a member, in any number of examples, outsourced the operations.

I invite the honourable Leader of the Opposition to go and have a look at some of the major contracts that were written in relation to facilities management, hotel services, within the health sector, under his former Labor government. They were outsourced to private sector operators—decisions of the government of which the Leader of the Opposition was a member. He loyally put his hand up in cabinet every second week and supported outsourcing or commercialising models for the provision of services in health, in transport, in education, right across the board. All we are doing is more of the same.

PUBLIC TRANSPORT PRIVATISATION

The Hon. C.M. SCRIVEN (14:39): My question is to the Treasurer. Will the Treasurer rule out that the operator of a privatised public transport rail network would have any involvement in the setting of fares and ticket prices?

The Hon. R.I. LUCAS (Treasurer) (14:39): More importantly, the minister responsible has already ruled that out.

The PRESIDENT: A supplementary, the Hon. Ms Scriven.

PUBLIC TRANSPORT PRIVATISATION

The Hon. C.M. SCRIVEN (14:39): Will The Treasurer guarantee that there will be no increase in rail fares above CPI following the privatisation of our public transport rail network?

The Hon. R.I. LUCAS (Treasurer) (14:40): The minister responsible for this, together with the cabinet—those particular decisions are taken on an annual basis or on a periodic basis in relation to the setting of public transport fares. In this particular budget, for example, we looked after the interests of struggling South Australian households, and we limited public transport fare increases to 2 per cent, whereas a range of other fees, fines and charges, as has been publicised, we increased at 5 per cent or in some cases even more.

So the decisions in relation to public transport have been—and the minister has indicated, as I understand his public statements, that they will continue to be under the control of the government of the day. They will not be decisions taken by the private either operator or operators in relation to this issue. They would remain decisions for the government of the day and, as occurred with the former Labor government, they are annual decisions taken by the government of the day. We are just doing exactly the same, or we will do exactly the same, as the former Labor government did.

PUBLIC TRANSPORT PRIVATISATION

The Hon. C.M. SCRIVEN (14:41): Given that the Treasurer has not ruled out rail fares increasing above CPI, will train and tram fares remain the same amount as bus fares under a privatised operator model?

The Hon. R.I. LUCAS (Treasurer) (14:41): I have not given any indication or any thought at all in relation to the juxtaposition between trains, trams and buses. Ultimately—

The Hon. K.J. Maher: That'll make tomorrow morning's media. You don't know if they could go up.

The Hon. R.I. LUCAS: Really? It must be a very quiet news day, if that is going to be the case. I can assure the Leader of the Opposition it will need to be a very quiet news day if anything I indicate by way of response to questions today will lead the morning bulletins.

All I can indicate is that the general procedures that have occurred under Labor governments and Liberal governments in the past will obviously continue in the future. I am not in a position to guarantee. As the Leader of the Opposition pointed out, the issue of what governments do over a period of budgets, either in the next two to three years or indeed periods beyond, will be decisions for either—we hope—a re-elected Marshall Liberal government or in the sad circumstances of a future Labor government.

PUBLIC TRANSPORT PRIVATISATION

The Hon. T.A. FRANKS (14:42): Will the new arrangements this Marshall government is undertaking with our trains and trams affect the park-and-ride at the Entertainment Centre?

The Hon. R.I. LUCAS (Treasurer) (14:43): It is not an issue that I have addressed. That is the sort of issue that I suspect will be better handled by the minister responsible in relation to this issue. I am happy to see whether or not there is any further information I can provide. If there is any further information, I will bring back an answer; if there is not any further information, this answer will have to suffice.

PUBLIC TRANSPORT PRIVATISATION

The Hon. C.M. SCRIVEN (14:43): A further supplementary: will the Treasurer guarantee that the current scheme to provide free travel for seniors will continue under a privatised operator model?

The Hon. R.I. LUCAS (Treasurer) (14:43): My understanding is that that will continue. The arrangements in relation to the very generous way the current government treats public transport users, as I said, we protected in this budget; the increase in public transport fares was to 2 per cent whereas other fees, fines and charges increased at 5 per cent or indeed at a higher rate than that. I would be very confident that that is the sort of attitude that we would continue in all future budgets as well.

The PRESIDENT: That was the last supplementary; I am keen to move on. The Hon. Ms Bourke.

PUBLIC TRANSPORT PRIVATISATION

The Hon. E.S. BOURKE (14:44): My question is for the Treasurer. Did the Treasurer meet with any international or interstate operators who may bid for the government's contract to operate our public transport rail network prior to yesterday's announcement? Does the Treasurer still not understand the meaning of the word 'privatisation'?

The Hon. R.I. LUCAS (Treasurer) (14:44): On the second question, I do understand the meaning of the word. It is, sadly, the opposition frontbenchers who are struggling to understand the meaning of the word. So let me discount that particular assertion very, very assertively. In relation to who might be bidding: I don't know who is going to bid. Until you actually put out an expression of interest, you don't actually know who is bidding. It's impossible for anyone to answer that particular question in relation to it because, I am not sure whether the Hon. Ms Bourke has ever been involved in an expression of interest proposal or program, but until someone actually bids you don't actually know who is bidding.

The Hon. E.S. Bourke: You had no discussions with anyone?

The Hon. R.I. LUCAS: No.

PRIVATISATION

The Hon. K.J. MAHER (Leader of the Opposition) (14:45): Supplementary arising from the first part of the answer and the meaning of the word 'privatisation' and the Treasurer's previous suggestion that we look up a definition: does the Treasurer agree with the OECD's definition of privatisation, which says the term privatisation includes other policies that include contracting out of services that the government runs?

The Hon. R.I. LUCAS (Treasurer) (14:46): Clearly, by way of the response that I gave to the Public Service Association and publicly, we made the distinction because we actually said—

The Hon. K.J. Maher: You know better than the OECD?

The Hon. R.I. LUCAS: Well, if that's the quote, we know better than the OECD, if that's the case. We made it quite clear, whatever your definition is, we said we were not ruling out outsourcing, we were not ruling out contracting out, we were not ruling out—

The Hon. K.J. Maher: You said look it up. You said look it up and then you say you have a different one. Well, what is yours? What is your definition if it's different from everyone else's?

The Hon. R.I. LUCAS: I am just explaining it to you.

The Hon. K.J. Maher: Go on.

The Hon. R.I. LUCAS: Well, I just did.

The PRESIDENT: Leader of the Opposition, it does not help us. This is not a debate, it is the Treasurer responding to your supplementary and I can't hear the Treasurer.

The Hon. R.I. LUCAS: If you could actually close the lips for a millisecond or two. It's a difficult challenge. We did not rule out commercialising. We did not rule out outsourcing. We did not rule out—

Members interjecting:

The Hon. R.I. LUCAS: Well, we were quite explicit. We didn't hide behind an OECD definition. We were quite explicit: we will not rule out contracting out. We will not rule out commercialising. We will not rule out outsourcing. You cannot be any more explicit than that.

STATE BUDGET

The Hon. T.J. STEPHENS (14:47): My question is to the Minister for Trade, Tourism and Investment. Can the minister update the council about how the South Australian government is building our economy via measures in this year's state budget?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:48): Thank you, Mr President, and I thank the—

Members interjecting:

The PRESIDENT: Order! Show some respect for the Hon. Mr Ridgway. He is on his feet.

The Hon. D.W. RIDGWAY: I thank the honourable member for his question. The state budget was handed down recently and outlines how the Marshall Liberal government is building a better future for South Australians. As the Treasurer and Premier have outlined, last year's budget set a vision for our state, and now it's time to build. We are building our economy, our roads, our schools, a better health system and our regions. All this activity leads to more South Australian jobs.

Part of the ambition to build our economy is attracting interstate and international companies to establish in South Australia. That's why we announced a \$4 million investment from the Marshall government's Economic and Business Growth Fund towards the South Australian Landing Pad to further stimulate the local economy, create jobs and grow crucial industries. The Landing Pad offers global businesses and entrepreneurs up to \$80,000 over 12 months to help cover business accommodation and professional services costs. No matching funding is required. The funding is split into two streams where businesses can get, first of all, up to \$40,000 to access our unique innovation and co-working hubs—

Members interjecting:

The PRESIDENT: Can the Labor front bench show some respect and stop trying to taunt the Treasurer, because he is actually seated and the Hon. Mr Ridgway might be saying something important.

The Hon. D.W. RIDGWAY: I hope it is all important, Mr President.

The Hon. C.M. SCRIVEN: Point of order, Mr President: we were trying to taunt the Hon. Mr Ridgway, not the Treasurer.

The PRESIDENT: It didn't sound like that to me because you were talking about privatisation and the minister is talking about trade.

The Hon. D.W. RIDGWAY: Mr President, I have taken your advice and I don't listen to the rabble opposite me anymore. In fact, I think they are an embarrassment to all the previous oppositions that have been here. Nonetheless, the funding is split into two streams, where businesses can get up to \$40,000 to access our unique innovation and co-working hubs and up to \$40,000 to access professional support and advice. The Landing Pad initiative will help attract exciting start-up and scale-up companies to grow the South Australian economy. The program welcomes all stages of growth, except the seed stage, including early-stage commercialisation companies and SMEs with global customers, and larger companies.

The Landing Pad is not rounds based, so once the program is open, applications can be submitted at any time. The initiative, along with the Defence Landing Pad, will show international companies that South Australia is serious about leading the way in entrepreneurship, cybersecurity, defence, space and innovation, whether it be by encouraging the growth of existing sectors or developing new industries. Building international connections and attracting foreign and national direct investment, our emphasis will be on sector-wide opportunities.

The \$100 million Economic and Business Growth Fund was established to help grow the South Australian economy and create jobs with a focus on strategic sector-wide investment opportunities. We look forward to welcoming more of the world's best and brightest to South Australia as we capitalise on the strong business confidence and ongoing momentum. Applicants will be assessed through a competitive process, with priority given to businesses related to our eight priority sectors. This is part of a suite of new measures worth millions of dollars to be funded by the Economic and Business Growth Fund and outlined in the budget, including the red meat strategy, screen production investment, the Accelerated Discovery Fund and more.

The Liberal state government is committed to creating an environment where small businesses across a range of industries, both emerging and established, can thrive. We are building a better South Australia for all South Australians.

LANDING PAD PROGRAM

The Hon. K.J. MAHER (Leader of the Opposition) (14:51): My supplementary is: is the Landing Pad program designed to be an accelerator or an incubation program or elements of both? Can the minister explain which elements of each type of program the Landing Pad has?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:52): It might be a bit longwinded. I do have all the guidelines for the Landing Pad that are up on the website. As I said earlier, I predicted this question, so if the honourable member would like, I will read out all the guidelines but it will take some 20 minutes to do so.

The PRESIDENT: The Hon. Mr Ridgway, the information is readily available—

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, I am talking. When I talk, there is silence. The Hon. Mr Ridgway, that information is readily available, so it would be outside the standing orders, but you can refer the honourable member to it.

The Hon. D.W. RIDGWAY: That's what I was about to do, Mr President. I refer the honourable member to the Department for Trade, Tourism and Investment website, where all the details are available for him to peruse.

LANDING PAD PROGRAM

The Hon. K.J. MAHER (Leader of the Opposition) (14:52): Further supplementary, given the minister doesn't know whether it's an incubator or an accelerator program.

The PRESIDENT: Do not inject rhetoric or commentary.

The Hon. K.J. MAHER: Can the minister inform the chamber whether the funding available through this program is designed to be angel investment or venture capital funding and, if so, what stage in the venture capital process this funding would seek to be?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:53): I have already directed the honourable member to the website.

LANDING PAD PROGRAM

The Hon. C.M. SCRIVEN (14:53): Supplementary: will—

Members interjecting:

The PRESIDENT: I would like to hear your frontbencher's supplementary.

The Hon. C.M. SCRIVEN: Will the minister need more than the \$4 million that he paid the department from the Economic and Business Growth Fund, or will that \$4 million that he paid himself be enough?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:53): It's a bizarre supplementary. It is a \$4 million investment: \$1 million a year over the next four years. If it's oversubscribed, I am sure I would be able to take a proposal back to the government's group, the Economic and Business Growth Fund, to get extra resources. The \$4 million is a commitment to grow the South Australian economy and support business investment here, as outlined in my previous question.

Members interjecting:

The PRESIDENT: Are we calming down, Leader of the Opposition, because I would like to go to the Hon. Mr Pangallo.

VACCINE RESEARCH

The Hon. F. PANGALLO (14:54): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing about vaccine research at Flinders Medical Centre.

Leave granted.

The Hon. F. PANGALLO: A small and local company called Vaxine, headed by acclaimed Flinders University Professor Dr Nikolai Petrovsky, made national and international headlines today for its world-first breakthrough artificial intelligence development of a more effective influenza vaccine, to be trialled not here in South Australia but in the United States where Vaxine derives most, if not all, of its funding for its cutting-edge research work from the American government.

To put Professor Petrovsky and his team into perspective about their standing in the international medical research community, they were the first to develop an effective vaccine for swine flu at the height of that lethal outbreak and hysteria a few years ago. However, while Professor Petrovsky has been quietly going about his brilliant work, under the watch of the previous government and now this one, SA Health bureaucrats cum bean counters have sabotaged and blocked important life-saving clinical trials of flu vaccine and have vowed to remove Vaxine out of its facility at Flinders, despite the incalculable benefits of its work.

Further, because of the lack of support from the Southern Adelaide Local Health Network (SALHN), respected oncologist Dr Ganessan Kichenadasse is now in a position where he will have to return research grants won by Vaxine and abandon trials of a vaccine on patients with terminal

pancreatic cancer, 10 of whom have died just while waiting for SALHN approval within the set grant deadline. To put that into context, one patient who received the vaccine through TGA approval showed such a significant improvement that the patient was well enough to get married.

This is not good enough, especially considering the minister himself spoke so highly of the importance of our skilled medical researchers at a recent awards presentation for the Flinders-based medical research foundation. My questions to the minister are:

1. Can he explain why and who made the decision to terminate a vaccine trial that was already in progress, resulting in the patients taking part being placed at significant health disadvantage, causing results to be invalidated and millions of dollars in research to be wasted?
2. Is the minister aware that to terminate a trial without a valid reason is a serious breach of medical and ethical obligations?
3. Can he explain why SALHN continues to block attempts by Vaxine to trial its advanced flu vaccine technology locally at a time when the flu is at epidemic proportions, with 220 deaths, 44 of them in South Australia, along with 19,361 notifications, or 16.8 per cent of the national rate?
4. Is he concerned that dying cancer patients may miss out on an opportunity of a final treatment option to trial a vaccine for one of the most deadly and fast-acting cancers where the survival rate is just 5 per cent?
5. Is he aware that senior staff from the SALHN research office have threatened principal investigators at Vaxine with disciplinary action if they continued to work with Vaxine?
6. Is he aware that SALHN delayed Vaxine's application for the cancer trial because it was not offering a \$50 payment to cover incidental expenses when Vaxine was actually offering an opportunity to extend their life?
7. Will the minister now order an inquiry into the conduct of the SALHN research office at Flinders?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:59): I thank the honourable member for his question. In relation to research undertaken by Vaxine, I have met with people from the Southern Adelaide Local Health Network linked to Vaxine and their concerns have been raised with me.

Some of the detailed points that the honourable member raised haven't been raised with me, but I have sought further information from the Southern Adelaide Local Health Network. I am, in particular, concerned that some of the parameters for research that SALHN is placing on medical research are not being reflected in other LHNs.

This government is a government that is committed to research because I believe that medical research is not only an opportunity to provide South Australians—and, for that matter, other people around the world—with the benefits of the expertise of our medical researchers here, but it is also a very important underpinning of quality within public health. I have met with representatives of the particular company. I have raised issues with SALHN, and those discussions continue.

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

VACCINE RESEARCH

The Hon. F. PANGALLO (15:00): Have you responded to Vaxine and Professor Petrovsky since your meeting with him almost six weeks ago?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:00): I thank the honourable member for indicating what he didn't indicate in his question, which is that I'm already engaged with the company. My understanding is that I have received a brief and it's also my understanding that I have sought further information. I will certainly take that on notice and check the status of the communication.

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

VACCINE RESEARCH

The Hon. F. PANGALLO (15:00): Well, I'm just going to ask the minister to actually answer the questions I put to him today.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:01): As I indicated, some of the matters that the Hon. Mr Pangallo raises are not matters that I'm aware of. I have taken them on notice.

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

INFLUENZA VACCINATIONS

The Hon. F. PANGALLO (15:01): Given the flu vaccines only have a life of three to four months, is the government intending to offer another round of free vaccines to the most vulnerable members of our community, who may have had their shots prior to winter commencing, to ensure that they get through the winter fully vaccinated?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:01): I'm at a loss, Mr President, to see how that is a supplementary, but certainly in relation to the advice that I have received from public health officials, it is not recommended that people be revaccinated within the one flu season.

REGIONAL TOURISM

The Hon. I. PNEVMATIKOS (15:01): I seek leave to make a brief explanation before asking the Minister for Trade, Tourism and Investment a question regarding regional tourism.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, I'm about to ask the council for leave. I would like to do so without your, I was going to say pithy but I'm going to leave it at just commentary.

Leave granted.

The Hon. I. PNEVMATIKOS: In response to estimates questions from last year, the minister has advised that regional tourism organisation funding and the regional consumer cooperative marketing fund were due to expire on 30 June 2020 and 30 June 2019 respectively. The budget agency statements or measures contain no mention of either program, both of which are very important for regional tourism. My question to the minister is: will the minister confirm if the government has committed to renewing funding for both regional tourism organisation funding and also regional consumer cooperative marketing?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (15:03): I thank the honourable member for her question. She is correct: those two matters are not being continued with. We have a focus on investing in marketing and in the budget we invested some \$43 million. In the face of the \$517 million writedown in GST, the cabinet and the government have committed to maintaining an ongoing investment in tourism. We think that is important. It is a clear indication to the tourism sector that we are committed to marketing our great state to the rest of the world. Clearly, driving more visitors here is the number one priority of this government. It is one of the sectors identified in the Joyce review in relation to growing the South Australian economy.

We are supporting regional events. Something thrown up in the regional visitor strategy work and also in the consultation undertaken by the Tourism Commission was that for regional events, albeit somewhat smaller in nature when it comes to funding—there is a whole range of them—it's important to have some support.

But the number one issue that was focused upon with all of the consultation, the message that came through in the 19 minister meetings that I attended last year after the election, through all of the work done in the regional visitor strategy prior to the election and the great work done by Helen Edwards and the team of regional chairs, and with the consultation around the 2020-30 plan, the number one issue that was raised, the number one support that the sector would like from the government is for marketing.

We have made a commitment, as I said, in the face of the \$517 million this year and the over \$2 billion across the forward estimates that across the forward estimates this government, the Marshall Liberal government, is committed to at the very least maintaining the same level of marketing activity that we did last year so that the industry can be certain that we are there with them every step of the way. When the financial circumstances improve, I am sure that there will be an opportunity to add additional funding to that marketing campaign.

HEALTH GOVERNANCE

The Hon. J.S.L. DAWKINS (15:05): My question is directed to the Minister for Health and Wellbeing. Will the minister update the council on the reform to governance in the South Australian health system?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:05): I thank the honourable member for his question and acknowledge his strong commitment for the voice of country people in health services. By the time of the 2018 state election, South Australians had lost confidence in their public health system. They had lost confidence particularly in the ability or even the willingness of the former Labor government to deliver improvement in services.

They downgraded services in metropolitan hospitals, neglected country hospitals and built a new hospital that was \$700 million over budget and 17 months behind schedule. They promised to never, ever close the Repat, and that is exactly what they did in November 2017. While cutting health services, the Auditor-General found that Labor's disastrous Transforming Health experiment actually cost the taxpayer \$47 million—\$47 million.

Part of the Transforming Health changes was predicated on the centralisation of services. This was just the next wave of Labor centralisation, because in 2007-08 we saw Labor's centralisation of health governance. Labor abolished local health boards in 2008 and they then went on and abolished the clinical networks under Transforming Health.

The Marshall Liberal government was elected with a commitment to undo the damage of Labor's changes in health. A key plank was the re-establishment of health boards. I am pleased to be able to advise the council that these boards became operational yesterday, 1 July 2019. In addition to the metropolitan local health networks, we have established six new LHNs in country South Australia and, of course, there is the statewide Women's and Children's Health Network.

The country boards are based on the administrative regions that were operating in the former Country Health SA. Boards are skills based, with a requirement that each board has at least two members who are health professionals and one with expertise in Aboriginal health. The establishment of local boards will increase accountability and devolve decision-making away from the centralised bureaucracy, bringing it closer to local communities. This means local decisions for local communities.

Importantly, each board has a legislated requirement to develop consumer and clinician engagement strategies in their local health network. The establishment of the boards is an historic movement in the Marshall Liberal government's work to rebalance the health system away from the centralised bureaucracy Labor created and to re-engage South Australian health consumers and clinicians. This, in turn, will be a significant part of the process of rebuilding trust in the public health system.

Of course, Labor does not want decentralised health governance; Labor will do anything they can to defend their Transforming Health legacy and stop the Marshall Liberal government from fixing Labor's mess, but we are determined to get on with the job. I wish all the new board chairs, board members and CEOs well in their endeavours and I look forward to working with them and our clinicians and consumers to deliver improved health services to South Australians.

REGIONAL HEALTH SERVICES

The Hon. C.M. SCRIVEN (15:08): Supplementary: could the minister advise, in regard to regional health services, will the rural support service actually comprise 219 rebadged Adelaide-based bureaucrats?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:09): No.

REGIONAL HEALTH SERVICES

The Hon. C.M. SCRIVEN (15:09): Further supplementary: could the minister advise where the FTEs for the rural support service will be based?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:09): I am certainly happy to take that on notice, but let me make very clear: the rural support service head office will be at Nuriootpa.

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

REGIONAL HEALTH SERVICES

The Hon. C.M. SCRIVEN (15:09): Thank you for the answer. Could the minister advise how many FTEs will be cut from regional health across South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:09): The Labor Party handed on the health system in a chronic case of mismanagement. They sorely neglected the people of country South Australia. In particular, they neglected the capital works in country South Australia. This government, in contrast, has committed \$140 million over a decade to fix the country health infrastructure problems, and we are overdelivering in the early years.

We are delighted with the partnership that we have established with the federal government, which has meant that we have been able to invest in a whole series of country facilities, such as, for example, the South Coast hospital, which will see a new emergency department. Only yesterday, I was at the Mount Barker hospital, being able to mark the opening of the renal services there, which means that people from the Mount Barker area and the Adelaide Hills area will no longer need to head east to Murray Bridge or west to Adelaide to get renal services. That is under the shadow of further commitments from the Morrison Liberal government to invest in the facility at Mount Barker.

In terms of our services going forward, I am very keen to work with the country health boards to deliver efficient and effective services across country South Australia. I can assure you that there is palpable excitement in country South Australia that at last they have been able to turn back the tide of Labor's chronic socialist centralisation of health.

They have a government now that has actually committed to partner with them, because fundamentally country services operate differently to city services. So many of them are dependent on partnerships with general practices, with the country PHNs, with the RFDS. It is all about partnerships in the country, so we are delighted to be able to work with a network of six country boards, each of them working with local governance and local management, partnering with local consumers and local clinicians to deliver better outcomes. The former Labor government completely mismanaged country health. We are looking forward to delivering real positive change.

REGIONAL HEALTH SERVICES

The Hon. C.M. SCRIVEN (15:12): Further supplementary: how many of the rural support staff will be based full time at Nuriootpa?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:12): I'm happy to take that on notice.

The PRESIDENT: I am going to allow one more supplementary. I am keen to get to a crossbencher.

REGIONAL HEALTH SERVICES

The Hon. C.M. SCRIVEN (15:12): Can the minister advise why the budget papers show two dozen positions in Country Health being cut?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:12): Labor has a chronic problem, and that is their inability to understand budgets. The fact of the matter is that the FTE estimates in the budget are estimates; they are not targets. For example, in the Central Adelaide Local Health Network the—

The Hon. C.M. Scriven: We are talking about Country Health.

The Hon. S.G. WADE: Let me just explain how budgets work. If you can't read Country Health, let me give you an example from Central Adelaide Local Health Network. Under the Marshall Liberal government there has been a 90 per cent reduction in the use of agency staff at CALHN. Now, that would—

The Hon. C.M. SCRIVEN: Point of order, Mr President: both the original question and all the supplementaries have been about Country Health, whereas the minister is talking about central.

The PRESIDENT: The minister has some leeway under the conventions, and the minister, as I understand it, is using that to lead into an explanation to your answer.

The Hon. S.G. WADE: Obviously, the honourable member is having trouble following the logic, so let me help. The fact of the matter is that FTE in the budget is about estimates, not targets. For example, in the last financial year, CALHN had an FTE reduction estimate, and one of the ways that they delivered on the savings that were expected of them was a reduction in the use of agency staff. There was a 90 per cent reduction in agency staff. That would have, if you like, equated to some of the FTE reduction in last year's budget. Just like CALHN, each of the networks within Country Health, under the guidance of their board, has the responsibility to assess the best way to manage their budget.

I can assure you that country South Australians are much more confident that they will be able to deliver good outcomes for their communities in partnership with new boards, new CEOs, boards that can appoint their own CEOs, budgets that they themselves will be able to work with their networks in delivering. Those decisions are much more likely to reflect the needs, values and priorities of country South Australians than a Labor government could from Hindmarsh Square.

COMPULSORY THIRD-PARTY INSURANCE

The Hon. M.C. PARNELL (15:15): I seek leave to make a brief explanation before asking a question of the Treasurer about compulsory third-party insurance.

Leave granted.

The Hon. M.C. PARNELL: A constituent recently shared with me some questions she posed to the Ombudsman and the CTP Regulator about the choices now available for CTP insurance. My constituent wrote:

In the process of re-registering my car and choosing from the third party insurance companies offered, I have researched the four companies and find that there is very little difference in their policies regarding investment in or underwriting of companies involved in fossil fuel development.

She then refers to market research undertaken by the respected financial analyst organisation, Market Forces, which identified that all of the options available in South Australia were heavily exposed to the fossil fuel industry. My constituent states that investment in and exposure to the fossil fuel industry is her main criteria in choosing financial products. She was not happy with the choices on offer and felt that the government had abandoned its responsibilities in relation to climate change.

The reply that she received from the CTP Insurance Regulator indicates that (a) they didn't really understand the question and (b) that price and service are the only real considerations for customers. My questions of the Treasurer are:

1. To what extent, if any, are environmental considerations in general, and climate change in particular, taken into account in choosing the private insurance companies allowed to contest the compulsory third-party insurance market in South Australia?
2. Will the government consider making available socially and environmentally responsible options for compulsory car insurance in the same way that it provides those options for state public servants in the compulsory state superannuation scheme?

The Hon. R.I. LUCAS (Treasurer) (15:17): I would advise the Hon. Mr Parnell to direct his questions to the now Labor opposition because these decisions were all taken by the former Labor government when they—I am not sure which word they want to use—privatised or outsourced the Motor Accident Commission. I will invite the Leader of the Opposition to say whether he wants to describe whatever it is they did do to the Motor Accident Commission as privatisation or outsourcing.

All those decisions were taken by the former Labor government. So the frank answer to the Hon. Mr Parnell's question is: could he direct that question to the Hon. Mr Maher, the Hon. Mr Koutsantonis, the Hon. Mr Malinauskas, or the Hon. Mr Mullighan, the member for Lee, because they were members of the former government?

The Hon. E.S. Bourke interjecting:

The Hon. R.I. LUCAS: You are following the very bad example of the Leader of the Opposition. I can only suggest to the Hon. Ms Bourke that she not follow the leadership of her leader. There are much better role models in this chamber than the Leader of the Opposition.

If I could answer the Hon. Mr Parnell's question: the decisions in relation to who won the particular contracts were all part of the deal the former government did, and these companies, however they chose them, paid significant sums of money to win the contract. It is not a decision, if you could advise your constituent—and I am happy to correspond with him or her—for the current government (we don't have the option).

The former government took the money from these particular companies, they won the contract and they were the lucky winners, if I can put it that way, of the former government's either privatisation or outsourcing of the Motor Accident Commission. The current government does not have the option of choosing different private sector insurance. It is possible—and this is a decision I think ultimately for the regulator, and the government I think has a role—for other competitors at varying stages to choose to join. But this is not a decision that the government goes out and says to the ABC company, or the XYG company, or whatever it might be, 'We want you to come in.'

There is a process—a complicated process, as I understand it—outlined in the contractual agreements, where, if someone wants to compete, they have to go through a process and the regulator and others, perhaps, need to do a comprehensive analysis of whether or not that person should be a participant in the market. And there are some restrictions; I have to check the details for the Hon. Mr Parnell. The reality is, for the member's constituent, it is not a decision for the current government. The question should be directed to the former government as to why they didn't take into account those particular factors.

COMPULSORY THIRD-PARTY INSURANCE

The Hon. M.C. PARNELL (15:20): Supplementary: I thank the minister for his answer. Just to be clear, going forward, so rather than the previous arrangements, is there any barrier to the government doing exactly what it did in the superannuation scheme, which is basically saying, 'We will provide an ethical option'? In other words, you could have a subgroup of insurers and invite companies to tender for that particular component of the market. That's effectively what happened with the compulsory state insurance. They said, 'There will be an ethical option,' and they went and found one. Could you not do the same thing for compulsory third-party insurance?

The Hon. R.I. LUCAS (Treasurer) (15:21): I think the problem with the analogy the member is seeking to draw is that, in relation to superannuation investment, that was a decision of the government. The government controlled the superannuation scheme. This is now a private sector—either privatised or outsourced—model where you have four private sector operators competing in a market. The superannuation analogy the member is trying to compare it with is one where the government is the monopoly provider of superannuation through the government scheme.

We were not in a position to go out to the private sector insurers, for example, and say, 'You must do this in terms of ethical options.' In relation to the funds management of the government superannuation scheme, the government had control of those issues, but that's not comparable to the situation that we have. We have a private sector or an outsourced model scheme in relation to CTP insurance. Four companies have paid large lumps of money to be the lucky winners of that particular privatisation or outsourcing and they now have certain rights and entitlements tied up in quite complicated legal agreements and contracts that they have signed with the government.

I would imagine there are significant restrictions in relation to the government either inserting itself back into the market, if it wanted to, or trying to bring in someone with different rules and guidelines. As I said, I do know there is the option for new competitors, if they want to, to go through a regulatory process to see whether or not they can compete. We are not in a position to redraw

legally binding contracts that people have paid money for on a certain understanding that they are entitled to compete in the CTP market subject to the regulation of the independent regulator.

MENTAL HEALTH COMMISSION

The Hon. T.T. NGO (15:23): My question is to the Minister for Health and Wellbeing. Will the Mental Health Commission maintain its independence once rolled into the Department for Health and Wellbeing SA?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:23): The government has gone out for consultation in relation to mental health governance. There were a whole series of issues that were left unresolved after the term of the former government, including a number of issues that came out of the Oakden reports. One of the other things that we had to deal with was this government's commitment to reinvest in preventive health. The former Labor government, under the McCann review of 2011, significantly de-vested in preventive health, which we believe makes no health sense, it makes no economic sense. Of course, people want to be supported to avoid illness onsetting. Economically, it makes a lot more sense to support them to do that and not provide expensive acute care.

So in committing to establishing Wellbeing SA, the government, of course, was determined that it deal with wellbeing in all its dimensions: physical wellbeing, mental wellbeing and social wellbeing. One of the issues the government asked an independent reviewer to look at in the context of the issues left over from the former government and the issues that faced the new government in terms of health services was where to place preventive health in the context—

The Hon. C.M. Scriven: The question is about the independence of the Mental Health Commission. Did you hear the question?

The Hon. S.G. WADE: I'm sorry; I'm just trying to answer the question. The mental health governance review was asked to look at the future, in particular, of preventive services in the context of mental health. It was the recommendation that mental health should be considered as part of the preventive health focus, so therefore it made sense that particularly the health promotion and preventive elements of the commission move into Wellbeing SA. We went, as a government, out for consultation, and following consultation the government has reaffirmed its commitment that health promotion and prevention, including mental health, will be handled by Wellbeing SA.

In relation to the Mental Health Commission, the government's intention is that there is a valuable ongoing role, as highlighted through the consultation process, in terms of providing lived experience input into the effective governance of mental health services. We have decided to renew the Mental Health Commission, refocus it and, in particular, make sure that the voice of lived experience is part of the work of the Mental Health Commission.

This government is committed to holistic, balanced investment in mental health services, and we believe that the combination of Wellbeing SA and the Mental Health Commission will deliver positive outcomes for consumers and for carers.

Parliamentary Committees

BUDGET AND FINANCE COMMITTEE

The Hon. R.I. LUCAS (Treasurer) (15:27): This is a bit unusual, but I move:

That the time for bringing up the committee's report be extended until Tuesday 3 December 2019.

Motion carried.

Bills

CONTROLLED SUBSTANCES (YOUTH TREATMENT ORDERS) AMENDMENT BILL

Committee Stage

In committee.

(Continued from 20 June 2019.)

Clause 7.

The Hon. S.G. WADE: When we last met, we started consideration of amendment No. 2 [Darley-1]. The government will be opposing this amendment. It is our view that it is a matter for the courts to determine the duration of an assessment, treatment and detention order and it is not considered appropriate for a health worker to revoke an order made by a judicial officer. While there is no barrier in strictly legal terms to the Hon. Mr Darley's amendment, as a matter of public policy the government does not consider it appropriate to vest power to revoke an order made by a court in a non-judicial officer.

In terms of the court decision, the court considers all available information to determine an order, which can be much broader than the circumstances of one particular episode of treatment. I have already drawn the council's attention to the likelihood that young people who will be subject to orders will have high and complex needs. Some may have issues relating to child protection. A child or young person may require varying combinations of medical treatment, psychosocial interventions and case management as part of a treatment plan for drug dependency. Such plans require coordination and the involvement of more than one agency and practitioner.

The government takes the view that it is better to vest the power to make, vary and revoke youth treatment orders with a single authority charged with taking into account the totality of conditions surrounding them and that that authority should be the Youth Court. In addition, regulations can be developed to enable the court to issue an assessment, treatment or detention order that allows specific clinicians to modify the order if the court deems this to be appropriate. This would allow the court to consider such an option on the merits of each case. It could be achieved within the existing provisions of the bill and could be supported by the development of regulations.

The government has no desire or interest to make the process of revoking or finalising orders cumbersome or burdensome but we will certainly be working to make sure that the process is streamlined and effective.

The Hon. F. PANGALLO: I rise to say that we will not be supporting the amendment.

The Hon. T.A. FRANKS: The Greens will not be supporting the amendment. We do understand the intention of the amendment is one that is quite worthy, but the practical workings do not actually fulfil that goal. I thank the minister for both putting on the record today the government's position and also for a briefing on this particular amendment.

The CHAIR: Leader of the Opposition, I am not sure whether you have spoken on this, but do you wish to speak on amendment No. 2 [Darley-1]?

The Hon. K.J. MAHER: I thought I did, but I do not fully recall. I place on the record that the opposition intends to support this amendment. We think it is a common-sense amendment that will allow for the completion of an order where the relevant treatment or assessment has been completed.

Amendment negatived.

The Hon. S.G. WADE: I put it to the council that amendments Nos 49, 50, 51 and 52 [HealthWell-1] are all consequential on amendment No. 3 [HealthWell-1], which was supported.

The CHAIR: I am going to ask the minister to move amendments Nos 49, 50, 51 and 52, and then I intend to put them in the one question, unless an honourable member objects. No honourable member has indicated they object to that course of action, minister.

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

Amendment No 49 [HealthWell-1]—

Page 7, lines 28 and 29 [clause 7, inserted section 54F(1)]—Delete 'respondent personally and is not binding on the respondent' and substitute 'child personally and is not binding on the child'

Amendment No 50 [HealthWell-1]—

Page 7, line 31 [clause 7, inserted section 54F(2)]—Delete 'respondent' and substitute 'child'

Amendment No 51 [HealthWell-1]—

Page 7, line 33 [clause 7, inserted section 54F(2)(a)]—Delete 'respondent' and substitute 'child'

Amendment No 52 [HealthWell-1]—

Page 7, line 35 [clause 7, inserted section 54F(2)(b)]—Delete 'respondent' and substitute 'child'

Amendments carried.

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

Amendment No 53 [HealthWell-1]—

Page 7, after line 35 [clause 7, inserted section 54F]—After inserted subsection (2) insert:

- (2a) A copy of an order served on a child under this section must be accompanied by a statement, in a form approved by the Minister, outlining the relevant legal and other rights of the child in relation to the order.

This amendment enhances the protections for a child or young person who is served with an assessment order. Following feedback from stakeholders, the government has determined that when an order is served it should be accompanied by an explanation about the implications of being served with an order and a clear explanation of the child or young person's rights to legal and other support. This information will be required to be presented in a form approved by the minister to ensure it contains language that can be readily understood by a child or young person. This position reflects similar requirements under the Mental Health Act 2009.

Amendment carried.

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

Amendment No 54 [HealthWell-1]—

Page 7, after line 39 [clause 7, inserted section 54F]—After inserted subsection (4) insert:

- (5) The applicant for an order must provide a copy of the order, on request, to a medical practitioner treating the child subject to the order or to a family member of, or advocate for, the child who has a proper interest in the health, safety and welfare of the child.

I put it to the council that this amendment should be supported on grounds similar to those of the immediately preceding amendment.

Amendment carried.

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

Amendment No 55 [HealthWell-1]—

Page 8, line 2 [clause 7, inserted section 54G(1)]—Delete 'respondent' and substitute 'child'

Amendment No 56 [HealthWell-1]—

Page 8, line 5 [clause 7, inserted section 54G(1)]—Delete 'respondent' and substitute 'child'

I put it to the council that amendments Nos 55 and 56 [HealthWell-1] are consequential to amendment No. 3 [HealthWell-1], which was supported by the council.

Amendments carried.

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

Amendment No 57 [HealthWell-1]—

Page 8, lines 6 to 9 [clause 7, inserted section 54G(2)]—Delete subsection (2) and substitute:

- (2) A child to whom a treatment order applies—
- (a) may be given treatment for the child's dependency on controlled drugs; and
- (b) may, in accordance with the *Consent to Medical Treatment and Palliative Care Act 1995*, be given treatment for any other condition or illness of a kind authorised by a medical practitioner who has examined the child.

This amendment provides that a child may be given treatment for dependency on controlled drugs or any other condition or illness of a kind authorised by an examining medical practitioner but ensures that this occurs in accordance with the *Consent to Medical Treatment and Palliative Care Act 1995*.

Amendment carried.

The CHAIR: Before I give the minister the call, we have amendment No. 1 [Bonaros-5] followed by amendment No. 3 [HealthWell-2]. The provisions are identical, bar a heading. I will give the call to the minister before I give the call to the Hon. Mr Pangallo.

The Hon. S.G. WADE: The government is happy to defer to the Hon. Connie Bonaros.

The CHAIR: So the minister will not be moving amendment No. 3 [HealthWell-2], so I give the call to the Hon. Mr Pangallo to move amendment No. 1 [Bonaros-5].

The Hon. F. PANGALLO: I move:

Amendment No 1 [Bonaros-5]—

Page 8, after line 11 [clause 7, inserted Part 7A]—After inserted section 54G insert:

54GA—Detention

- (1) Subject to subsection (2), a detention order made in relation to a child does not authorise the detention of a child in a place other than an assessment service or a treatment service.
- (2) If the child is, during the period of the detention order, otherwise subject to a period of detention in a training centre (the *other detention*), the child may be detained in a training centre for the purposes of the detention order (but only during the period of the other detention).

This provision ensures that the child subject to mandatory drug treatment orders is not sent to criminal detention. Also, if in criminal detention and on a drug treatment order, they can only be kept there for the period of criminal detention and it ensures that both orders can work together. If not criminally detained, the child is not in a detention centre for treatment.

The Hon. S.G. WADE: The government supports the amendment.

The CHAIR: Before I put the question, the Hon. Mr Pangallo, by way of clarity from my casual observation of this amendment No. 1 [Bonaros-5] that you have moved, you will not be moving amendment No. 1 [Bonaros-3].

The Hon. F. PANGALLO: Sorry, Chair, I was going to point that out. I will not be moving amendment No. 1 [Bonaros-3].

The CHAIR: Thank you. That is for the clarity of members before I put the question.

Amendment carried.

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

Amendment No 58 [HealthWell-1]—

Page 8, lines 12 to 20 [clause 7, inserted section 54H]—Delete inserted section 54H and substitute:

54H—Treatment may continue after 18th birthday

- (1) A person may be assessed, treated or detained in accordance with an order under this Part, and reports may be provided as required by an order under this Part, despite the fact that the person has reached 18 years of age and is no longer a child if—
 - (a) the order was made before the person reached 18 years of age; and
 - (b) the Court, in making the order, did not specify that the order was to expire on the person reaching 18 years of age.
- (2) A reference in this Part to a child (being a child in relation to whom an order was made or to whom an order applies) extends to a person who remains subject to an order in accordance with this section (subject to any express provision to the contrary).

I put it to the council that amendment No. 58 [HealthWell-1] is consequential on amendment No. 3 [HealthWell-1], which was supported.

Amendment carried.

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

Amendment No 59 [HealthWell-1]—

Page 8, line 26 [clause 7, inserted section 54I(2)(a)]—Delete 'respondent' and substitute 'relevant child'

I put it to the council that this amendment is consequential on amendment No. 3 [HealthWell-1], which was supported by the council.

Amendment carried.

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

Amendment No 60 [HealthWell-1]—

Page 8, after line 32 [clause 7, inserted Part 7A]—After inserted section 54I insert:

54IA—Duties of Chief Executive

- (1) The relevant Chief Executive must ensure that—
 - (a) a child who is unable to communicate with reasonable fluency in the English language is provided with appropriate assistance by an interpreter in the course of any assessment or treatment pursuant to an order under this Part; and
 - (b) a child is given the opportunity to be supported and assisted by a family member in the course of any assessment or treatment pursuant to an order under this Part; and
 - (c) all children who are subject to a treatment order under this Part are, while residing at any place for the purpose of the treatment order (whether pursuant to a detention order or otherwise), able to—
 - (i) communicate with persons outside that place; and
 - (ii) receive visitors at that place; and
 - (iii) be afforded reasonable privacy in their communications with others; and
 - (iv) have access to a visitor scheme in accordance with the regulations; and
 - (d) a child who is subject to a detention order receives appropriate care while so detained (in accordance with any requirements prescribed by the regulations); and
 - (e) a child who is subject to a detention order is not detained in premises, or a part of premises, in which adults are detained or that adults attend for assessment or treatment.
- (2) Subsection (1)(c)(i), (ii) and (iii) and subsection (1)(e) do not apply to a child detained in a training centre.
- (3) Subsection (1)(e) does not apply to a person who is no longer a child but remains subject to an order in accordance with section 54H.
- (4) The regulations may—
 - (a) establish a visitor scheme for the purposes of this Part; or
 - (b) apply a visitor scheme that is in operation under another Act to children who are subject to a treatment order under this Part (and may prescribe modifications to the visitor scheme under that other Act in its application to children in accordance with this Part).
- (5) In this section—

relevant Chief Executive means—

 - (a) in relation to a child who is detained in a training centre—the Chief Executive within the meaning of the *Youth Justice Administration Act 2016*; or
 - (b) in any other case—the Chief Executive of the Department;

visitor scheme means a scheme under which a visitor (being a person who is independent of direction or control by the Crown) is required to visit and inspect facilities in which people are cared for or receive treatment of some kind and to act as an advocate for such people.

This amendment imposes an obligation on the relevant chief executive to provide for a range of protections for children and young people subject to this part, whether they are detained in a training centre or any other case. This includes providing for assistance and support to be made available for children, including interpreter assistance, when required; the opportunity to be supported and assisted by a family member or an appropriate advocate in proceedings; to be afforded the opportunity to communicate with family and friends and receive visitors; and to engage in these in reasonable privacy. It also ensures the rights of the child in relation to having access to a visitor scheme, the scheme to be determined by regulation.

The Hon. K.J. MAHER: I seek the committee's guidance. Is amendment No. 5 [Maher-1] an amendment in competition to the amendment that has been put by the minister? If so, is this the opportunity to speak?

The CHAIR: There might just be one procedure that I wish to undertake before I come to you, Leader of the Opposition. Thank you for that. Leader of the Opposition, your amendment No. 5 [Maher-1] talks about—

The Hon. K.J. MAHER: The rights of the child and access. It does some of what the Wade amendment does but more, I think, if I am reading that correctly. If they can both be put I am happy to do that.

The CHAIR: Whilst we get some clarity around that, we have amendment No. 60 [HealthWell-1], which has been moved by the minister. We will come to amendment No.1 [Bonaros-2], which seeks to move an amendment to the minister's amendment, and we then have amendment No. 5 [Maher-1]. We have taken some advice from parliamentary counsel and we are advised that amendment No. 60 from the minister cannot sit with amendment No. 5 [Maher-1]. Members are going to have to take that into account when they seek to vote, when I put the question which one they prefer, but I will open it up for debate on all three amendments if members wish to speak to them.

The Hon. S.G. Wade interjecting:

The CHAIR: We can talk about amendment No. 1 [Bonaros-2] but I do not necessarily want it put yet because I just have to work out the order of my questions. The minister has explained amendment No. 60. I will give the call to the Hon. Mr Pangallo—sorry, the Hon. Ms Franks—just to talk to amendment No. 1 [Bonaros-2] and then I will give you the call. Will that assist the committee? The Hon. Mr Pangallo.

The Hon. F. PANGALLO: I move:

Amendment No 1 [Bonaros-2]—

Amendment to Amendment No 60—Clause 7, page 8, after line 32 [clause 7, inserted Part 7A]—

After 'family member' in inserted section 54IA(1)(b) insert:

or other person who is acting as an advocate for the child

This is to provide for another person to be the advocate for the child or person in the treatment, as well as a family member, if there is no family, or will or be able to do this.

The Hon. S.G. WADE: The government supports this amendment. We think that access to an advocate would be appropriate.

The CHAIR: Just before I give the call to the Hon. Ms Franks. This process is a little bit easier because the minister has indicated that the government will be supporting the Bonaros amendment. The order of sequence will be that I will be putting the question in relation to the Bonaros amendment that seeks to amend the minister's amendment. That will be the first vote. Then, if that is successful, the minister's amended amendment will be put to the committee. If you support the Hon. Mr Maher's amendment you will vote that down and then I will put the question, but if it is successful then the committee has already effectively voted on the Maher amendment.

Moving forward, before I put the questions, I am going to give the call to the Hon. Ms Franks, and I will then give the call to the Hon. Kyam Maher to talk to his amendment so that the committee can make a decision and take that into account when they are voting on the minister's amendment.

Is that clear to everyone or would you like clarity? I owe the call to the Hon. Ms Franks. Thank you for waiting, the Hon. Ms Franks.

The Hon. T.A. FRANKS: Thank you, Chair. I have a question of both the government and the opposition. The question is from some feedback provided, at least to the opposition and I assume to the minister as well, from the Guardian for Children and Young People. Proposed section 54IA(2) states that the guardian must provide advice to the chief executive. As an independent statutory officer it is inappropriate to provide advice to the chief executive. The three acts which establish the guardian's three roles all stipulate that reports are to be provided to the parliament via the minister not directly to the chief executive and the department. Could both members please provide feedback and their perspective on that concern raised with us?

The Hon. S.G. WADE: I am advised that the honourable member's question actually does not relate to the government amendment; it relates to the Hon. Mr Maher's amendment. We will not be supporting the Hon. Mr Maher's amendment.

The CHAIR: The Hon. Ms Franks, would you like to ask the Leader of the Opposition? I know the Leader of the Opposition was taking—

The Hon. T.A. FRANKS: That is actually why I asked for a response from the government and from the opposition.

The Hon. K.J. MAHER: I thank the honourable member for her question. Different acts treat things in different ways. I will get to the substance of the amendment that we are moving, but if there were further refining to be done, we think we are happy to look at that between the houses. We think that the opposition's amendment is much more comprehensive and much more suitable for the act that we are looking at. If it pleases the Chair and the committee, I am happy to talk in general—

The CHAIR: No, I want you to move your amendment and then talk to it.

The Hon. K.J. MAHER: I move the amendment standing in my name:

Amendment No 5 [Maher-1]—

Page 8, after line 32—After inserted section 54I insert:

54IA—Special provisions relating to detention of children

- (1) The Chief Executive of the Department is responsible for ensuring that a child who is subject to a detention order receives appropriate care while so detained and, in particular, for ensuring—
- (a) that the child is able to receive family visits while detained (at reasonable times and in accordance with the best interests of the child); and
 - (b) that the child has access to appropriate courses of instruction or training while detained and, if the child is a child of compulsory school age or a child of compulsory education age, is able to continue or otherwise further his or her school education or vocational or other training (as the case requires); and
 - (c) that the child is provided with legal representation in relation to the detention order (at no cost to the child or to the parents or guardians of the child); and
 - (d) that the Guardian for Children and Young People has access to the child while the child is detained; and
 - (e) that the child is reviewed by a psychiatrist when appropriate and at least after every 4 days of detention; and
 - (f) that a nurse is present in the same premises as the child, and that a medical practitioner is available on call to attend those premises, at all times while the child is detained; and
 - (g) if the child is detained for the purpose of ensuring compliance with an assessment order, that the assessment occurs as quickly as possible and the child is detained only for the minimum period necessary for that to occur; and
 - (h) if the child is detained for the purpose of ensuring compliance with a treatment order, that a treatment plan (developed after consultation with any medical

- practitioner who is currently providing treatment to the child) is implemented as soon as practicable after the child is detained under which—
- (i) the child will receive relevant treatment from a health care professional on each day during which the child is detained; and
 - (ii) arrangements are made for the provision of ongoing treatment support to the child after the period of detention ends; and
- (i) that the child otherwise has rights while detained that the Chief Executive is satisfied are at least equivalent to the rights of a youth detained in a training centre under the *Youth Justice Administration Act 2016*.
- (2) The Guardian for Children and Young People must monitor the circumstances of children who are detained pursuant to detention orders and must provide advice to the Chief Executive of the Department on the quality of the provision of care for such children and on whether the children's needs are being met.
- (3) The Chief Executive of the Department must ensure that a website maintained by the Department provides up to date information as to the number of children who are currently detained pursuant to detention orders and the date on which each such child's period of detention commenced (without providing any additional information that might identify a child).
- (4) In this section—
- psychiatrist means a person registered under the Health Practitioner Regulation National Law—
- (a) to practise in the medical profession; and
 - (b) holding specialist registration as a psychiatrist.

This might answer some of the questions I think members may have. The amendment that the opposition is moving introduces a new section that has special provisions relating to the detention of children under these orders.

Before I talk about the opposition amendment, I think the government amendment is a step forward. I thank SA-Best for moving a further amendment to that, which I think improves the government amendment, but the opposition thinks that even the improved amendment is not enough and does not provide enough rights for children. The opposition amendment goes further than that. While we will be voting for the SA-Best amendment to the government position, we will be putting our own forward because we believe it goes even further and gives greater protections and rights to children.

We want to ensure that children subject to detention are provided appropriate clinical care. Our amendment requires a review of the child by a psychiatrist when appropriate and at least every four days in detention. It requires the presence of a nurse in the same premises as the child and a mental health practitioner available on call at all times when a child is detained. It requires that an assessment order is cleared as quickly as possible if a child is detained for the purpose of the assessment order.

For detention orders where the child is detained for treatment, a treatment plan must be implemented as soon as possible. This treatment plan must include treatment from a healthcare professional on each day the child is detained and arrangements for ongoing treatment post-detention.

The amendment also introduces various rights for children during detention, throughout the court process and beforehand. These include the right for a child to receive family visits when detained; the right for a child to continue to access school education, vocational training or other appropriate courses of instruction or training while detained; the right to legal representation in relation to the order at no cost to the child or the parents or guardians of the child; and rights while detained that are at least equivalent to the rights of a youth detained in a training centre under the *Youth Justice Administration Act 2016*.

I take the point the Hon. Tammy Franks raises and I think we would be very happy to be in discussion with the Hon. Tammy Franks as this moves between the houses. I would say that if we

support the government's amendment, then, in all likelihood, the chance of increased protection is lost because it is not likely that that can be negotiated between the houses.

My suggestion to the chamber is that we are happy to continue to look at issues that may need finetuning, but to keep these matters alive I think it is in the best interests to pass the opposition's amendment in preference to the government's amendment. If we go with the government, I do not think the opportunity will continue for the discussion to put more into it. I think it is much easier to take stuff out between the houses, with the government having the numbers in the House of Assembly.

The Hon. F. PANGALLO: We are okay to support most of the provisions that are in there. The one that we do have an issue with is 54IA(1)(e) 'that the child is reviewed by a psychiatrist when appropriate and at least after every 4 days of detention,' which seems to be quite a frequent visit.

The Hon. S.G. Wade: Harassment.

The Hon. F. PANGALLO: I do not know about being harassment, but it certainly seems to be far too frequently being visited by a medical professional. We do support the other provisions that are outlined. Again, there seems to be a great degree of frequency in relation to the child receiving relevant treatment from a healthcare professional on each day during which the child is detained. Again, there just seems to be far too much frequency, if the honourable member is prepared to make an amendment to that. Also, proposed subsection (3) states:

The Chief Executive of the Department must ensure that a website maintained by the Department provides up to date information as to the number of children who are currently detained pursuant to detention orders and the date on which each child's period of detention commenced (without providing any additional information that might identify a child).

We do not support that in principle because the small numbers from the limited cohort could easily lead to identification of individuals, but we do support the other provisions.

The Hon. K.J. MAHER: I thank the honourable member for his views and his guidance. I can give a commitment to the honourable member that as we go between the houses we would be open to discussion about the frequency. In terms of the frequency, yes, it is frequent, but these are quite powerful measures and I think it was when we were discussing this last time that the minister talked about other jurisdictions where detention orders can only last 10 days.

In other jurisdictions, a 10-day period is seen as the maximum time for orders. If it was four days, that would only be two visits through the whole detention order. I think the minister was making the point when we discussed this last that they are sometimes very short times, and very deliberately short times, because they are a quite extraordinary deprivation of liberty. I can assure the honourable member that we are happy to look at the things he has mentioned between the houses.

I know in my discussions with the shadow health minister, the member for Kaurna, Chris Picton, that he is more than happy, if there are different time frames, to look at those, but if we do not pass these here now, the opportunity to do that between the houses will be lost. I can give an undertaking to the honourable member that we will be very happy to look at those.

Even if SA-Best votes for these now, we understand that that does not lock SA-Best into a position when they come back if we cannot reach a suitable negotiation. We are very happy, as the bill travels between the houses and back here, to further negotiate on these provisions and understand that they are not locked in, but this is a good starting point from which to continue discussions.

The Hon. S.G. WADE: It is necessary to ensure there are safeguards to protect children subject to the provisions of this act. However, the government prefers its own two-limbed approach to ensuring that safeguards are provided. The government has set out primary safeguards in its own amendments to the bill and in the bill itself. The government will supplement those safeguards with regulations made in respect of assessment, treatment and detention of children once a model of care has been developed in consultation with both government stakeholders and community stakeholders. They will include those involved in health and drug and alcohol treatment.

It is our view that it is premature to attempt, if you like, to construct within this bill a model of care that is yet in the process of development and will have further consultation. The level of detail that is in this amendment is the sort of thing you would expect to see in a model of care. You might see it in a regulation. You would not see it in legislation.

I am concerned that there are provisions here that would significantly malapportion the provision of support services to the child or young person. For example, 54IA(1)(e) 'that the child is reviewed by a psychiatrist when appropriate and at least after every 4 days of detention' has echoes of the amendment that was not supported by the council earlier in its consideration.

In some cases it might be quite appropriate that a child or young person be assessed every four days. For others, the nature of their situation would mean that every four days would be quite unnecessary, and we need to make sure that we are targeting resources that produce outcomes for children and young people, not trying as a legislature to legislate for a model of care.

The Hon. Tammy Franks has already raised concerns about subsection (2). In relation to subsection (1)(h), I would argue that is already covered by a previous government amendment. I share significantly the concerns of the Hon. Frank Pangallo in relation to subsection (3). We are not talking about hundreds of people here, and once you start putting on a website what seem to be real-time updates about individuals, you very seriously run the risk of identifying them, and there are no protections there for the children or young people. There is a parenthesis at the end that suggests we can avoid identifying a child, but considering the relatively small numbers that potentially may be affected, particularly by the detention provisions, I think you do run a significant risk of identification.

I suggest to honourable members that the government officers and the non-government participants in the field should be given the opportunity to develop the model of care. That may well lead to detail in regulations, which is a much more appropriate place for this sort of detail than in the primary statute.

The Hon. K.J. MAHER: I do not think there is a lot more to debate here, but I think the minister has outlined what he has suggested a couple of times in different bills: effectively, 'Trust us, we'll stick it in regulations. The Legislative Council shouldn't be concerned about details. We are the ones who should work this out.' I take on board a couple of the comments that have been made, but I reiterate that this is something we do not have the chance to revisit; we just have to trust and hope it is in regulations later. If we keep this alive between the houses, we can continue the discussion on these matters.

The Hon. S.G. WADE: I would simply refute the assertion made by the honourable member: regulations, as we all know, are regularly put before this place.

The Hon. T.A. FRANKS: The Maher opposition amendment is an imperfect amendment, but the Greens will be supporting it. I am disappointed that the request for more time to respond was made because the correspondence I read out was from December 2018 and was provided to the opposition, to their shadow minister, at the time. I would have expected perhaps that a renewed set of amendments might have been made, and certainly with the independence of the guardian the Greens will be very staunch should this provision come back to us.

In regard to the idea that a child is reviewed by a psychiatrist when appropriate, or at least after every four days of detention, I do not think that the child seeking and getting a medical professional to visit them is harassment. I am pretty sure that the child probably feels that the detention is somewhere higher on the scale of harassment, so I found those words from the minister quite unedifying, that he saw that treatment by a medical professional as harassment, and I ask the minister to reflect on that contribution.

The requirement that under this legislation, where somebody may be detained for up to a year, that that be recorded in a public place is the least we can do. This bill tramples all over people's civil liberties and treats a health issue as a criminal issue, so that transparency is the least we can afford these people.

The Hon. S.G. WADE: I am determined to stand up for the rights of children and young people. In my view, of course, mandatory assessment, treatment and detention are all matters that

have to be carefully considered and that is why this bill has been the subject of significant consultation and significant amendment by the government that put it forward.

I would assert that subsection (3) actually increases the potential detriment to children and young people, particularly in terms of their privacy. We are not talking about hundreds; we are hopefully talking about a relatively limited number of people who will be subjected to these detention provisions. As I said in earlier parts of this debate, it is my hope, particularly through the assessment, that children and young people will gain better awareness of the impacts of drugs and that they will be willing to cooperate with treatment so that the need for detention is not even considered.

The CHAIR: Honourable members, where we sit at the moment is the minister has moved his amendment No. 60 [HealthWell-1]; the Hon. Mr Pangallo has moved amendment No. 1 [Bonaros-2], which seeks to amend the minister's amendment; and the Hon. Kyam Maher has moved amendment No. 5 [Maher-1].

Before I proceed, it is my intention to put as follows: I will be putting the amendment No. 1 [Bonaros-2], which is the amendment to the minister's amendment. I will put the question first, and if I understand honourable members' positions, that will be successful. I then will be putting the question whether the minister's amendment finds favour with the committee. If you are supporting the Hon. Mr Maher's amendment, you would vote no to that and then you would vote yes to the Hon. Mr Maher's amendment.

It would assist me greatly if I could just understand the position, the Hon. Mr Pangallo, whether you will be supporting the minister's amendment as amended by you or the Hon. Mr Maher's amendment. Could you give me some assistance there, the Hon. Mr Pangallo?

The Hon. F. PANGALLO: I will be supporting the minister's amendment.

The CHAIR: The minister's amendment.

The Hon. K.J. Maher interjecting:

The Hon. F. PANGALLO: Not unless you are prepared to make that change.

The CHAIR: It is a matter for you, the Hon. Mr Pangallo. At the moment, you have indicated to me that you will be voting for the minister's amended amendment, and if you vote yes for that there will be no question put on the Hon. Mr Maher's amendment.

The Hon. F. PANGALLO: In principle, we support most of Mr Maher's amendments, so we will be supporting the opposition's amendment.

The CHAIR: In that case, you would be voting yes to your own amendment.

The Hon. F. PANGALLO: Yes.

The CHAIR: Then, even though it successful, you will be voting no to the minister's amendment and then voting yes to the Leader of the Opposition's amendment.

The Hon. F. PANGALLO: Yes.

The CHAIR: Thank you. I normally do not ask your voting position but, given the complexity of what I am about to put, I thank you for your guidance. The Hon. Ms Franks.

The Hon. T.A. FRANKS: The Greens will be supporting the SA-Best amendment to the government amendment but not the government amendment, and we will be supporting the opposition amendment.

The Hon. F. Pangallo's amendment carried; the Hon. S.G. Wade's amendment negatived; the Hon. K.J. Maher's amendment carried.

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

Amendment No 61 [HealthWell-1]—

Page 8, line 39 [clause 7, inserted section 54J(b)]—Delete 'respondents' and substitute 'children'

I put to the council that this is consequential on amendment No. 3 [HealthWell-1], which was supported by the council.

Amendment carried.

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

Amendment No 62 [HealthWell-1]—

Page 8, lines 40 and 41 [clause 7, inserted section 54J(c)]—Delete 'and treatment services' and substitute ', treatment services and any other facilities in which children are detained pursuant to detention orders'

This amendment extends the regulations which may be made to require reporting by assessment services and treatment services to include any other facilities in which children are detained pursuant to detention orders.

Amendment carried.

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

Amendment No 63 [HealthWell-1]—

Page 8, after line 41 [clause 7, inserted section 54J]—After paragraph (c) insert:

- (d) require an assessment service, treatment service or other facility in which a child is detained pursuant to a detention order to comply with any prescribed agreement, code or charter or to obtain any specified type of accreditation (and to comply with any conditions of such accreditation);
- (e) make provision in relation to the operation and oversight of facilities in which children are detained pursuant to detention orders.

This amendment expands the regulation-making power in the bill, in particular, in two ways. Firstly, to prescribe agreements, codes or charters or specified types of accreditation to be complied with or obtained by persons or bodies involved at the three different stages under the bill, the three stages being assessment services, treatment services and detention. Secondly, the amendment seeks to expand the regulation-making power to state that regulations can make provision for the operation and oversight of detention facilities. Such regulations, for example, might include provisions for official visitors, inspectors, inquiries and related matters.

This amendment seeks to respond to concerns expressed by the Law Society and other stakeholders, including the Guardian for Children and Young People, the South Australian Network of Drug and Alcohol Services and Uniting Communities regarding compliance with relevant child protection instruments.

Amendment carried.

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

Amendment No 6 [Maher-1]—

Page 8, after line 41—After inserted section 54J insert:

54JA—Reports

- (1) An annual report of the Department required under section 12 of the *Public Sector Act 2009* must include the following information in respect of the period to which the report relates:
 - (a) the number of detention orders made during the period;
 - (b) the age and sex of each child who was subject to a detention order;
 - (c) the length of time each child who was subject to a detention order spent in detention and the number of ongoing detention orders at the time of the report;
 - (d) the number of children subject to a detention order who were of Aboriginal or Torres Strait Islander descent or who identified themselves as being of Aboriginal or Torres Strait Islander origin;
 - (e) the number of children subject to a detention order who absconded from detention;

- (f) the outcome of each treatment order, including the number of children who failed to comply with a treatment order;
 - (g) the cost of the treatment provided to each child pursuant to a treatment order;
 - (h) the cost of detaining each child pursuant to a detention order.
- (2) A report must not include any information that might identify a child.

This amendment requires various information regarding these orders to be included in the department's annual report. The information includes things such as the number of detention orders made during that year; the age and sex of every child subject to a detention order; the length of time children spent in detention and the number of ongoing detention orders at the time of the report, including the number of children of Aboriginal and Torres Strait Islander descent; the number of children who absconded from detention; the outcomes of each treatment order, including failures to comply with treatment orders; the cost of treatment provided to each child under treatment orders; and the cost of detaining each child pursuant to a detention order.

The amendment clarifies that the information to be disclosed in the annual report must not include—and I repeat, must not include—any information that might identify any child. We believe it is vitally important for the department to be open and transparent about these orders so that those of us who are voting on these laws and the public in general can have an understanding of the nature and effect of how these orders are working.

The Hon. S.G. WADE: The government will not be supporting this amendment. The amendment requires information about youth detention orders to be reported on as part of the annual report of the department, required under section 12 of the Public Sector Act 2009. This amendment is not supported as the government proposes to make regulations under section 12(7) of the Public Sector Act 2009 as to the content of the annual report after consultation with stakeholders as to the matters that should be reported.

It is our view that it would be more useful to have regulations drafted after that consultation. It should also be noted that the bill contemplates a review of these provisions after three years, when this type of information is also likely to be reported to the parliament in any event.

The Hon. T.A. FRANKS: The Greens will be supporting the opposition amendment, and should the government consult and find additional criteria to add into the annual reporting we will welcome that, too.

The Hon. F. PANGALLO: We will be supporting the opposition amendment.

Amendment carried.

The CHAIR: Honourable members, on the committee table we still have amendment No. 1 [Bonaros-4], which is to clause 7, page 8, and this had just been identified. The Hon. Mr Pangallo, are you still intending to move that?

The Hon. F. PANGALLO: Yes, Chair.

The CHAIR: Do not move it at the moment because we have passed it. I am just taking some counsel because we may have to report progress and then recommit and come back to this, because we have skipped past the point where the amendment should be inserted. Given where we are at this point in time, and the committee table is consulting the standing orders, I would be interested in what members' views are on that amendment. It is in relation to legal representation.

The Hon. S.G. WADE: The government intends to support legal representation, so whether it is possible in this house to deal with it, or, alternatively, I will give an undertaking on behalf of the government that we will move it as an amendment in the other place.

The CHAIR: We can report progress and come straight back in and recommit. I just need to know whether it is—

The Hon. K.J. MAHER: I can indicate that the opposition likewise would support this amendment.

The Hon. T.A. FRANKS: As will the Greens.

The CHAIR: To take the safest course of action, I have decided that I will put the title of the bill. I will then report progress and then ask the minister to move a motion to seek to recommit and then I will come straight back into committee and we can deal with it expeditiously, given that we have identified the support of the committee.

The Hon. I.K. HUNTER: Chair, will you require an absolute majority to do that?

The CHAIR: No.

Clause as amended passed.

Remaining clauses (8 and 9), schedule and title passed.

Bill recommitted.

Clause 7.

The Hon. F. PANGALLO: I move:

Amendment No 1 [Bonaros-4]—

Page 8, before line 33 [clause 7, inserted Part 7A]—

Before inserted section 54J insert:

54IB—Legal representation

- (1) In any proceedings under this Part, or in any appeal under section 22 of the *Youth Court Act 1993* relating to proceedings under this Part, the child to whom the proceedings relate is entitled to be represented by a legal practitioner provided (at no cost to the child) pursuant to a scheme established by the Minister for the purposes of this section.
- (2) A legal practitioner (not being an employee of the Crown or a statutory authority) who represents a child pursuant to this section is entitled to receive fees for the practitioner's services from the Minister, in accordance with a prescribed scale, and cannot demand or receive from any other person any further fee for those services.
- (3) Nothing in this section derogates from the right of the child to whom the proceedings relate to engage counsel at his or her own expense, or to appear personally, by the Public Advocate or by another person acting as an advocate for the child.

This is to provide for legal representation for a child in court for any of the purposes in this act. Assessment, treatment and detention orders, or appeal of such orders, are at no cost to the child unless they have engaged their own counsel at their own expense, or want to self-represent or be represented by some other advocate. We note that the government has already committed, in the 2019-20 budget, an amount of \$10.8 million over four years for this vital support and protection for the child.

Amendment carried; clause as amended passed.

Bill reported with amendment.

Third Reading

The Hon. S.G. WADE (Minister for Health and Wellbeing) (16:23): I move:

That this bill be now read a third time.

Bill read a third time and passed.

STATUTES AMENDMENT (CHILD EXPLOITATION AND ENCRYPTED MATERIAL) BILL

Final Stages

Consideration in committee of the House of Assembly's message.

(Continued from 2 April 2019.)

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

That the council does not insist on its amendments Nos 1, 8 to 11, 13, 20 to 22, 25 and 26.

In speaking briefly to this, my advice from the Attorney-General's office is that the government recognises—evidently from discussions with the majority of members, or at least at this stage subject to whether or not some members speak at any length during this particular contribution—that the majority of members are likely to insist on their previous position, which is different from the position that the government is putting.

Unless I am advised through the passage of this particular debate that there is some movement in various members' positions, I do not intend to prolong this debate and re-agitate issues that were thoroughly agitated previously. So, on behalf of the government, I move as I have outlined.

The Hon. M.C. PARNELL: I will be relatively brief because I appreciate that the delicate balance of numbers in this place can be upset by saying too much as well as by saying too little, but I do want to put a couple of very brief things on the record. The first thing I want to do is to thank both the government and the opposition for not proceeding with this bill during the two weeks that I was away from parliament, because I know it was on the government's list to progress and I appreciate the consideration that was given. I did not mean to be absent, but I was and I am glad that the bill was held over, so I would like to thank the chamber for that consideration.

The second thing I will say is that, when this bill was last debated, my suggestion to the government was to go back and revisit a number of elements of it, including to finetune the list of offences that they believed ought to be caught by the encryption powers. Certainly, the government has done that, but they have actually overreached, I think, in a fairly important way, and I want to put that on the record. The alternative amendments proposed by the House of Assembly include a catch-all provision that allows the government, by regulation, to prescribe any other criminal offence as being caught by the encryption powers.

In other words, it is one thing to identify a list of crimes where the police are able to go to a magistrate and get what has been colloquially referred to as an electronic warrant, but when you also add a provision saying, 'And any other offence that, by regulation, the government thinks of,' then I think that is an incredible amount of overreach.

I had some quite considerable material to put on the record in relation to that point, but I will not do that now. I will just make that point that the bill does consist of overreach, and invite the government, when the bill gets back into the lower house, to accept that this chamber has given the police the powers they wanted in relation to child exploitation material. We have given the police all of those powers unamended, and that includes the encryption powers, provided they relate to child exploitation material. That was the primary purpose of the bill.

The invitation that I would again extend to the government in relation to broader encryption powers is that that is a very good subject—in fact, I think an essential subject—for broad community consultation. The government has its YourSAy website where often these ideas are canvassed. I think that would be the way to progress this. Go back to the community and pose the question to South Australians: under what circumstances should you be required to hand over your digital keys and passwords?

It is a very important question and the government should approach any new law reform in this area with great caution and have the community on board. With those brief remarks, the position of the Greens has not changed and we will be insisting that the Legislative Council continues to support the amendments that we passed last time.

The Hon. F. PANGALLO: I rise to speak in support of the Hon. Mark Parnell and what he has outlined. Quite frankly, I endorse his words because I do not think that the provisions that have been outlined here would really sit comfortably with the community if they knew what the proposals were. In saying that, they would want to protect their privacy in many circumstances and this could actually threaten to breach many privacy provisions that they would expect would be protected as their personal property. With that, I endorse what the Hon. Mark Parnell has put to the chamber today and we look forward to a response from the government and perhaps another version of it coming into the chamber that we could consider.

The Hon. J.A. DARLEY: For the record, I indicate that I will be supporting the Parnell comments and will be insisting on the amendments.

The Hon. K.J. MAHER: We will be voting the same way as the Hon. Mark Parnell and insisting on the amendments that we have previously made.

The Hon. R.I. LUCAS: Some might find it hard to believe that I am ever the pragmatist and realist, and I can count to a majority in this chamber, but it does not appear, on this particular occasion, that a majority is with the government, so the government will acknowledge the majority in the council and we will not be seeking to divide on this particular motion.

Motion negatived.

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

That the council does not insist on its amendment No. 3 and agrees to the alternative amendment made by the House of Assembly in lieu thereof and the consequential amendment.

Speaking to that, again, I acknowledge that my advice from the Attorney-General is that the majority of the council is unlikely to agree to the government's position on this particular amendment as well.

Motion negatived.

Personal Explanation

REGIONAL TOURISM

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (16:35): I seek leave to make a personal explanation.

Leave granted.

The Hon. D.W. RIDGWAY: Earlier today, during question time, the Hon. Irene Pnevmatikos asked me a question about a couple of tourism marketing funds. I can confirm that both the regional tourism organisation funding and the regional collaborative marketing fund programs will remain unchanged for the current financial year.

Bills

VICTIMS OF CRIME (OFFENDER SERVICE AND JOINDER) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 June 2019.)

The Hon. K.J. MAHER (Leader of the Opposition) (16:36): I rise today to indicate that I will be the lead speaker for this bill and that the Labor opposition supports this bill. The bill amends the Victims of Crime Act 2001 to remove the requirement for a claimant to the Victims of Crime Fund to serve a copy of their application on their offender. It is a small bill, but one that may have a significant impact for victims of crime.

I am advised that around 90 per cent of claimants to the Victims of Crime Fund have legal representation. In practice, it is the legal representatives who serve a copy of the application on the offender; however, I understand that there is a concern that the approximately 10 per cent of claimants who do not have a legal representative may be forced to serve the papers on the offender themselves. This is likely to be extremely distressing for victims and there are particular concerns for victims of domestic violence, victims of sexual offences or where the victim is a minor. Applications can also contain personal details, including medical reports, which may not be appropriate to provide to offenders.

In her second reading explanation, the Attorney-General represented that South Australia is the only jurisdiction where a claimant to such a fund is required to serve a copy of their application on the offender. That being the case, it makes sense in this instance to bring South Australia into line with the practices of other states.

I will just finish by saying that whilst we support this bill we do not agree and we think it was unedifying that the Attorney-General, the member for Bragg, used this bill as an opportunity to denigrate and have a crack at the former commissioner for victims' rights, Michael O'Connell. I will not repeat the comments the Attorney-General made, but I will say that it was entirely unnecessary and not in keeping with the office of the Attorney-General.

Unfortunately, during the short time that the Attorney-General has held office, she has constantly found conflict with senior officers, whether they be former office holders, like Mr Michael O'Connell, royal commissioners or the ICAC commissioner. With those brief words on the substance of this bill, I once again indicate our support.

The Hon. F. PANGALLO (16:39): I rise to speak in support of the Victims of Crime (Offender Service and Joinder) Amendment Bill. It is well known that SA-Best are champions of compensation for victims of crime. We are strong advocates and have been for the 20 principles of the Declaration of Principles Governing Treatment of Victims, which underpins the Victims of Crime Act 2001.

We met many times with the previous South Australian commissioner for victims' rights, Michael O'Connell, who showed outstanding dedication to that role over a period of 12 years, and we have already met several times with the new Commissioner for Victims' Rights, Ms Bronwyn Killmier, who was appointed in 2018. We look forward to further enhancing victims' rights in South Australia under Ms Killmier's leadership.

We understand that this bill has its origins in calls for improved procedures in relation to service and joinder of documents upon offenders from the commissioner's victim support services and victims themselves. We are certainly well acquainted with the issues with victims of crime compensation through a steady stream of constituents contacting us to report the delays, distress and disappointments they have suffered through the process of claiming victims of crime compensation. They have told us that the process often involves refreshing and recalling the experiences of the injury and damage they have suffered, at a time when they are least emotionally and financially equipped to deal with it.

There are no other civil damages to restore victims to the position they would have been in but for the crime perpetrated against them, and often no monetary compensation will go close to dealing with the victim's actual losses. There is no compensation for property loss or loss from gambling crimes or scams. There is no compensation that will bring back a loved one or make up for the losses and serious injuries suffered by victims of violent crime and domestic abuse. There is no compensation that will restore the peace of mind, the trust and the safety that the victim has lost.

It is by the good grace of the victims of crime commissioner that suicide and murder sites are cleaned up and some funeral expenses met. It is our view that these are admirable and necessary but, given the quantum of the fund, current levels and forms of compensation, these are, overall, sadly insufficient.

However, these reforms are a start in streamlining and expediting the processes victims need to endure to obtain some compensation for the pain, suffering and economic loss incurred because of a crime committed against them or their family member. We look forward to further reforms to better resource the office of the commissioner to update systems; to centralise, harmonise and upgrade databases; and to improve cross-agency information sharing.

In our view, there is much more to be done to increase distributions made to victims from the \$150 million fund to provide for increased levels of compensation and to streamline processes. For now, we acknowledge the efforts of the past and current commissioners to assist and support victims of crime, and strongly support the simple but sensible provisions of this bill.

The bill contains some very important protections for victims regarding the processes they have to endure in making an application for compensation. At present, victims must serve a copy of their application for compensation on the offender and on the court if there are court proceedings on foot. Courts can only dispense with the service in very limited circumstances, by which time the applicant victim has already been further traumatised by the often slow and unwieldy process to obtain what may in the end be quite a meagre sum.

Historically, the requirement to serve the offender has allowed perpetrators to make submissions to the Crown about the compensation applied for and given them access to a great deal of personal information of the victim, including their medical reports, details of their injuries and police reports. This often constitutes a further assault on victims. These interactions with the offender can perpetuate and exacerbate the very trauma and stress they are trying to recover from.

Of even greater concern is that victim support services report that the current requirements re service and joinder can be a trigger to further violence, especially in domestic violence and sexual abuse matters. The requirement to find and serve the perpetrator can also act as a serious disincentive to making an application for compensation. This is completely unacceptable. These provisions also alleviate an administrative burden on the Crown Solicitor's Office because they will no longer have to redact sensitive information in providing the documents to the offender and/or the court.

It is a very welcome systems improvement that the Crown will develop a much simpler notification for the offender and that this communication will take place only after the application is determined. The offender can still communicate their opposition to the victim's application to the Crown, but this will be later in the process and will not involve the victim.

It is our view that the offender should play no role at all in the consideration or determination of a victim's application for compensation. This bill does not revoke the perpetrator's right of response, but at least that communication will not be with or via the victim. We are the only jurisdiction in Australia that still imposes the requirement of a victim to serve their application on the offender and the court if proceedings have been initiated. It is about time we caught up and balanced the scales of justice to better support and compensate victims. On that note, we commend the bill to the Legislative Council.

The Hon. R.I. LUCAS (Treasurer) (16:46): On behalf of the government, I thank honourable members for their contributions and their indications of willingness to support the legislation.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

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

That this bill be now read a third time.

Bill read a third time and passed.

At 16:50 the council adjourned until Wednesday 3 July 2019 at 14:15.

Answers to Questions

PROBATE REGISTRY

139 The Hon. K.J. MAHER (Leader of the Opposition) (5 June 2019). Can the Attorney-General advise?

1. Is the Attorney-General aware of concerns about delays in processing applications in the Probate Registry?
2. What was the level of funding for the Probate Registry in 2016-17, 2017-18, and 2018-19?
3. How many staff were employed at the Probate Registry in 2016-17, 2017-18, and 2018-19?
4. How long are the delays currently being experienced at the Probate Registry?
5. What action is the Attorney-General taking to resolve the delays at the Probate Registry?

The Hon. R.I. LUCAS (Treasurer): I have been advised:

The new Electronic Courts Management System (ECMS) was implemented on 26 November 2018 and has enjoyed broad support from the profession and the public by introducing the ability to electronically file applications.

An independent review of the implementation of ECMS in the Probate Registry was conducted by a consultant from Escient.

The review confirmed the new system is meeting the original objectives of the ECMS project by:

- reducing technology and vendor risk;
- replacing paper based systems with electronic systems; and
- providing new online services with increased access to court information, particularly with the grant of probate being made publicly available.

However, the report also highlighted delays that are currently being experienced for processing of applications for grants of probate which have been caused by a number of factors, including:

Introduction of ECMS has led to a significant increase in the number of unrepresented applicants

ECMS was designed to improve access to justice by guiding applicants through the process using a smart form. This approach helps applicants to avoid common mistakes in completing an application. As a result of this new process, this has led to a significant increase in the number of personal applicants.

The overall number of personal applications lodged in the six months from when the system went live on 26 November 2018 until 26 May 2019 is 606 (compared to only 151 filed during the previous 12 months).

While the form is much simpler to complete, applicants are still requiring assistance from registry staff in respect to procedural issues with their applications often related to the contents and physical state of the paper will. This has meant that registry examining officers have had to spend far greater amounts of time at the counter assisting parties.

Impact of Higher Courts Redevelopment Project

Due to a relocation of the registry as part of the Higher Courts Redevelopment Project, several days were lost during the move. Additional time has also been lost due to noise disruptions from buildings works which has impacted on registry operations.

Retirement of relieving examining officer

A very experienced retired solicitor who had previously been available to relieve for examining officers when they took leave has retired from the role. I understand the Probate Registry is currently looking at alternatives to replace her.

Current Registrar and Deputy Registrar to retire

Both the Registrar and Deputy Registrar have announced their intention to retire. A new Registrar commenced on Monday 17 June 2019 and a recruitment process will soon be underway for a new Deputy Registrar. As part of this process, a new structure is being considered to make registry resourcing more resilient.

In regard to the level of funding for the Probate Registry in 2016-17, 2017-18 and 2018-19, I am advised that the total funding was:

| | 2016-17 | 2017-18 | 2018-19 |
|---------------|-----------|-----------|-----------|
| Total funding | \$795,103 | \$815,901 | \$836,417 |

In regard to how many staff were employed at the Probate Registry in 2016-17, 2017-18 and 2018-19, I am advised that:

| | 2016-17 | 2017-18 | 2018-19 |
|------------------------------------|---------|---------|---------|
| Actual FTEs | 8.3 | 8.0 | 7.5 |
| Budgeted AFTEs (includes turnover) | 7.9 | 7.9 | 7.9 |

The implementation of the ECMS system for the Probate office from 26 November 2018 planned for a reduction in staff from around 8 FTE to 5 FTE. This is currently in transition. The FTE reduction is in administrative support. The number of examining officers has not been reduced.

As at 6 June 2019, average time to dispose of a grant of probate was 38 days. However, longer delays can occur when requisitions are issued for applications which require additional explanations, e.g. when an original will appears to have been tampered with. When a requisition is issued the matter is placed back in the hands of the party as they need to address the deficiency and then resubmit the appropriate documentation to the registry.

As members will know, grants of probate are a judicial matter which fall under the responsibility of the Chief Justice and the Courts Administration Authority. Nevertheless, I am advised that the Attorney-General has raised this issue with the Acting Chief Justice.

PUBLIC TRUSTEE

141 The Hon. K.J. MAHER (Leader of the Opposition) (5 June 2019). Can the Attorney-General advise—as a result of proposed cuts to the Public Trustee, under what legal authority is the Public Trustee requiring existing investors to withdraw their investments or managed funds, or terminating those current services, by 30 June 2021?

The Hon. R.I. LUCAS (Treasurer): I have been advised:

The Public Trustee Act 1995 provides that the minister may approve classes of persons that can invest money with the Public Trustee (section 29(1)(b)).

That approval includes the following classes of people:

1. Wills customers of the Public Trustee
2. Beneficiaries of estates and trusts administered by the Public Trustee, when funds would otherwise be distributed
3. Trustees of estates and trusts
4. Trustees of charitable funds
5. Religious organisations
6. Trustees of self-managed superannuation Funds
7. Staff

The government does not consider that investing funds other than as part of its role in administering client money is the core business of the Public Trustee. The Public Trustee is not a bank or investment company. There are many private sector investment organisations that undertake this work.

The minister intends to remove the authority under section 29(1)(b) for the classes of persons listed above to invest with the Public Trustee. From 1 July 2019 the Public Trustee will cease to accept any new deposits, with the service to be fully phased out by 30 June 2021. This will enable the existing clients (approximately 230) sufficient time to seek the necessary accounting and taxation advice, and arrange for an alternative investment provider.

INTERNATIONAL URANIUM CONFERENCE

143 The Hon. M.C. PARNELL (18 June 2019). Can the Minister for Energy and Mining advise:

What was the state government's financial contribution as leading conference partner to the 14th International Uranium Conference, organised by the Australasian Institute of Mining and Metallurgy, and held at the Convention Centre in Adelaide from 4 to 5 June 2019?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Minister for Energy and Mining has provided the following advice:

State government's financial contribution to the 14th International Uranium Conference held in Adelaide from 4 to 5 June 2019 was \$10,000 excluding GST, contributed by the Department for Energy and Mining.

PUBLIC SECTOR, ABORIGINAL EMPLOYMENT

In reply to **the Hon. T.A. FRANKS** (15 May 2019).

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

1. The Office of the Commissioner for Public Sector Employment (OCPSE) has advised that, as at 30 June 2018, there were 2,154 self-identified Aboriginal employees in the public sector, representing 1.99 per cent of the total workforce. This was an increase of 7.3 per cent over 12 months in the number identifying as Aboriginal, compared with growth of just over 2 per cent in the overall public sector workforce.

The data indicates that the South Australian Public Sector now has its highest number of Aboriginal employees on record.

Under its Aboriginal Affairs Action Plan 2019-20, the government has programs to increase the number of Aboriginal employees in the public sector, including:

- the Aboriginal Traineeship Program for the public sector to recruit and train a minimum of 100 Aboriginal people
- a two per cent Aboriginal employment target in South Australia Police
- the Aboriginal Employment Pathways to increase employment opportunities for Aboriginal rangers, with a target of at least three rangers per year
- fisheries officers to support delivery of a statewide Aboriginal fishing and aquaculture program.

In addition, OCPSE delivers programs and initiatives to help recruit, retain and develop Aboriginal employees in the public sector, including:

- the South Australian Public Sector Aboriginal Employment Register, which connects Aboriginal jobseekers and existing public sector employees to vacancies and career development opportunities across the public sector
- the Aboriginal Employment Public Sector Industry Cluster, which shares and develops best practice Aboriginal recruitment retention and development in the public sector
- leadership development opportunities specifically designed for Aboriginal employees, including the Aboriginal Frontline Leadership Program, with employees from fifteen agencies participating in this year's program.

2. The 2 per cent figure, referred to in the question from the Hon Tammy Franks MLC, was the former government's target of 2 per cent Aboriginal employment in the South Australian public sector, contained in South Australia's Strategic Plan.

3. The 4 per cent figure, referred to in the question from the Hon Tammy Franks MLC, was the former government's stretch target of 4 per cent Aboriginal employment for those public sector agencies where Aboriginal employees comprised 2 per cent of their workforce.

VIDEO GAME INDUSTRY

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (15 May 2019).

The Hon. R.I. LUCAS (Treasurer): I have been advised:

The former government committed \$2 million over three years (2017-18 to 2019-20) to establish the South Australian Game Development Fund (the fund).

Of the \$2 million, \$450,000 has been committed to the establishment of the Games Plus co-working space located in Pirie Street. The balance of the fund of \$1.55 million was transferred to the Research, Commercialisation and Startup Fund which is available to all South Australian entrepreneurs and innovators.

The Minister for Innovation and Skills has also advised that additional support is being provided through Skilling South Australia as per publicly available media.

UNLEY ROAD

In reply to **the Hon. F. PANGALLO** (15 May 2019).

The Hon. R.I. LUCAS (Treasurer): The Minister for Transport, Infrastructure and Local Government has provided the following advice:

Consultation with the community and stakeholders is, and will always be, a fundamental process. Since commencement of the program, two surveys have been made available for community participation (via the earlier Operation Moving Traffic website and social media):

- 2015, prior to the creation of the Operation Moving Traffic report being released in 2016; and
- 2017, approx. 10 months after parking restriction changes were implemented along Greenhill Road.

Prior to announcement of the 2019 clearway changes DPTI made contact with council representatives, residents and business owners in areas where the changes were proposed, through the following means:

- Letters and accompanying fact sheet for each location were delivered in April, coinciding with the announcement of the 10 proposed clearway changes and locations, along with the release of the Keeping Metro Traffic Report;
- Visual messaging signboards advising motorists of upcoming works were deployed; and
- A media campaign advising of upcoming works were also deployed for stages one and two.

DPTI has visited a number of businesses and directly contacted those who have requested such and continue to address any concerns in collaboration with the DPTI project manager and the Traffic Services/Keeping Metro Traffic Moving team.

Minister Knoll, Minister Pisoni and DPTI have recently met with the City of Unley (Mayor and CE) and representatives from the Unley Road Traders Association.

The program to extend clearways along Unley Road has been deferred to allow further engagement and implementation to be coordinated later this year with council.

AUSTRALIAN CITIZENSHIP DAY

In reply to **the Hon. T.A. FRANKS** (16 May 2019).

The Hon. R.I. LUCAS (Treasurer): The Minister for Transport, Infrastructure and Local Government has provided the following advice:

All South Australian councils hold citizenship ceremonies on behalf of the Australian government, in partnership with the Department of Home Affairs. The South Australian government has no constitutional responsibility for citizenship ceremonies. However, it is responsible for the legislation that establishes the system of local government in this State, and sets the framework in which councils operate.

The Australian Citizenship Ceremonies Code (the code) provides guidance to councils on the format, location and timing of citizenship ceremonies. Councils must comply with this code when arranging and holding citizenship ceremonies.

The code requires ceremonies to be apolitical. The election pledge is therefore consistent with the Code as its purpose is to prevent councils from using citizenship ceremonies as a means of making a political statement about Australia Day.

In 2017 two Victorian councils passed resolutions to no longer hold citizenship ceremonies on Australia Day, as an expression of their views on 26 January. The Australian government stripped these councils of their right to hold citizenship ceremonies under the Australian Citizenship Act 2007, as they had breached the code's requirement to keep citizenship ceremonies free of politics.

In October 2018 Byron Shire Council in NSW reversed its decision to shift all Australia Day events from January 26 after the Australian government stripped the council of its right to hold citizenship ceremonies.

These councils have chosen to use citizenship ceremonies to make a statement about 26 January. Australian Citizenship Day—17 September—is not subject to these political views, and it is therefore not necessary to take any action in regard to this date.

KANGAROO ISLAND VISITOR CENTRE

In reply to **the Hon. I. PNEVMATIKOS** (4 June 2019).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I have been advised:

There are 42 Visitor Information Centres in South Australia.

With regard to the Kangaroo Island Gateway Visitor Information Centre at Penneshaw, I understand that a consultant's report outlining various options is under discussion by the stakeholders. These discussions are still underway, and I will be in a position to update the member in due course.

EXPORT STRATEGIES

In reply to **the Hon. E.S. BOURKE** (4 June 2019).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I have been advised:

1. To the end of May for the 2018-19 financial year the South Australian government spent \$1.6 million on export assistance programs and resources. This expense will be partly offset by an estimated \$363,000 in revenue to be received from the commonwealth government for the delivery of the TradeStart program.

TRADESTART

In reply to **the Hon. C.M. SCRIVEN** (4 June 2019).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I have been advised:

1. The current budget and year to date expenditure to the end of May 2019 for TradeStart is:

| | Budget 2018-19 | Actual (to May 2019) |
|--------------------|----------------|----------------------|
| Expenditure | \$771,085 | \$631,275 |
| Revenue (Austrade) | \$363,000 | \$211,938 |

In South Australia, the Department for Trade, Tourism and Investment (DTTI) currently employs 4.4 FTE TradeStart advisers, who provide export services across the state. Advisers are assigned to the geographic regions of:

- Adelaide metropolitan north (one adviser based in the CBD, DTTI)
- Adelaide metropolitan south (one adviser based in the CBD, DTTI)
- South-East regional (one adviser based in Mount Gambier, co-located with Regional Development Australia (RDA)—Limestone Coast)
- Northern regional (one adviser based in Tanunda, co-located with the RDA Barossa Valley); and
- Riverland (one adviser based in Berri for two days per week, co-located with RDA Murraylands).

In the northern Adelaide metropolitan region, the TradeStart Adviser also operates from a 'hot desk' in the Stretton Centre, City of Playford.

TRADE OFFICES

In reply to **the Hon. J.E. HANSON** (4 June 2019).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I have been advised:

1. For 2018-19, the KPI framework for the Department for Trade, Tourism and Investment (DTTI) to which the overseas offices contributed was:
 - a. Creation of 2,000 new jobs in target industries in South Australia from companies that are a direct client of DTTI
 - b. Foreign direct investment of \$500 million into South Australia from companies that are a direct client of DTTI
 - c. \$50 million of exports facilitated by DTTI activity
 - d. Provide export business with training, mentoring and advice on boosting markets to 400 South Australian businesses; and
 - e. 90 new exporters supported by DTTI programs.
2. The overseas offices established throughout 2018-19 were accountable to the 2018-19 KPI framework.
3. DTTI's KPIs are being tracked and the overseas offices are contributing KPI outcomes.
4. There is a monthly reporting process, six-month performance discussion and an annual review as per Joyce recommendation 9.24, which requires DTTI to prepare on behalf of all agencies an annual review of South Australia's international footprint and its alignment to the State's Growth Agenda. This review is to be presented to and approved by the Economic and Infrastructure Cabinet Committee.

EXPLORERS WAY

In reply to **the Hon. K.J. MAHER (Leader of the Opposition)** (4 June 2019).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): I have been advised:

1. The name of the ad was entitled 'Explorers Way'.
2. The Explorers Way starts in South Australia (Adelaide) and transverses central Australia to the far north of the Northern Territory (Darwin). The messaging of the campaign, supported by stunning imagery from both locations, was to encourage visitors to undertake this iconic journey with a particular focus on the youth leisure market.

FUTURE ADELAIDE

In reply to **the Hon. R.P. WORTLEY** (4 June 2019).

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment): The Premier has advised:

1. Future Adelaide is a 12-month partnership between the government of South Australia and News Corp.

Independent analysis values the Future Adelaide partnership at more than \$5 million. This is a partnership. Therefore, News Corp in collaboration with the Department of the Premier and Cabinet will establish the story content. The partnership is consistent with the government of South Australia and News Corp partnerships entered into by the previous Labor government.

