HOUSE OF ASSEMBLY

Thursday, 1 August 2019

The SPEAKER (Hon. V.A. Tarzia) took the chair at 11:01 and read prayers.

The SPEAKER: We respectfully acknowledge the traditional owners of this land upon which the parliament is assembled and the custodians of the sacred lands of our state.

Bills

EDUCATION AND CHILDREN'S SERVICES BILL

Conference

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (11:01): I have to report that the managers for the two houses conferred together and it was agreed that we should recommend to our respective houses:

No. 4. That the House of Assembly no longer insist on its disagreement to the amendment and that the Legislative Council makes the following consequential amendments:

Clause 54, page 40, lines 28 to 30 [clause 54(2)(d)]—

Delete paragraph (d)

Clause 54, page 40, after line 33 [clause 54]—

Insert:

(2a) If, after making a request by notice in writing, the Minister does not receive a nomination under subsection (2)(da) within the time specified in the notice (which must not be less than 14 days) the Minister may, in lieu of such a nominee, appoint a person who is a member of staff of a school to which the review relates in accordance with the regulations.

And that the House of Assembly agrees thereto.

No. 5. That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

Clause 82, page 56 line 32 to page 57 line 2 [clause 82(3) and (4)]—

Delete subclauses (3) and (4) and substitute:

(3) The regulations may—

(a) make provision for procedures and requirements relating to obtaining the consent of persons who are responsible for students at the school for the student's participation in religious or cultural activities; and

(b) make provision in relation to the exemption of students from participation in religious or cultural activities.

(4) A student who does not participate in a religious or cultural activity under this section—

(a) cannot be made to suffer any detriment for not participating in the activity; and

(b) must be offered an alternative activity related to the curriculum determined by the Chief Executive during the period in which the activity is conducted.

And that the House of Assembly agrees thereto.

No. 7. That the Legislative Council no longer insist on its amendment but makes the following amendment in lieu thereof:

Clause 106, page 68, lines 27 to 34 [clause 106(2)]—

Delete subclause (2) and substitute:

(2) The Chief Executive must call for applications in relation to a position in the teaching service classified at a promotional level in a manner specified by the regulations, and

applications for the position are to be submitted in accordance with the regulations to either—

(a) the Chief Executive; or

(b) a committee established by the Chief executive and consisting of members appointed by the Chief Executive, at least 1 of whom must, subject to subsection (2a), be a nominee of the Australian Education Union (SA Branch).

(2a) If the Chief Executive does not receive a nomination under subsection (2)(b) within 14 days after calling for applications in relation to the position, the Chief Executive may appoint, in lieu of a nominee, an officer of the teaching service elected or nominated by other officers of the teaching service to represent them on such committees in accordance with the regulations.

And that the House of Assembly agrees thereto.

Parliamentary Committees

NATURAL RESOURCES MANAGEMENT COMMITTEE: MANAGEMENT OF OVERABUNDANT AND PEST SPECIES

Mr TEAGUE (Heysen) (11:03): I move:

That the third report of the committee, entitled Inquiry into Management of Overabundant and Pest Species, be noted.

The Natural Resources Committee initiated an inquiry into the management of overabundant and pest species in 2018 in the context of a significant review of the natural resources management framework in South Australia. Numerous previous parliamentary inquiries and fact-finding visits have revealed ongoing concerns with multiple overabundant and pest species in South Australia.

Management approaches to overabundant and pest species balance multiple complex issues. Natural resources management principles facilitate the stewardship of natural assets for short and long-term sustainability and productivity. Management of species that are impacting on a resource is an important part of ensuring the ongoing health of that resource.

The inquiry sought to gauge the efficacy of current legislative policy and partnering approaches used to manage overabundant and pest species and to understand whether any other approaches may provide effective alternatives. The committee invited submissions relating to the costs of managing overabundant and pest species and their impacts within South Australia—for example, effects on agricultural outputs, environmental values, tourism, road safety and amenity.

The committee visited Meningie and the Coorong region and heard oral evidence from 12 witnesses and received 41 submissions. The committee received evidence about a wide range of impacts arising from overabundant and pest species populations, including impacts on agricultural industries and outputs, ecosystems and biodiversity, animal welfare and communities, throughout the state. The committee heard evidence that there is presently an overabundant species problem that is causing an imminent threat to our state's biodiversity, among other impacts. The overabundance of several species was caused by changes to the landscape, including both the clearing of native vegetation and its restoration.

The committee heard that, unless we act to manage the problem, there will not be a lot of other biodiversity in the state. Addressing the problem requires management of overabundant and pest species, together with community and education. Both are necessary components of addressing the problem, and I want to emphasise those two aspects in particular. This is not a matter of standing back and doing nothing or allowing conditions that might prevail from time to time in different local areas to simply go unaddressed. It requires active, wise management and that, necessarily, goes together with the active education of our community as to those needs, particular as they are to local areas from time to time and in circumstances of differing seasonal conditions also from time to time.

The committee found that certain species are presently overabundant and causing problems in particular locations. Again, I wish to emphasise that the nature of this report was not to inquire into a solution for a particular species but, rather, to look at addressing the problem of overabundance in its totality. As it happened, significant bodies of evidence were heard in relation to a number of species in particular. As a result of the evidence that the committee heard, the committee

recommends that the Minister for Environment and Water should consider immediate declarations in relation to those species, and that is the subject of recommendation 2 of the report.

In relation to kangaroos, in particular, the committee heard that a dire overabundance is affecting the South Australian natural environment and agricultural output. Managing the problem requires a substantial population reduction in both the short term and long term. There is some discord apparent, and it emerged in the evidence, between the outcomes of commercial harvest on the one hand and parallel population management on the non-commercial side. The non-commercial destruction of kangaroos presently involves the possibility of underutilisation of kangaroo carcasses and is likely leading to a high degree of waste.

Better use of non-commercially harvested kangaroo products is a current opportunity that the committee recommends action be taken on. Indeed, the committee recommended that urgent attention be applied to strengthening markets for kangaroo products and otherwise amending the economic settings that will facilitate better commercial and environmental outcomes. The government should undertake further inquiry to examine the structures, processes and challenges that prevent the development of a more robust commercial kangaroo products industry. Those recommendations are the subject of recommendations 11 and 12 of the report.

The kangaroo challenge also highlighted the different management approaches operative on Crown land sites and those on privately held land. In the committee's view, responses to overabundance and invasiveness should not differentiate between Crown landholders and private landholders. We recommended that responses should be formulated according to impact and risk, regardless of land ownership.

The committee heard that some other industries arising from the use of overabundant species products could be investigated. Carp mining within the River Murray is one example. The committee recommends that the government should investigate the potential for mining carp within the River Murray system, and that is the subject of recommendation 13. Where extraordinary or urgent circumstances arise, the government should have the capacity to respond.

For certain species, a ministerial declaration could facilitate urgent management where a population of a particular species is overabundant, with resultant degrading or deleterious impacts on a landscape. Such a protocol does not exist within the current framework. The Minister for Environment and Water is best placed to initiate an urgent response for critical situations involving an overabundant or pest species. This would apply to a designated area for a prescribed period of time.

In response to the information presented to the inquiry, the committee recommends that the proposed ministerial declaration be considered in relation to identified populations of western grey kangaroos, little corellas, long-nosed fur seals and koalas. Stakeholders agreed that a risk-based approach is the appropriate basis for managing overabundant and pest species in South Australia. Evidence presented to the committee recommended that action to manage abundant species must be government led and managed by local stakeholders, including landholders, as well as national park services, Aboriginal communities, and local management authorities such as landscape boards and councils.

With the revision of the natural resources management legislative framework in South Australia, the inquiry highlighted that there is a desire among stakeholders that state-based coordinated management options are adopted wherever practical. These should be supported by issue-specific guidelines and/or codes of practice developed by the relevant stakeholders. Those stakeholders include the relevant agencies, local authorities, experts and local Aboriginal community representatives.

The committee heard that the costs of managing overabundant and pest species are substantial and are often dependent on periodic funding arrangements between parties. Evidence for successful initiatives cites long-term funding and funding partnerships as key factors. The national framework also recognises that prevention-based approaches are the most cost-effective. The committee recommends that these principles should continue to be recognised within the Landscape SA framework.

In response to the information presented to the inquiry, the committee recommends that the Minister for Environment and Water should ensure that the Landscape SA framework provides appropriate resourcing of landscape regions to continue the local management of overabundant and pest species. It also recommends that the South Australian government should participate in further negotiation among the states and commonwealth for longer term funding and funding of prevention-based approaches.

The committee heard evidence about the importance of engaging with stakeholders to build understanding about environmental management approaches, particularly the need for managing species population numbers to maintain biodiversity in the future. In response to the information received as part of the inquiry, the committee recommends that the government should provide more education and information to the community about environmental management practices, including the rationale for decisions made in relation to overabundant and pest species. The Alinytjara Wilurara NRM Board submission refers to specific impacts for Aboriginal communities. They include:

- damage or fouling of significant cultural heritage sites;
- prevention of hunting and other traditional uses of land and subsequent reduced opportunities to transmit knowledge to young people; and
- reduced opportunities to pursue novel or developing industries, for example, carbon sequestration.

These issues also emerged in the committee's interactions with Ngarrindjeri elders at Meningie, where the Ngarrindjeri expressed their distress at the destruction of the Coorong environment, particularly the impact of seals. It was noteworthy that the Ngarrindjeri highlighted the damage caused to pelicans and other native species by seals.

The committee is expressly interested in facilitating further involvement by local Aboriginal stakeholders in the management of overabundant and pest species. It has therefore recommended more active involvement for local Aboriginal communities in policy development and implementation measures, and that is the subject of recommendation 5 of the report.

The committee received evidence from several expert researchers about the need for continuing research. Research outcomes provide valuable data and present best practice methodologies to underpin evidence-based policymaking. The committee recommends that the South Australian government should continue to monitor research to provide an evidence base for effective management responses and greater understanding of best practices.

The committee thanks those stakeholders who responded to the terms of reference and contributed to this robust inquiry. I recognise and thank each of the members of the committee for their contributions to this report: the member for Finniss, the member for MacKillop, the member for Port Adelaide, the Hon. John Darley MLC, the Hon. Terry Stephens MLC and the Hon. Russell Wortley MLC. On behalf of the committee, I thank Mr Philip Frensham and Dr Monika Stasiak for their assistance throughout. Their work was invaluable and greatly appreciated.

Mr BASHAM (Finniss) (11:18): I also rise to speak on the inquiry into the management of overabundant and pest species. The Natural Resources Committee looking into this space heard from many people who had concerns and issues around the overabundance of animals. There were also some who commented on plants in the pest space, but the main focus of the witnesses we heard from was on animals, birds and fish.

There were many people who spoke about how their environment and local area were affected adversely by the overabundance of either native or pest species. We heard from people who spoke about the problems they face with little corellas and the damage they can do in certain towns. These corellas flock and nest in trees where they remove the foliage as they nest and effectively kill those trees in the landscape.

We heard from different areas around the state in relation to issues with kangaroos. Kangaroos are not considered to be a problem everywhere, but there were particular hotspots where kangaroo numbers were such that some sort of management was required. We also heard about issues in relation to koalas, particularly on Kangaroo Island. Koalas were never native to that area

but have adapted well to their environment, and they live in blue gums. We were informed that koalas on Kangaroo Island are actually considered to be 'super koalas' because they have adapted and are able to eat blue gums, whereas most koalas around the country cannot eat those leaves because their gut does not allow them to get the nutrition they require.

We also heard about issues with seals, particularly in Meningie, and the problems that occur as the seal population has ballooned. They are damaging the local fishing industry, and the native environment, and are affecting the other native species in the area. One of the key things we heard was the concerns of the local Aboriginal community in Meningie in relation to the damage being done to the native species that they consider to be their totems.

The pelican attacks were very concerning to them. They stated that seals were not in their records, stories and history of the area, which go back for thousands of years, so they do not see seals as part of their natural environment. We heard about pest species, in particular, deer, carp (as the member for Heysen mentioned earlier), goats and rabbits. This morning, there was a release on the management of rabbits, which talked about the release of the calicivirus into areas. I think that is very important.

I attended a meeting at Parawa only last week. I was the first person to arrive, and when I pulled into the Parawa Hall at around 7.30pm my lights shone into the car park, which was just a bare paddock, and I saw around 60 rabbits grazing in that car park. The damage they are doing to the local area is one important reason why we have to consider how best to manage these species. Culling sometimes needs to be an option. In this case, the re-release of the virus into certain areas will help manage the numbers and control the problem so that the damage to other important native species as well as commercial crops, etc., in the region is minimised and everyone can live harmoniously.

The challenge is how we manage native and pest species to make sure that we are achieving these outcomes. Before Australia's settlement, when the Aboriginal communities operated in these lands, they managed the areas. They conducted burnings and all sorts of things to manage their environment and keep everything in a particular balance. Once you start having that sort of influence on the environment, whether it was back thousands of years or more recently with the calicivirus, and as soon as you start having those inputs into managing the environment, it is very hard to go back to a natural state of the environment and a natural balance. As soon as you touch one spot in the system, it will have another effect on the system.

One of the pieces of evidence from Associate Professor David Paton that really sunk home for me was the concern he had for some of the plant species in the Mount Lofty Ranges because of the number of kangaroos that are currently in the region and the risk that we could lose plant species because of the overgrazing by kangaroos in particular. We have to be very conscious that we do everything we can to try to keep the biodiversity across the area and make sure that we do not have particular groups of the population fall out of balance.

Interestingly, on our family dairy farm, when in 1976 we moved to Mount Compass from a previous farm in Port Elliot, there were no kangaroos—none—and that was the case for many years. As a kid, you would get quite excited when you saw a kangaroo hop through the farm, but sadly, at that point in time, you would often see the same kangaroo dead on the road because it was not a natural resident on our farm. It was obviously travelling back to where it lived and was not negotiating the roads well.

In more recent years, as we have done things on our farm to try to increase the biodiversity by fencing off tree areas and giving shelter to native scrub, etc., we have seen a complete change in the population of kangaroos on our farm. We have gone from no kangaroos 40 years ago to probably something like 300 or 400 now, just by giving them shelter and places to live. That is the effect that we can have by making these changes to our environment. By making those changes, we then have to think about how we manage those 400 kangaroos and whether that is too much for the local environment to cope with.

That is when farmers around my region have stepped in and got permits to do some culling to reduce the numbers to try to keep them at a point where the effect on their business is minimised and also where the population does not get to the point where they are effectively eating themselves

out of house and home in the local bits of scrub that are now being protected by fences from other grazing animals.

It was a very important inquiry, and I think it certainly raised many questions. Hopefully, it has made it very clear that we should manage the local overabundance in a very similar manner, whether it be native or pests. We should not necessarily jump to saying that culling is the only option, but it does need to be something that we consider as an option in the management of all these overabundant animals. I very much thank the other members of the committee and the team that supported the committee in preparing this report.

Mr McBRIDE (MacKillop) (11:28): I rise today to speak in support of the motion to note the report into the management of overabundant species, which is the third report of the Natural Resources Committee of this parliament. I also thank the previous two speakers for their input thus far. As a member of this committee, I welcome the completion of this report and would like to take this opportunity to thank my colleagues for their efforts and deliberations and, importantly, thank the staff for their work to support the committee.

I would also like to recognise stakeholders who took the time to provide 41 written submissions, and 12 witnesses who provided evidence to this committee, including a substantial contribution from the member for Hammond. I believe the report provides a useful context for the range of species that are considered to be overabundant and highlights some important pathways to be considered to address overabundance and the issues that are associated with boom and bust population cycles.

The terms of reference for the inquiry included inquiring into the management of overabundant and pest species in South Australia, with particular reference to:

(1) the efficacy of existing or novel regulatory policy and partnering frameworks used to manage overabundant and pest species;

(2) the cost of managing overabundant and pest species;

(3) the impacts of overabundant and pest species on agricultural outputs, environmental values, tourism, road safety and amenity; and

(4) any other relevant matters.

Overabundant species have long been a vexing issue in our state and, in fact, across Australia. The topic can be highly emotive, particularly in balancing views in relation to the preservation of our native species with that of impacted parties. The impacts of overabundant species are felt through impacts on productivity by species such as deer, rabbits and kangaroos on agricultural producers There are also impacts of overabundant seal populations on catch for our fishers. Our communities feel impacts through the destruction of our public spaces, such as ovals and sporting grounds, by corellas, for example, and also the impact of accidents with kangaroos on our roads.

Currently in my electorate of MacKillop, we have an unprecedented number of kangaroos. In our region, the community holds a range of views on this matter, with many people wanting action to reduce these numbers.

The overabundance of native and pest species has been driven by the significant changes that have been made to our landscape, including the clearing of native vegetation, the establishment of monoculture crops and the absence of or changes to the predation dynamics. Challenges faced in managing our overabundant species include:

- the range and divergence of opinions held by stakeholders in relation to management approaches;
- the level of understanding of roles and responsibilities of parties involved in managing overabundant and pest species;
- limited resources to manage the species; and
- the need for more research to support the implementation of best practice management.

Key differences in our state's regulations provide the framework to support the management of overabundant populations of both pest and native species. By its very nature, this legislation assigns different agencies and individuals with different responsibilities. This is a structure that works for managed populations; however, overabundant species can create a level of complexity that requires careful navigation.

Our inquiry learnt that the management of overabundant pest species continues to be a significant concern across South Australia. The report highlights that the cost of overabundant and pest species is significant. Biosecurity SA reports that $15.7 million was invested in pest management programs in 2017-18. This included the investment of:

- $4.4 million from commonwealth funds;
- $1 million from industry;
- $10.3 million from the NRM levy and the South Australian government; and
- $0.8 million from other sources.

The economic impact of these overabundant pest species is significant, with a 2016 PestSmart survey highlighting that the economic impact of pest animals could be as high as $790 million. This includes control costs, loss of production, damage to infrastructure and research and development costs.

I was interested to note that Natural Resources South East, whose jurisdiction covers part of my electorate of MacKillop, invests 37 per cent of the NRM levy raised in the region on the management and control of pest species. This is a significant proportion of investment in pest species and, of course, is in addition to the significant expenditure of landholders, who hold responsibility for the management of declared pest species on their own properties under the Natural Resources Management Act.

Importantly, the inquiry has made a number of useful recommendations, which I hope will be taken on board and investigated further to enable our state to have a coordinated and successful approach to the management of overabundant native and pest species. In terms of policy, regulatory and partnering frameworks, some of the key recommendations of the report include:

- the Minister for Environment and Water should be able to declare a species overabundant for the purposes of managing its population impacts;
- the Minister for Environment and Water should consider immediate declarations in relation to western grey kangaroos, little corellas, long-nosed fur seals and koalas where populations are having a damaging impact on an identified landscape;
- a risk-based and impact-based approach should be applied to both native and invasive impact-causing species on both privately held and Crown land; and
- working with Aboriginal communities to partner for better management outcomes.
- other recommendations include the development of a policy and codes of practice for managing overabundant species and partnering with landscape boards, councils, landholders, Aboriginal communities, industry groups and other relevant experts.

It was also recommended that the landscape boards needed to be appropriately resourced to enable the continued management of overabundant pest species and that a longer term view and funding need to be secured to ensure that prevention-based approaches can be implemented. There was also a need identified for the South Australian government to provide more education and information to the community about environmental management practices, including the rationale for decisions made in relation to overabundant and pest species.

Some of the final recommendations of the committee in the report included that the South Australian government supports the development of markets and considers settings to support these markets and enable the development of new ones. Taking action to establish and develop markets for abundant species, particularly kangaroos, will be important and will need to include measures to avoid waste and ensure the full use of carcasses, broadening the range of areas in which commercial

harvesting can be undertaken, the initiation of harvesting trials, the consideration of fee structures associated with harvesting activities and further investigation of challenges that may prevent the development of a more robust kangaroo product industry.

There is significant interest and concerns that have been raised with me in relation to kangaroo populations. Key to people's concerns is safety. At night, roads across the MacKillop electorate have become risky places to travel along because of the high numbers of kangaroos. The community wants action on this issue. I am hopeful that both the recommendations of this report and the recent engagement process undertaken in relation to the commercial harvesting of kangaroos in South Australia can yield some viable solutions to address the overabundant populations we are seeing across the region.

Before I finish, I will just pass on some local knowledge in regard to a couple of these issues; one is the kangaroos on the Limestone Coast. We have been blessed down there with what I would call an average to good season. We have had our winter rains and we have feed left over. It would be minimal from our last spring/summer, but we certainly have not had the trying conditions of the drought experienced across the rest of Australia. The kangaroo population would have had to move in from other areas or is flourishing.

I was unfortunate enough to hit three kangaroos within about 10 minutes on Saltwell Road between Cape Jaffa and the Princes Highway. The first two went underneath the car in what I would call a good way without any damage, but the third one was a big buck that would have been at least 100 kilos. Although I have a roo bar for exactly this purpose, and I had slowed down to 50 km/h, the roo bar did need replacing.

Mr Pederick: You weren't going fast enough.

Mr McBRIDE: As the member for Hammond says, I was not going fast enough. Let me tell you that the kangaroo did not run away and I had to drag him off the road in a dead state.

This is a very common issue because, when I went to the crash repairer, he was absolutely full with business. His business was brimming. He has 15 tradespeople on at this time of the year because of exactly what I had been exposed to. Most of his issues were of kangaroo incidents on the road with vehicles. The population in our region is obviously highlighted by that. In fact, he even said that it was not uncommon, because at this time of year he puts on his maximum number of tradespeople at his crash repair business, and then his quiet period is actually the spring/summer.

I think one of the reasons for this is that the roadsides in our region become the only areas of food and harbour for the kangaroos. They do not sleep or dwell in these areas, but they certainly come onto the roadside to eat. We see kangaroos mostly at night, but I tell you what—between 4 o'clock and 6 o'clock in the morning would be one of those times when if I can avoid being on the road I do.

Another issue I would just like to touch on—and I am sure that the member for Hammond is going to give a lot more detail on this—is the long-nosed fur seal. Firstly, may I say that we have a fair amount of support for control of the seals in the region around the Coorong. It is not just the fishers whose livelihood depends on their catching fish species like the Coorong mullet and the mulloway out of the Coorong. Even the local Indigenous Aboriginals certainly have an issue with it. As a population, we must recognise that we have changed the landscape, and we have also changed the opportunities; so, we do need a management plan to manage these species.

With my time running out, the final recommendation included investigating the potential mining for carp within the River Murray system, which is also something that could be looked at. It was a pleasure to participate in this inquiry. I know that the hearings were well attended, and the people who gave evidence spoke with passion and conviction about their concerns and the impacts that they have experienced associated with overabundant species. I commend this motion to the house.

Mr TRELOAR (Flinders) (11:40): I also rise to make a contribution on what is the third report of the Natural Resources Committee, entitled Inquiry into Management of Overabundant and Pest Species. I agree entirely with the member for MacKillop that it is best to stay off the road between

4am and 6am, and I am pleased that the member for MacKillop, most evenings at least, is at home before 4am; so that is good.

The Natural Resources Committee initiated an inquiry into the management of overabundant and pest species in August 2018. Many years of sustained effort have gone into managing overabundant pest species in South Australia, yet the committee has recognised that overabundant and pest species continue to impact on South Australian agricultural outputs, environments, tourism, road safety, amenity and other values.

The Department for Environment and Water anticipates that populations of overabundant and pest species will increase, as will the number of species causing impacts in South Australia. The department also expects that the social, environmental and economic impacts of overabundant and pest species will increase. The costs of managing these impacts are therefore also expected to grow. The relationships between communities and overabundant and/or pest species are highly complex. The dimensions of these relationships include both positive and negative elements.

Overabundant and pest species pose threats to agricultural outputs and have impacts on urban lifestyles as well. They cause ecological imbalances but can also occupy the position of necessary apex predators. For food and tourism industries, certain species can represent opportunities for new markets, or fulfil roles as icons. Some species may be regarded as cultural totems within Aboriginal cultures.

In view of significant reforms being implemented within the natural resources management system in South Australia with the new Landscape South Australia Bill, this inquiry provides the opportunity to consider how overabundant and pest species should or could be managed into the future. The inquiry investigated the extent to which current approaches have been successful and sought evidence about any novel approaches that may warrant consideration. The terms of reference incorporate considerations about the efficacy of arrangements at the state and national levels and seek to understand whether current management strategies facilitate short and longer term outcomes.

During the last decade, the South Australian parliament has conducted several investigations into the impacts of certain abundant plant and animal species in South Australia through the Natural Resources Committee and also the ERD Committee. Stakeholders regularly discuss overabundant and pest species when the NRC conducts fact-finding visits to natural resources management regions. I am fully aware of this because I spent some very enjoyable years on the Natural Resources Committee here in this parliament.

The Department for Environment and Water explained to the committee that overabundant species and native species are occurring in population volumes significantly greater than would occur in natural environmental conditions, and pest species are invasive species that are not endemic to South Australia. That is a significant description of the difference there.

The Department for Environment and Water also distinguishes between species that occur in overabundant population volumes across the state and those it considers as impact causing. Impact-causing species have an impact on a particular industry or geographical location and thus may warrant specific management or intervention responses.

The report addresses overabundant and pest species issues raised in submissions and evidence presented to the inquiry. The committee heard evidence in relation to several species and has adopted a case study approach in using these specific species as illustrative of principles that can be applied to a broad management approach. It has derived recommendations that can be applied to specific species and, more broadly, to emerging challenges. Should time permit, I will run quickly through those recommendations.

The committee heard evidence that there is presently an abundant animal problem that is causing an imminent threat to our state's biodiversity. The overabundance of several species was caused by changes to the landscape, including the clearing of native vegetation. I also agree with the member for MacKillop in that, obviously, since European settlement we have significantly changed our natural environment. In many instances, we have created a perfect environment for even native species to become abundant.

I cite a couple of examples from my electorate in particular: one is kangaroos, and that has been touched on already by members' contributions. As drought conditions impacted the north of the state during 2018, certainly in the southern areas of the electorate of Flinders we saw increasing numbers of western grey kangaroos and the pressure they put on fences, livestock and existing infrastructure.

The other example that I am fully aware of and is not often mentioned—it is not even realised particularly—is the example of wombats in the west of the state. Those farmers who farm west of Ceduna, particularly—even more so west of Penong—spend a significant period of the year looking to control wombats. They do that under permit of course, always, but the damage wombats can do to cropping paddocks and wheat paddocks is significant, and land restoration needs to occur before paddocks can be profitably cropped.

It is a significant impost for a relatively small number of farmers but, for those in the Far West of the state, it is a significant and growing problem. I can also say from casual observation that the population of wombats is spreading further east and further south across the peninsula, so it is going to be an ongoing problem. I now come to the recommendations because they are important and I am sure they will be well considered by the Minister for Environment:

1. The Minister for Environment and Water should be able to declare a species as 'overabundant', for the purposes of managing its population impacts.

2. The Minister for Environment and Water should consider immediate declarations in relation to western grey kangaroos, little corellas, long-nosed fur seals…

I know the fur seals have caused a particular problem for the tuna ranches in and around the bays of Port Lincoln. They have developed strategies to overcome that threat; nevertheless, the population remains high. The recommendations continue:

3. The South Australian Government should apply a risk-based and impact-based approach to both native and invasive impact-causing species alike, and to both Crown land and privately-held land.

This is an important recommendation because many of the concerns of farmers in the electorate of Flinders over the last 12 months have been about the number of kangaroos that are impacting their properties coming from national parks or Crown land where there is no effort to control populations. Further:

4. The South Australian Government expedites the development of integrated strategies for priority species where these are not already in place…

5. The South Australian Government should develop policy and codes of practice for the management of species in partnership with Landscape Boards, Councils, communities including landholders, local Aboriginal communities, industries, and relevant experts.

In other words, there are many stakeholders who need to be involved in this conversation. It can never be purely and simply left to the landowner even though the landowner is often the one bearing the economic impact of these species. The recommendations continue:

6. The South Australian Government should seek engagement with and advice from local Aboriginal communities…

7. The South Australian Government should continue to monitor research to provide an evidence base for effective management responses and greater understanding of best practices.

There are a further half a dozen or so recommendations. I probably will not have time to touch on them today, but they are readily available to anybody following the *Hansard* and are also in the committee's report.

I particularly want to get back to the electorate of Flinders very quickly. My earliest memory as a boy growing up on the farm was around the efforts we had to make to control rabbits back in the day. Myxomatosis had come and gone, it was prior to the days of calicivirus, and one of the genuine life skills that my grandfather passed on to me was how to set a rabbit trap. I can take anyone who is interested through that process, but it involves digging a hole, setting the trap and placing the trap in the hole. They are illegal now, of course, but they were a great tool for us at the time.

Before we were to sprinkle sand over the trap and the mechanism, we were to lay a small piece of cut newspaper over the top. That protected the mechanism from the dirt that was overlaying

it so it was able to go off. I remember as a little boy asking my grandfather what the piece of newspaper was for, and he said that it was for the rabbits to read before we got back to them.

Mr PEDERICK (Hammond) (11:50): I rise to speak to this motion regarding the third report of the Natural Resources Committee, entitled Inquiry into Management of Overabundant and Pest Species. Before proceeding any further, I want to go through some of the lead recommendations:

1. The Minister for Environment and Water should be able to declare a species as 'overabundant', for the purposes of managing its population impacts.

2. The Minister for Environment and Water should consider immediate declarations in relation to western grey kangaroos, little corellas, long-nosed fur seals, and koalas where populations are having a deleterious impact on an identified landscape.

3. The South Australian Government should apply a risk-based and impact-based approach to both native and invasive impact-causing species alike, and to both Crown land and privately-held land.

Those are just the first few recommendations from this committee. I commend the committee for their great work into overabundant and pest species. I think we really need to take some action now. I have been presenting about long-nosed fur seals—or as they are known and were known before their name was attempted to be changed by a former minister in another place, New Zealand fur seals—and the impact they are having not just on fishing stocks but also on native birdlife whether it be musk ducks, terns, pelicans and the like.

I have been onto the issue of New Zealand fur seals for about 10 years now, and I have moved two motions in this place. I have also lodged a petition with almost 1,600 signatures—1,600, so it would be one of the largest petitions in this place—which means we really need to take action in regard to New Zealand fur seals.

The problem we have is that in the past, in the former government, starting from the minister, there was a Sergeant Schultz 'I see nothing; I hear nothing' approach taken in relation to New Zealand fur seals, but when you talk to the people in my electorate and also in the electorates of MacKillop and Finniss, these people who are invested in the sea and the fishermen invested in inland waters are being heavily impacted. It is not just the inland waters; it is the offshore waters as well.

Not only that, it is the Indigenous people, the Aboriginal people. I note that Darrell Sumner got into a lot of trouble for clubbing seals and running over them. I do not condone that, but Darrell was just so frustrated and so outraged as a local Indigenous person—not only that, as a Vietnam veteran—that he decided to take matters into his own hands. I mention Darrell because he also had his house raided. He said to me once, 'I would have let them in if I had known they were coming,' but he was not home.

The issue we had because of the sensitivities of the minister, and this was infused right down through the department of environment, water and natural resources at the time, was, 'We just need to clamp down on this. There is nothing to see here. We are not going to have anyone say that we need to take active management of New Zealand fur seals.' Obviously, this generated some publicity a few years ago when I raised this subject in this place.

When I presented to the committee, I reported the feedback I had from both Penny Debelle and Michael Owen, one reporting for *The Advertiser* and one for *The Australian*. They were raided. They were raided by compliance officers to find out what information they had on New Zealand fur seals. You would have thought we were being invaded by a communist country. This was totally over the top and just outrageous. Instead of looking at the reality of the situation and noting the problem, we heard, 'No, we don't want to know about it.'

I have talked to staff in natural resources. To be fully transparent, I will say that my wife, Sally, is an environmental scientist. She is not working in that field at the minute but used to work in natural resources. You talk to some of these people in leadership roles and they say, 'Don't worry about it. We will pay out those Coorong and lakes licences and just be done with it.' Really? That is the attitude. It is just out of control and we need to take real action.

I note that the former chief executive to the former minister Sandy Pitcher set up a working group to look at seals. It involved local people and councils. I got a phone call direct from Sandy, who said, 'No, you are not to be involved.' That was just fodder for me. Straight up, that was the next

press release. I shot that in and had an excellent run. Again, it was the Sergeant Schultz approach: nothing to see here.

Mr Duluk: Nothing to know.

Mr PEDERICK: Yes, nothing to know, but then it got even better. I got an excellent leak that they were going to set up a viewing platform at Goolwa, which I used to look after because it was in my electorate of Hammond at the time. It has now been transferred to the member for Finniss's electorate. This was more fodder to me. Fancy setting up a viewing platform to view these seals causing their havoc on native birdlife and local fish populations. It was just outrageous. What it does show is that you have thought police who think they know better than everyone. They put the fishermen through a program of trialling crackers, which took far too long. It took about 18 months and it worked out that it cost about one-quarter of a million dollars a year if they instituted these crackers at $3.50 each.

The Hon. D.C. van Holst Pellekaan: AC/DC music.

Mr PEDERICK: Yes, that's it. They used AC/DC music, which is excellent music by the way, to scare off the seals. Over time, it might have attracted the seals. Be that as it may, it got down to the fact that I think only one licence holder was going to use these crackers because it just got too hard. There was too much training and it was just ridiculous.

What we need to have is real action, and we can do it. We can get the optics right. What I am talking about is a culling process as part of this procedure. I stress again that, as part of this management of overabundant species—yes, I am concentrating on seals—I know that in America they round them up and take them away to be euthanased. As I reported to the committee under questioning, it might be 30 or it might be 300. When you have stocks that 10 years ago were 100,000 and are increasing at 5½ per cent, this is not a species in decline. This is a species that is overabundant and needs management—

Mr McBride: Out of control.

Mr PEDERICK: —and, as the member for MacKillop indicates, is out of control. But we also need to take action against corellas so that we do not have people taking matters into their own hands, as we have recently seen at One Tree Hill. I note that the Coorong District Council has sent 25,000 corellas to a better place, and more councils should get on board. I think the government should take over this program so that we have a coordinated approach to little corellas across the state.

In the main, we just need to be proactive. We need to have courage and we need to be realistic. As I said to the committee, the department shoots deer. They shoot Bambi from helicopters, yet they are too timid to take an active approach to New Zealand fur seals. I seek leave to continue my remarks.

Leave granted; debate adjourned.

Bills

DIRECTOR OF PUBLIC PROSECUTIONS (PENSION ENTITLEMENTS) AMENDMENT BILL

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (11:59): Introduced a bill for an act to amend the Director of Public Prosecutions Act 1991. Read a first time.

Standing Orders Suspension

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:00): I move:

That standing orders be so far suspended as to enable the bill to be taken through all stages without delay.

The SPEAKER: We need an absolute majority, which we do not have; therefore, ring the bells.

An absolute majority of the whole numbers of members being present:

Motion carried.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:02): I move:

That this bill be now read a second time.

Last Friday, I announced that Justice Martin Hinton, a current Justice of the Supreme Court of South Australia, would be appointed to the position of Director of Public Prosecutions. Justice Hinton will resign his commission as a Justice of the Supreme Court to become the first ever former Supreme Court judge to take on this important role once this bill has passed through the parliament.

I take this opportunity to place on the parliamentary record that Justice Hinton is a highly respected member of the judiciary and has vast experience in criminal law. Prior to his appointment to the bench in 2016, he held the role of solicitor-general for nearly a decade. His proposed appointment has been universally welcomed. The government's wish to appoint Justice Martin Hinton to the role of Director of Public Prosecutions has resulted in the need to reconsider the terms and conditions under which a director can be appointment.

In order to attract high-calibre candidates such as Justice Hinton to the role both now and in the future, the Director of Public Prosecutions Act 1991 must be amended so that where a person to be appointed is already entitled to a pension under the Judges' Pension Act 1971, the terms and conditions upon which the director is appointed can include the application of the Judges' Pension Act 1971 as if the director were a judge. This approach is consistent with my desire to elevate the position of Director of Public Prosecutions to a higher standing and is a similar approach to that taken in New South Wales, Victoria and the Northern Territory.

The Director of Public Prosecutions (Pension Entitlements) Amendment Bill 2019 therefore proposes to amend the Director of Public Prosecutions Act to insert new provisions allowing the instrument of appointment for the Director of Public Prosecutions to apply the Judges' Pensions Act to, or in relation to, the director as if service as the director is judicial service under that act, provided the director is or has been a judge as defined under the Judges' Pensions Act, or has held an office that is treated as if it were judicial service under the Judges' Pensions Act. In the case of the appointment of a sitting Supreme Court judge or Solicitor-General to the role of director, it is entirely appropriate to apply the Judges' Pensions Act.

For a person appointed as director who is a current Supreme Court judge, such as Justice Hinton, the bill means that the terms and conditions of his appointment remain the same and that that service as director will be treated as judicial service under the Judges' Pensions Act. Not all persons appointed as director will have the benefit of the application of the Judges' Pensions Act to them. A director who has never been a judge and never held a position that is treated as judicial service—i.e. the Solicitor-General—will not be eligible.

Therefore, only a person who has been a judge as defined by the Judges' Pensions Act or who has had a role such as Solicitor-General, where the Judges' Pensions Act is applied to their service, will be entitled to include in this instrument of appointment a clause stating that the Judges' Pensions Act applies to them. I thank the opposition spokesman, the Hon. Kyam Maher of the other place, for indicating his support and that of the opposition for this appointment after I had spoken to him last week and this week.

The position of the Director of Public Prosecutions is an important one and one that is and should be beyond party politics. By passing this bill, as we trust we can today with the indication of support from the opposition that this matter be progressed, South Australians will indeed be well served by a director of Justice Hinton's calibre and well served by others of his calibre in the future. I commend the bill to members of the house and seek leave to have the explanation of clauses inserted without my reading it.

Leave granted

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal.

Part 2—Amendment of Director of Public Prosecutions Act 1991

3—Insertion of section 4A

This clause inserts a new section as follows:

4A—Pension entitlements

This clause allows the Governor, in appointing a person with previous judicial service (or service that is equated with judicial service for the purposes of the *Judges' Pensions Act 1971*) as the Director of Public Prosecutions, to apply the *Judges' Pensions Act 1971* to the appointment, so that service as the Director would be equated with a period of judicial service under that Act.

Mr PICTON (Kaurna) (12:07): I rise to indicate that I am the lead speaker on this bill. I also indicate the opposition's support for the Director of Public Prosecutions (Pension Entitlements) Amendment Bill 2019.

At the first juncture, on behalf of the opposition I congratulate the Hon. Justice Hinton on his appointment as the new Director of Public Prosecutions. It is an appointment that has been well received by the legal fraternity and by commentators. He has an excellent record of service: he was appointed QC in 2006, Solicitor-General in 2008 and appointed to the Supreme Court in 2016. Of course, it is slightly unusual to have a member of the Supreme Court step down from that position to take up a position such as the Director of Public Prosecutions, and I am sure that that is a sign of his commitment to the role.

I am advised that Justice Hinton was admitted to the bar in 1989 in South Australia and in 1992 in the UK. He previously worked in London as a senior Crown prosecutor. He first joined the DPP in 1983 and was appointed Deputy Director of Public Prosecutions in 2007, prior to his appointment as the Solicitor-General of this state. So this is an area of law and practice that is not at all unfamiliar to Justice Hinton, and I am sure that he will exercise his powers and his authorities with the utmost due diligence.

Having an unusual precedent such as this, where a member of the Supreme Court has stepped down from that position to take a director of public prosecutions position, does raise a question in terms of what is going to happen to the pension requirements of the judge in this situation. The Attorney has brought this bill to the house to clarify that and to maintain those particular entitlements. It is something that our shadow spokesperson, the shadow attorney-general in the other place, the Hon. Kyam Maher, has been briefed on. The opposition is happy to support this bill and to support a speedy passage through both houses of parliament for this important but minor change to our legislation.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:09): I wish to again place on the record my appreciation to the opposition for their indication of support on this important matter. I am sure that Justice Hinton will be delighted to receive news today that this matter has been concluded so that we may confirm his appointment and, in the interests of justice, get on with the prosecution of important cases in South Australia.

Bill read a second time.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:10): I move:

That this bill be now read a third time.

Bill read a third time and passed.

SURROGACY BILL

Introduction and First Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:11): Obtained leave and introduced a bill for an act to amend, recognise and regulate certain forms of surrogacy in South Australia, to ensure commercial surrogacy remains unlawful in South Australia and to make related amendments to the Assisted Reproductive Treatment Act 1988, the Births,

Deaths and Marriages Registration Act 1996 and the Family Relationships Act 1975, and for other purposes. Read a first time.

Second Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (12:12): I move:

That this bill be now read a second time.

The Surrogacy Bill 2019 repeals part 2B of the Family Relationships Act 1975 and creates a standalone act to recognise and regulate certain forms of surrogacy in South Australia. Part 2B of the act has been the subject of considerable discussion over recent years and involves an extremely sensitive area of policy for the community. The bill now before the parliament can be traced to the Family Relationships (Surrogacy) Amendment Act 2015, as introduced by the Hon. John Dawkins MLC in late 2014, which commenced on assent in 2015 and reformed the area of surrogacy through amendments to the Family Relationships Act.

On 26 December 2017, the South Australian Law Reform Institute was asked by the former attorney-general to inquire into and report on the law regulating surrogacy in South Australia, contained in part 2B of the Family Relationships Act, and to suggest a suitable regulatory framework for surrogacy in South Australia. I supported the SALRI undertaking this reference.

Referral of surrogacy to the SALRI for proper investigation and recommendations for reform based on best practice in this area and with the guidance of other jurisdictions was considered a suitable way to achieve effective, modern and appropriate reform of surrogacy in South Australia. The SALRI presented the government with its report on 30 October 2018. That report made 69 recommendations, including a recommendation for a standalone surrogacy act.

I take this opportunity to thank the SALRI and, in particular, Professor John Williams, Dr David Plater, Dr Sarah Moulds, Ms Madeleine Thompson, Anita Brunacci, and the entire team of University of Adelaide Law Reform students working on this referral. A draft bill was prepared in accordance with the recommendations of the SALRI and tabled in parliament in late 2018 for an extended period of public consultation.

This bill before the parliament is the culmination of the work of Mr Dawkins, the SALRI and the government on this important matter of law reform to affected members of the community. The government has considered the SALRI's report and the submissions of both members of the public and stakeholders in order to present a suitable legislative regulatory framework for surrogacy in South Australia.

Surrogacy—the practice of a woman, (known as the surrogate) becoming pregnant with a child, carrying the pregnancy and giving birth to a child for another person or couple (known as the intending parents)—is a complex and sensitive subject. As noted by the SALRI, surrogacy raises many ethical, legal and other issues and implications. It attracts strong, emotional and often conflicting views from both those directly affected and legal and academic commentators. The development of a complete regulatory framework for surrogacy requires sensitivity and careful consideration to ensure that a moderate and suitable way forward is achieved, giving regard to the resulting impact on South Australian families.

Commercial surrogacy, where a fee is charged for carrying the pregnancy and delivering the child, will remain unlawful. This is a position reflected in the law regulating surrogacy across Australia. The system provided by the bill will facilitate domestic, non-commercial surrogacy, where no fee is charged but various medical and other costs may be recovered, and will result in an application for transfer of parentage by the Youth Court to intending parents if the parties meet the requirements of the regulatory scheme set out in the bill.

A standalone act is preferred, on recommendation of the SALRI, after hearing from the community that parties have difficulty navigating the role and content of the legal requirements in part 2B of the Family Relationships Act. However, the new standalone bill retains the appropriate basic structure of the current scheme. The bill sets out what is considered to be a 'lawful surrogacy agreement'.

A lawful surrogacy agreement is an agreement that complies with the requirements of the legislation but is unenforceable except for its financial aspects. The intending parents under a lawful surrogacy agreement are entitled to apply to the Youth Court for transfer of parentage of the child. Consistent with the current scheme, an order for the transfer of parentage by the Youth Court must be in the best interests of the child born as the result of the surrogacy agreement. The birth mother must also consent to the transfer.

The lawful practice of surrogacy in South Australia will be guided by the principles set out in the bill, including that the best interests of any child born as a result of a lawful surrogacy agreement is a primary consideration in the administration and operation of the act; and the surrogacy principles as follows:

- that the human rights of all parties to a lawful surrogacy agreement, including any child born as a result of the agreement, must be respected; and
- that the surrogate mother under a lawful surrogacy agreement should not be financially disadvantaged as a result of her involvement.

Key innovations in the bill adopted from the SALRI report include updating outdated language around surrogacy used in the Family Relationships Act, raising the required age of parties to surrogacy agreements to 25 or older, allowing surrogacy agreements in which neither intending parents provides genetic material, making clearer provision for the payment of reasonable surrogacy costs, including compensating surrogates for loss of income, and providing less complex fertility requirements that include same-sex couples and single intending parents.

The bill also implements the SALRI recommendation of accommodating cross-jurisdictional service provision by removing the requirements for fertility treatment to take place in South Australia, and allowing interstate lawyers and counsellors to fulfil advisory functions under the bill. Existing protections will continue, including the requirement for parties to obtain counselling from an appropriately qualified counsellor and legal advice from a legal practitioner in order for the agreement to be a lawful surrogacy agreement, that the parties not have impaired decision-making capacity, that the surrogate mother must not be pregnant at the time the agreement is entered into and that the agreement must be in writing.

The bill ensures that the counsellors have an appropriate role in the surrogacy process to counsel parties to an agreement. The bill brings the counsellor role back to their core function of ensuring that parties have fully considered the issues arising from a surrogacy agreement, and the proposed parentage order. There are strong and conflicting views about the practice of surrogacy in South Australia, across Australia and internationally. Both the SALRI and the government have listened carefully to and considered the views of the community on this important issue.

Ultimately, there are divergent views and cross-jurisdictional complexities that cannot be resolved by this bill alone. However, it is this government's view that the bill before the parliament strikes an appropriate and suitable balance to properly regulate the practice of non-commercial surrogacy in this state, having regard to the needs of the community and the acknowledgement of the privacy of parties to lawful arrangements within appropriate parameters set by legislation.

Again, I would like to reflect on the extensive history of this law and thank the Hon. John Dawkins MLC of the other place for his tireless work to assist people in accessing surrogacy in South Australia. I commend the bill for members' consideration, and I hope ultimate approval, and seek leave to have the explanation of clauses inserted without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary 1—Short title 2—Commencement

These clauses are formal.

3—Simplified outline of Act

This clause provides a simplified outline of the proposed measure.

4—Interpretation

This clause defines key terms to be used in the proposed measure.

5—Interaction with other Acts

This clause provides that, except where the contrary intention appears, nothing in the measure will limit the operation of any law relating to the guardianship, custody, protection or adoption of children.

Part 2—Guiding principles for purposes of Act

6—Best interests of child paramount

This clause provides that the best interests of any child born as a result of a lawful surrogacy agreement is to be a primary consideration (including for the Court) in respect of the administration and operation of the proposed measure.

7—Surrogacy principles

This clause sets out the surrogacy principles which are to inform the Minister, the Court and each person or body engaged in the administration of the proposed measure. The principles are:

- the human rights of all parties to a lawful surrogacy agreement, including any child born as a result of the agreement, must be respected;
- the surrogate mother under a lawful surrogacy agreement should not be financially disadvantaged as a result of her involvement in the lawful surrogacy agreement.

8—Presumptions under Family Relationships Act 1975 to apply until parentage order made

The clause provides that presumptions and other rules as to the parentage of a child under the Family Relationships Act 1975 continue to apply to a child born as a result of a surrogacy arrangement until such time as the Court makes an order or orders as to parentage of the child under the proposed measure.

Part 3—Lawful surrogacy agreements

Division 1—Lawful surrogacy agreements

9—Surrogacy agreements not in accordance with Act void and of no effect

This clause provides that surrogacy agreements other than as provided for in this Act are void and of no effect.

10—Certain surrogacy agreements lawful in South Australia

The clause sets out the elements of a lawful surrogacy agreement, namely who may be a party to a lawful surrogacy agreement (including definitions of lawful surrogacy agreement, surrogate mother and intended parent), and the provisions that must be satisfied by a surrogate mother and an intended parent under a lawful surrogacy agreement. It also sets out the requirements with which a lawful surrogacy agreement must comply.

11—Extent to which surrogacy costs are payable

This clause provides that no payment of any form may be made in relation to a lawful surrogacy agreement except for matters as provided for in the clause and defined as the reasonable surrogacy costs. A provision in a lawful surrogacy agreement that is inconsistent with the reasonable surrogacy costs as defined is to be void and of no effect. The clause also clarifies that it does not authorise the regulations to allow for commercial surrogacy. The reasonable surrogacy costs include:

- such reasonable costs as may be incurred, or likely to be incurred, in respect of the lawful surrogacy agreement (such as costs relating to the pregnancy that is the subject of the agreement, the birth of the child, medical, counselling or legal services provided in relation to the agreement, reasonable out of pocket expenses incurred by the surrogate mother;
- payments representing loss of income of a kind to be prescribed by the regulations;
- other costs of a kind to be prescribed by the regulations.

12—Variation of lawful surrogacy agreement

The clause allows a lawful surrogacy agreement to be varied if in writing and signed by all the parties to the agreement.

13—Extent to which lawful surrogacy agreement can be enforced

The clause provides that a provision of a lawful surrogacy agreement relating to the reasonable surrogacy costs is enforceable in a court of competent jurisdiction. This does not apply if the surrogate mother refuses or fails to relinquish the custody or rights to the intended parents in relation to a child born as a result of the lawful surrogacy arrangement or the surrogate mother does not consent to the making of a parentage order in relation to the child. A lawful surrogacy agreement is otherwise not enforceable.

Division 2—Counselling

14—Counselling requirements prior to entering lawful surrogacy agreement

The clause provides that a surrogate mother and the intended parents must each undergo counselling before entering a lawful surrogacy arrangements. The counselling must comply with the requirements set out in the clause. The costs of such counselling are to be met by the intended parents.

15—Intended parents to ensure counselling available to surrogate mother during pregnancy and after birth

The clause provides that the intended parents must take reasonable steps to ensure that the surrogate mother and the spouse or domestic partner of the surrogate mother are offered counselling during any period during which the surrogate mother is attempting to become pregnant for the purposes of a lawful surrogacy agreement, or during any pregnancy to which a lawful surrogacy agreement relates. The costs of such counselling are to be met by the intended parents, and it is an offence, with a maximum penalty of $5,000, for the intended parents to refuse or fail to comply with this provision.

Division 3—Preservation of certain rights of surrogate mother

16—Rights of surrogate mother to manage pregnancy and birth

The clause provides that a surrogate mother has the same rights to manager her pregnancy and birth as any other pregnant woman, and that any provision in a lawful surrogacy agreement to the contrary is void.

17—Medical decisions affecting surrogate mother or child

The clause provides that for the purposes of the proposed Act, the Consent to Medical Treatment and Palliative Care Act 1995 and any other Act or law, a question relating to any medical treatment to be provided to a surrogate mother, or to an unborn child to which a lawful surrogacy agreement relates, is to be determined as if the lawful surrogacy agreement did not exist. The proposed Act is also not intended to limit the operation of an advanced care directive under the Advance Care Directives Act 2013.

Part 4—Court orders relating to lawful surrogacy agreements

18—Court may make orders as to parentage of child born as a result of lawful surrogacy agreement

This clause provides for the Youth Court to make orders in relation to a child born as a result of a lawful surrogacy agreement. An application for orders must be made by 1 or both of the intended parents not less than 30 days but not more than 12 months after a child is born as a result of the lawful surrogacy agreement (or such later time as the Court may allow if it is in the interests of the child or exceptional circumstances exist).

The Court may make any of the following orders on application:

- that the relationship between the child and the intended parent or parent is as specified in the order;
- that the relationship between the child and the surrogate mother is as specified in the order;
- that the relationships of all other persons to the child are to be determined according to the other relationships specified in the order;
- that the name of the child is as specified in the order;
- such consequential or ancillary orders as the Court considers appropriate.

If there is more than 1 child born as a result of the pregnancy, the application will be taken to relate to the child and each of the birth siblings (unless the Court considers it is not in the best interests of the child to do so).

Before making an order, the Court must be satisfied of a number of matters set out in subclause (4), including that making the order is in the best interests of the child. The Court may make an order where only 1 of the intended parents applies for the order (instead of both) if satisfied that the other intended parent consents, if the other intended parent cannot be contacted to obtain their consent or in other circumstances as prescribed by the regulations.

The clause makes further provisions about the manner in which the Court may dispense or excuse a failure to comply either with the provisions of the clause or a requirement under proposed Part 3.

The clause also enables the Court to dispense with certain requirements under Part 3 of the measure, and makes further procedural provision in relation to orders under the proposed section (including provisions revoking existing appointments as guardians and displacing the presumption as to parentage under the Family Relationships Act 1975).

19—Court may revoke order under section 18

The clause provides for the circumstances in which the Court may, on the application of the woman who gave birth to a child the subject of a lawful surrogacy agreement, revoke an order made under proposed section 18.

The clause also requires the Court to make orders declaring the relationship of the child to the birth mother and the intended parents following the revocation.

20—Court may require separate representation of child

This clause provides for the Court to order that a child born as a result of a lawful surrogacy agreement be separately represented in proceedings.

21—Court to notify Registrar of Births, Deaths and Marriages

This clause requires the Registrar of the Youth Court to give written notice to the Registrar of Births, Deaths and Marriages of the details as provided in the clause of any orders made under proposed section 18 or 19.

22—Access to Court records

The clause provides that the records of proceedings relating to an order under proposed section 18 or 19 are not open to inspection.

Part 5—Offences relating to surrogacy agreements

23—Offence relating to commercial surrogacy agreements

The clause provides for an offence with a maximum penalty of imprisonment for 12 months for a person who enters a commercial surrogacy agreement.

24—Offence to arrange etc surrogacy agreement for another person

The clause provides for an offence with a maximum penalty of imprisonment for 12 months for a person who for valuable consideration:

- negotiates, or arranges or obtains the benefit of, a surrogacy agreement on behalf of another;
- offers to negotiate, or arrange or obtain the benefit of a surrogacy agreement on behalf of another;
- arranges, or offers to arrange, introductions between people seeking to enter a surrogacy agreement.

25—Offence to induce person to enter surrogacy agreement

The clause provides for an offence with a maximum penalty of imprisonment for 5 years for a person who, by threat of harm, or by dishonesty or undue influence, induces another to enter a surrogacy agreement. it also provides an offence with a maximum penalty of imprisonment for 2 years for a person who for valuable consideration, induces another to enter into a surrogacy agreement.

26—Offence to advertise certain services relating to surrogacy

This clause provides for an offence with a maximum penalty of $10,000 for a person who publishes an advertisement, statement, notice or other material that seeks, or purports to seek, the agreement of a person to act as a surrogate mother for valuable consideration, or states, or implies, that a person is willing to act as a surrogate mother for valuable consideration.

Part 6—Miscellaneous

27—Provision of information etc for purposes of Births, Deaths and Marriages Registration Act 1996

This clause provides that nothing in the measure affects the requirements in the Births, Deaths and Marriages Registration Act 1996 to have the birth of a child registered.

28—Limitation of liability

The clause provides that, except as specifically provided, no civil or criminal liability.

29—Confidentiality

The clause prevents the disclosure of information by a person obtained in the course of the administration of the proposed Act except to persons and in circumstances specified in the clause.

30—Service

This clause provides for the manner in which notices or other documents required to be given or served on a person under the measure are to be served on a person.

31—Review of Act

This clause provides that the Minister must cause a review of the operation of the proposed Act before the 6th anniversary of its commencement. the report is to be prepared and submitted to the Minister who must then lay a copy of the report before both Houses of Parliament.

32—Regulations

This clause allows the Governor to make regulations in respect of the proposed Act.

Schedule 1—Related amendments and transitional provisions etc

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of Assisted Reproductive Treatment Act 1988

2—Amendment of section 3—Interpretation

This clause makes a consequential amendment.

3—Amendment of section 9—Conditions of registration

This clause makes a consequential amendment.

Part 3—Amendment of Births, Deaths and Marriages Registration Act 1996

4—Amendment of section 4—Interpretation

This clause makes consequential amendments.

5—Amendment of section 22A—Surrogacy orders

This clause makes consequential amendments.

6—Amendment of section 49A—Saving provision—surrogacy arrangements

This clause makes a technical amendment.

Part 4—Amendment of Family Relationships Act 1975

7—Amendment of section 10—Saving provision

This clause makes a technical amendment.

8—Amendment of section 10EA—Court order relating to paternity

This clause makes a consequential amendment.

9—Repeal of Part 2B

The provisions in Part 2B of the Act are repealed as they are now to be contained in the proposed Act.

Part 5—Transitional and saving provisions etc

10—Continuation of recognised surrogacy agreements under Family Relationships Act 1975 as lawful surrogacy agreements

This clause makes transitional and saving provisions consequential on the repeal of Part 2B of the Family Relationships Act 1975 and the enactment of this measure.

Debate adjourned on motion of Dr Close.

Parliamentary Procedure

ESTIMATES COMMITTEE A

The Hon. S.S. MARSHALL (Dunstan—Premier) (12:21): I table a letter from me to the Chair of Estimates Committee A, which would be you.

The DEPUTY SPEAKER: Thank you. Well done, Premier. It is nice to receive a letter from the Premier.

Bills

EDUCATION AND CHILDREN'S SERVICES BILL

Conference

The Legislative Council, having considered the recommendations of the conference, agreed to the same.

Consideration in committee of the recommendations of the conference.

The Hon. J.A.W. GARDNER: I move:

That the recommendations of the conference be agreed to.

In so moving, I thought I should place a few points on the record, which I think enhance the argument in favour of accepting these suggestions that the conference has put forward on the three outstanding clauses that were not agreed to between the Legislative Council and the House of Assembly prior to the conference being called.

Those three clauses had outstanding matters, which members of parliament had strong points and principled views on. I think that throughout the course of the debate, both in the second reading and the committee stage over the last year, there was ground given by all sides of the parliament and there were suggested amendments put forward by all sides of the parliament.

This is a bill that truly does have its mark left on it by every corner of both houses of this parliament, and with three clauses remaining to find resolution on there was further ground given in the conference of managers by, I think, pretty much all sides. That was in appreciation, I believe, of the significant benefits that this bill will provide to our children and young people in South Australia, our teaching service and our children's service providers—all the staff working in all our education facilities in South Australia—our families and South Australia as a whole.

The benefits of this bill are significant, and it is those benefits as a whole that provide the reasons why members were able to give ground on issues that they may have felt passionately about—because they did not want to deny our children and young people the benefits.

I thank the members of parliament and the member for Port Adelaide and Deputy Leader of the Opposition in particular, who has a very significant stake in this bill, and I thank the Labor Party, who came some way towards the middle. I thank the Greens, the members of SA-Best and the Hon. John Darley, who came some way towards the middle. I thank my colleagues in the Liberal Party, who were all willing to give ground on certain matters which we felt quite strongly about in the best interest of getting the bill through.

In speaking in favour of these three final amendments and the proposals put forward in the conference of managers, I feel it is worthy that I remind the house of some of those reasons and the benefits of the bill. Just before I do that, I also want to thank a couple of people from outside the parliament for their contribution to this stage. I will start with the people who have been working within the education department, some of them for a number of years, in putting this together.

As I said previously, the formation, the genesis, of this bill came from a parliamentary committee inquiry commissioned under Malcolm Buckby as education minister in the order of two decades ago. It was in 1972 that the current Education Act was formed. After 27 years, it was certainly considered, at that stage, that modernisations needed to take place. After 47 years, I am really looking forward to today seeing that work culminate.

In recent years within the education department there is a cadre of people with expertise who have been nurturing the formation of this bill, in particular in its most recent form since 2016, when the member for Port Adelaide was the minister and since the election in its amended form, with some of those particular changes that our government brought to it. I identify them as Joanna Blake, Jamie Burt, Kelly Tolhurst and Audra Field in particular, amongst others, working under the leadership of Karen Weston and Peta Smith most recently. I also thank parliamentary counsel and my staff both in government and opposition who have assisted me in putting my work together.

This bill does a number of things that I will reflect on briefly. It also makes numerous technical, legal and operational improvements to the current framework that I do not propose to reflect on. The bill for the first time sets out objects and principles, which the current act does not and which the Children's Services Act does not. Amongst other things, the objects of the bill include ensuring the education and children's services provided in this state are of high quality and meet the needs of all groups in the community.

The objects promote the involvement of parents and persons other than parents who are responsible for children and other members of the community in the provision of education and children's services and they acknowledge the efforts of all teachers and educators. The bill sets out various principles that must be taken into account in relation to the operation, administration and enforcement of the bill. Most notably, the bill provides that the best interests of children and students are the paramount consideration.

There are a number of administrative improvements that the bill provides on which members should reflect when they are considering the three amendments that we are being asked to support today. It consolidates the positions of director-general under the Education Act and the director of children's services under the Children's Services Act into the position of the chief executive. Currently, they are held by the chief executive. It consolidates those three separate titles into one. It more clearly sets out the functions of the chief executive.

A number of functions assigned to the minister under the existing act are now to be assigned to the chief executive and recast, reflecting both the operational nature of those functions and a change in conventions for prescribing ministerial functions in legislation. It sets out in the legislation what is otherwise done by delegation. Functions transferred to the chief executive include providing for the education and training of teachers, providing or arranging residences for the accommodation of teachers and students, providing or arranging transport of students to and from government schools and issuing administrative instructions to governing councils.

Information sharing is a critical reason why we must support these remaining amendments and support the bill. It will enable the chief executive to require information about a specified child from schools, preschools and children's services centres, both government and non-government, that the chief executive reasonably requires for the purposes of this act. The bill establishes provisions that permit the sharing of information between schools—again, government and non-government—preschools, other children's services, the department and other state authorities, where that information would assist the recipient to perform official functions relating to the education, health, safety, welfare and wellbeing of a child or to manage risks to a child or class of children.

The bill will enable the chief executive to require further information from parents or people responsible for children about their child that is reasonably required for the administration and operation of the act, including, for example, medical information or personal information relating to a child. It provides for a principal of a school to which a child is to be enrolled to request from the principal of the child's previous school a report on the child, including academic progress, information relevant to the safety and wellbeing of that child, or indeed the safety and wellbeing of other children at that school.

Principals will be required to provide this information, and that implements recommendation 8.14 of the Royal Commission into Institutional Responses to Child Sexual Abuse. The information sharing provisions are entirely new to this act. None of them were in the old act or the old Children's Services Act. In relation to preschools and children's services centres, one of the key things this bill does is enable us to actually institute new ones.

Since 2012, under the Children's Services Act, the relevant provisions for establishing new government preschools under the Children's Services Act were actually removed in 2012 in anticipation of consolidated education and children's services legislation—optimistic anticipation as it turned out—but seven years later we are here, and we are very excited about that. The bill includes a number of changes to the governance provisions of government preschools and children's services centres to ensure greater alignment of preschool and school governance, making it easier for parents to transition from participation on preschool governing councils to school governing councils. It introduces further measures to ensure parents and others responsible for children will form the majority of members on the governing council of the preschool or the children's services centre, where possible.

The bill codifies existing policy in relation to circumstances under which the minister may close a preschool or children's services centre, and it prohibits corporal punishment in government and non-government preschools and children's services. This is a new provision. Corporal punishment is currently prohibited in preschools and children's services under the Education and Care Services National Law, but these new measures, however, will enable corporal punishment in preschools and children's services centres to be treated as assault under the Criminal Law Consolidation Act, consistent with the approach in schools.

In relation to government schools, the bill introduces improvements to ensure that the presiding member of the governing council of a school is a parent or other person responsible for a student while, of course, providing a measure for alternative chairs to be allowed where there is no parent willing to be the presiding member. As a consequence of the Debelle inquiry, and the

government's election commitments, this bill establishes a fund for governing councils to access to pay for the costs of independent legal advice incurred or to be incurred in relation to disputes between governing councils and the departments. Access to the fund is to be managed independently by the Crown Solicitor.

The bill includes new provisions for the minister to establish special purpose schools, such as schools for education, youth training centres, prisons and hospitals, which allows the minister to tailor governance arrangements to suit those schools for which standard arrangements do not sensibly apply, and it enables parents and other persons responsible for children at a school to vote to amalgamate with one or more other schools. Currently, amalgamation can only occur after a school review has taken place.

I advise that, in relation to the formation of committees to conduct reviews into schools in a particular area, the bill will continue to provide for that. As a result of the conference of managers, the Australian Education Union will provide a nomination to serve on that committee rather than the original proposal in the bill, which was to be a teacher nominated from the teaching service. It was resolved at the managers' conference that the AEU will have 14 days to nominate such a person and then, given the time constrictions, if they do not nominate within 14 days the minister will nominate somebody, but we anticipate no stress or anxiety in that 14 days, being sufficient time to nominate a suitable person.

In relation to enrolment, the bill significantly increases the maximum penalties applicable, from $500 to $5,000, for the failure of a parent to enrol a child. This reflects the utterly critical importance of all our children and young people in South Australia being engaged with education. The bill provides for the chief executive to direct that a specified child be enrolled in a specified school if the chief executive is satisfied that it would, having regard to the child's health, safety or welfare, or the health, safety and welfare of students and staff at another school, be appropriate to do so.

In the case where a child is excluded from a school—for seriously assaulting another child at a school, for example—this measure will enable the chief executive to direct that, on their return from exclusion, the child be enrolled in a school other than the one their victim is enrolled in. Under the old Education Act, the chief executive is only able to direct the enrolment of a child with disabilities or learning difficulties. So this is a very important measure, which I think gives a further reason for why we need to support these amendments.

The bill provides for the chief executive to direct that a child enrolled in a specified government school be instead enrolled in another government school if the child was enrolled on the basis of false or misleading information, including information based on the residential address of the child or the child's parents. Currently, once the child is enrolled, even if on false or misleading information, that is the end of the matter if the child's parents wish them to remain enrolled there. This is an important measure that aims to deter a parent or other person responsible for a child from providing false or misleading information in the first place.

The bill also codifies and strengthens existing policy requirements for the enrolment of adult students by providing that a prohibited person under the Child Safety (Prohibited Persons) Act must not be enrolled at a school and that an adult person must not be enrolled at a school unless a working with children check has been conducted in relation to the person within the preceding five years. These provisions will not apply to a student who turns 18 while enrolled at the school.

In relation to attendance—and a number of these matters were election commitments, although I note and recognise that a number of them were taken up by the Labor Party towards the end of their time in office, and I thank them for doing so as well—the bill will significantly increase the maximum penalty for noncompliance with the requirement that a child of compulsory school age attend school and a child of compulsory education age participates in an approved learning program. The maximum penalties will increase from $500 to $5,000, ensuring that parents who were not concerned by the penalty before will now have a real reason to sit up and take notice and make best efforts to get their child to school.

The bill further provides that the parent or other person responsible for a child must provide a reason for the child's non-attendance at school or non-participation in a learning program within five days of the child's failure to attend school or to participate in a learning program as required. The

bill modifies the defence available in respect of these offences to make them easier to prosecute. In doing so, the bill places a positive obligation on parents and other persons responsible for the children to take such steps as are reasonably practicable to ensure their child attends school or participates in a learning program.

There are new provisions to enable the convening of family conferences to address chronic non-attendance of a child at school or chronic non-participation in an approved learning program. This will be coordinated independently of the department and provide an opportunity for a student and their family to come together with the principal of their school, the department or other relevant persons to make voluntary arrangements to ensure the attendance of their child at school.

The option of family conferencing is not available under the current Education Act, so in addition to the penalty of a fine being available a really positive and proactive opportunity is provided for parents who feel disengaged from the process to come in and work with their child and the school to get a positive outcome. This is a really important part of the bill and the act.

There is a new requirement that a principal of a government or non-government school, or a head of an approved learning program, must now notify the chief executive if a child is persistently failing to attend school or participate in an approved program. This is important to ensure that children do not fall through the gaps. A student will be taken to be persistently failing to attend or participate if they fail to attend school or participate in a program without reasonable excuse for 10 days or more in a particular term. In relation to suspensions, exclusions and expulsions, the bill includes and updates the provisions for the suspension, exclusion or expulsion of students currently set out in the regulations.

Again, I thank the Hon. Tammy Franks and the member for Port Adelaide for getting us to the place where we are able to pass the bill and for putting forward the proposition of a significant review, which we went into in some detail last week. We will be working on the terms of reference and looking to appoint a reviewer in the coming weeks so that work can begin. One issue that was of particular contention going into the conference of managers was in relation to religious and cultural activities.

Again, I think everybody had fair-minded and positive suggestions about how we could resolve this impasse, and I thank the members of the conference for agreeing to the suggested compromise. The bill sets out clear provisions for a principal of a government school to set aside time for the conduct of religious or cultural activities undertaken by persons or a person of the class prescribed by regulations. It requires principals to give notice to parents or other persons responsible for a child at the school of the intended conduct of a specified religious or cultural activity involving the student.

This is new to the bill; it was not in the old act, and that is one of the important reasons why I think everyone in the parliament thought it was a valuable asset to the bill that parents ultimately be the decision-makers in relation to these matters. However, they can only be the decision-makers if they know about the activity taking place. We believe it is important that the activities can take place because they are an important part of our culture. Children living in our society are being exposed to activities, whether it be an Easter service or a visit to a mosque or a synagogue. These are valuable activities. The decision for the school to hold these activities is made by the principal, but it must ultimately be the parents who are the decision-makers.

As agreed in the managers' conference, the mechanism for this to happen is that there be provision for regulations to be made relating to obtaining the consent of persons who are responsible for students at the school for a student's participation in religious or cultural activities, or indeed that provision be made in relation to the exemption of students from participation. This will enable the government of the day to set the consent arrangements for religious and cultural activities in a manner they determine appropriate (opt in or opt out).

While the government has indicated previously that we prefer an opt-out provision, the opportunity provided by making this determination in the regulations rather than in the act itself also enables us to enhance that provision to make it easier for parents. For example, one of the things that I want us to look into is that at the moment consent for attendance at such an event is usually done on an ad hoc basis at the time of the event taking place.

Some parents wish to have a standing consent provided in that place, so I want us to be able to explore, either through the regulations or potentially through policy down the track, whether we could make provision for a standing consent to take place. That was certainly something that was suggested by a number of people at the managers' conference that we will be attracted to, so while we are not able to commit to it being in the regulations right now, we will certainly look into whether it could be done in government policy going forward.

Importantly, this compromise ensures that children exempted from participation in religious and cultural activities remain in the position where they will not suffer any detriment for not participating in the activity and are offered an alternative activity related to the curriculum during the period in which the activity is conducted. The scheme set out in the bill significantly modernises current arrangements for the conduct of religious education set out in the act and regulations.

The current legislation sets out that there shall be regular provision made for religious education in a government school under such conditions as may be prescribed during time set aside for instruction. It also provides for the conduct of religious seminars or gatherings. At the moment, the regulations allow for permission to be granted for a child to be exempted on conscientious grounds. At the moment, the regulations also set out the prescribed conditions for religious education. I will not go through them all, but let's just say that they are anachronistic. They reflect a curriculum that is no longer the curriculum that is taught.

The current provisions in the Education Act do not require a principal to give notice to parents of the intended conduct of that activity and do not ensure that people exempted from participation do not suffer detriment and are offered alternative activities related to the curriculum. This is a substantial step forward, and I thank all members of the conference for agreeing to support this. In relation to discipline, I can advise that the bill explicitly prohibits corporal punishment in government and non-government schools.

The current act does not have that prohibition. In relation to registration of student exchange organisations, the bill establishes legislative provision for the registration and oversight of student exchange organisations and confers this function on the Education Standards Board. This addresses legal issues and risks associated with the current arrangements for the registration of student exchanges organised by the department, which are a very important part of the work the department does.

The bill provides for protections for teachers, staff and students at schools, preschools and children's services, introducing new and improved measures to protect principals, teachers and other staff acting in the course of their duties. The bill extends these provisions to the staff of government and non-government schools, preschools and children's services. It makes it an offence for a person to behave in an offensive or threatening manner on the premises of a government or non-government school, preschool or children's service and sets as a maximum penalty of $2,500 for the offence.

The bill makes it an offence for a person to use abusive, threatening or insulting language towards, or behave in an offensive or threatening manner towards a principal, director, teacher or other staff member of the school acting in the course of their duties. It sets the maximum penalty again at $2,500. Such behaviour would include abuse of staff in relation to the course of their duties when it is not necessarily on school grounds, as long as it is in the course of their duties.

That replaces the current offence of behaving in an offensive or insulting manner towards a teacher under section 104 of the Education Act, which has a maximum penalty of $500 or an expiation fee of $100, and regulation 8 of the Education Regulations, which makes it an offence for a person to misbehave on government school premises.

We have seen incidents—and I am sure the shadow minister would agree—where some people behave utterly appallingly on school grounds, completely oblivious to the extraordinary damage they are doing not just to the teachers, the principals and other staff to whom they demonstrate that behaviour but also to other children, their families and to their own child as a consequence. We must improve the protections for our school staff and students because some incidents are just extraordinary. By coming into force, this bill will hep us to deal with some of those situations.

The bill includes provisions for dealing with trespass on school premises and extends them to the premises of non-government schools, government and non-government children's services and preschools. Provisions for trespass on school premises are provided under the regulations at the moment, but they only apply to the premises of government schools.

The bill updates and replaces existing provisions for the barring of individuals from the premises of schools under the regulations and extends them also to include non-government schools, preschools and children's services, as well as the government preschools and children's services. It increases the penalty for non-compliance with a barring order from $200 to $2,500.

The bill also provides powers for authorised persons to deal with people behaving in an unacceptable manner, or posing an immediate threat to the safety of another person on the premises of a government or non-government school, preschool or children's service. Again, the regulations at the moment only provide that for the premises of government schools.

In relation to the teaching service—and this deals with the last measure that was dealt with by the conference of managers—the bill updates, improves and modernises employment provisions for the teaching service, bringing together employment arrangements for government school and preschool teachers and leaders. It improves the alignment of employment provisions for the teaching service with employment provisions under the Public Sector Act 2009.

Some of the more significant changes that I am very optimistic will help us improve our system across South Australia include provision for the chief executive to offer special remuneration to attract and retain school and preschool leaders and teachers of a high standard, and provision for the chief executive to employ a broader range of staff to be employed in schools and preschools to provide services to students, permitting schools to engage, for example, nurses, social workers, youth workers, psychologists and other professionals to meet the specific needs of their school communities as appropriate.

It continues to provide for the establishment of committees to consider applications for promotional level positions in the teaching service. As agreed at the management conference, the bill, under the proposed amendment, will provide for the Australian Education Union to continue to nominate a member of those committees. Again, that 14-day rule in relation to appointments to the review committees would also apply in this service. I think we have come to a reasonable compromise. The government has moved towards the position proffered by those opposite in recognition of the fact that certainly the Legislative Council were very firm in their views.

I think all members, other than the government and Mr Darley, were in support of the amendments moved, I think by either the Labor Party or Tammy Franks, in the other place. We recognise that was the will of the Legislative Council. I thank those opposite for coming to a reasonable compromise on so many of these things, and we have come to a compromise on this point.

Finally, in relation to confidentiality provisions, the bill includes confidentiality provisions that provide protections against the inappropriate disclosure or misuse of personal information obtained in the course of official duties while providing various exceptions to enable appropriate information sharing when it is reasonably necessary. Neither of the current acts—the Education Act and the Children's Services Act—include those provisions.

For all those reasons, it is important that this bill passes. I have set out the weight of reasons that we are supportive of this bill. In the context of the weight of the importance of these measures, I indicate that the government supports the compromises put forward by the conference of managers, including those on issues where the government had previously expressed a different view. I am particularly thinking of the two in relation to the privileged position of the Australian Education Union. That will continue as it does at the moment.

Those opposite and other parties have argued very firmly for that, and it was certainly our view that that was not going to bend. In relation to the significant benefits in the bill, the government has come to the point of view where we will accept those amendments and I therefore commend the motion to the house.

Motion carried.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 16 May 2019.)

Mr TEAGUE (Heysen) (12:49): I am glad to have the opportunity to rise and speak briefly in support of the Legal Practitioners (Miscellaneous) Amendment Bill 2019. I commend the bill to the house and, in the short time that is available to me, will make some remarks in relation to what is intended to be achieved by these changes in relation to the role of the commissioner and the tribunal and the purpose of the Fidelity Fund that supports both functions. In that regard, I propose to specifically address clauses 5 and 8 of the bill.

First, some context: the commissioner is tasked with a cost-saving endeavour—this is not unusual, as a number of functions are required—and is required to find ways in which to save costs in the operation of the commissioner's office. One of the significant costs to the commissioner is that of going to the tribunal for the purpose of seeking an extension of time within which to press on with charges in relation to complaints that have been made to the commissioner from time to time.

One of the reasons that the commission has been in this situation over time is that a large body of complaints is received by the commissioner in any given period of time. The commissioner needs to give proper consideration to those complaints, going about his task in the diligent way that he does, and in some circumstances that results in a need, under the current legislation, to seek an extension of time because the time that has been available to him has proved insufficient.

The process of that application is a cost to the office. If it were not necessary to proceed to make application, the office could operate all the more efficiently. It might be noted in this context that it has been the history of these matters that the commissioner, when seeking an extension of time, has been granted that extension. He has routinely been granted that extension as a result of submissions to the tribunal, so this is against a background in which those steps have had to be taken, with that result.

Another aspect of that process has been informed by two decisions of the Supreme Court in 2017 in relation to the matter of Fittock. That was a matter that concerned a complaint against a practitioner in relation to charging for work that was alleged not to have been done. That matter was the subject of consideration by the tribunal. In that case, the commissioner made an application for an extension of time. That was heard by a single member of the tribunal, that is, a member of the tribunal sitting alone.

On appeal in the first instance to a single judge of the Supreme Court, Justice Vanstone found that section 80(1b) of the Legal Practitioners Act 1981, which provides for procedural matters to be heard by a single member of the tribunal, did not apply to applications for an extension of time because such applications are substantive and not procedural. That decision was upheld by the Full Court. Late in 2017, the Chief Justice, Justice Blue and Justice Parker, at paragraph 34, upheld the decision of Justice Vanstone with the result that the tribunal, pursuant to section 80(1b), as it currently stands, provides for the necessity for a three-member tribunal to consider those applications.

The amendment that is the subject of clause 8 will now specifically provide for applications for an extension of time to be included in those expressly open for consideration by one member of the tribunal. That will involve a cost saving to the tribunal. We have an extension of the time that is available for the commissioner to consider matters and an express provision for the tribunal to be constituted by one member for the consideration of applications for the extension of time. Both of those measures are cost-saving measures, which will result in less costs being incurred by both the commissioner and the tribunal.

Both bodies are funded by the Fidelity Fund, which is established and operated pursuant to the Legal Practitioners Act also. Changes to the way in which the Fidelity Fund is provided with money are the subject of clause 5 of the bill. Changes to the Legal Practitioners Act that are set out there amend section 57A(2)(b) with the result that up to 50 per cent of all of the interest accruing on trust accounts that is paid into the fund maintained by the society may be applied to the Fidelity Fund,

and it provides for express discretion to be applied by the Attorney-General in relation to whether 5 per cent of those moneys are to be paid to the Fidelity Fund or to another person and that is the subject of new subclause (c).

The message that I would convey is that these are measures that are designed to make sure that the commissioner and the tribunal are not put to greater costs than they need to be. It responds to authority in relation to the decision of Fittock and it provides for an extension of time within which the commissioner can undertake his work. Given the time, I conclude my remarks on that note and commend the bill to the house.

Debate adjourned on motion of Mr McBride.

Sitting suspended from 13:00 to 14:00.

Petitions

TRANSPORT SUBSIDY SCHEME

Ms COOK (Hurtle Vale): Presented a petition signed by 303 residents of South Australia requesting the house to urge the government to take immediate action to reverse its decision to discontinue the South Australian Transport Subsidy Scheme from 31 December 2019, and to continue the scheme indefinitely akin to other Australian jurisdictions, or engage with the disability sector in helping to create a new scheme enabling South Australians the transport freedom and flexibility they deserve.

SERVICE SA MODBURY

Ms BEDFORD (Florey): Presented a petition signed by 100 residents of South Australia requesting the house to urge the government not to proceed with the proposed closure of the Service SA Modbury Branch, announced as a cost-saving measure in the 2018-19 state budget.

Parliamentary Procedure

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the Premier (Hon. S.S. Marshall)—

Remuneration Tribunal—

- No. 5 of 2019—Common Allowance for Members of the Parliament of South Australia Determination
- No. 5 of 2019—Review of the Common Allowance for Members of the Parliament of South Australia Report
- No. 6 of 2019—Electorate Allowances for Members of the Parliament of South Australia Determination
- No. 6 of 2019—Review of Electorate Allowances for Members of the Parliament of South Australia Report
- No. 7 of 2019—Accommodation and Meal Allowances for Ministers of the Crown and Officers and Members of Parliament Determination
- No. 7 of 2019—Review of Accommodation and Meal Allowances for Ministers of the Crown and Officers and Members of Parliament Report
- No. 8 of 2019—Reimbursement of Expenses Applicable to the Electorate of Mawson—Travel to and from Kangaroo Island by Ferry and Aircraft Determination
- No. 8 of 2019—Reimbursement of Expenses Applicable to the Electorate of Mawson—Travel to and from Kangaroo Island by Ferry and Aircraft Report

By the Attorney-General (Hon. V.A. Chapman)—

Rules made under the following Acts—
Casino—Gambling Regulation Notice—Systems Criteria No. 8
Magistrates Court—Criminal—Amendment No. 74—Corrigendum

By the Minister for Energy and Mining (Hon. D.C. van Holst Pellekaan)—

Advance Care Directives Act 2013, Review of the—Report for the Minister for Health and Wellbeing on the

By the Minister for Planning (Hon. S.K. Knoll)—

City of Adelaide Minor Amendments Ministerial Development Plan Amendment, Report on the Interim Operation of the

Question Time

LIBERAL PARTY, SEXUAL ASSAULT ALLEGATIONS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:04): My question is to the Premier. What action has the Premier now taken regarding the allegations of sexual assault made by Ms Chelsey Potter?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:04): I thank the Leader of the Opposition for making the inquiry but, as he might appreciate, in relation to any allegations made by anyone in the workplace of which they might have been the subject of bullying, harassment, assault or the like, it is ultimately a matter for them. What I think is very important for all of us as representative leaders in the community is to ensure that, when matters do come to our attention for the purposes of seeking advice as to what action someone takes, they do that diligently.

As I indicated yesterday, should anybody in this house be in a position where they are asked to give some advice or referral, and they are in any way concerned about that, that they do refer that matter to our office. I am more than happy to provide support and advice in relation to that to ensure that the parliament and members of parliament also ensure that they are providing that service and support to members in the workplace.

In this instance, there have been allegations made in respect of the workplace in the Australian government sector by at least one South Australian, and so it is a matter which we take seriously. We haven't been approached to provide that support, but I can tell you that I have made an approach to Ms Potter and offered to provide support should she wish to take that up. We have had some communication. I think still that these matters are always in the realm of, ultimately, the person who is aggrieved by conduct of which they have been treated or alleged to have been treated. It is their decision. We can do the best we can to assist in that regard, but it is a matter we need to ensure that we respect.

The media reports in relation to this issue, generally, raised the general question of there needing to be some, I suppose, formalisation of how we might deal with this to ensure that all women in the political environment—whether they be a candidate or a person who is working in that environment—are not the subject of this. We also have myriad other provisions for protection in that regard outside of political parties but within the realms, for example, of the Equal Opportunity Commission.

I think we have it incumbent upon all of us to ensure that we repeat and maintain a position that bullying and conduct that have been referred to such as this, particularly assaults, are not tolerated. I think it is fair to say that there has been a universal condemnation of that in any workplace, and this government is no exception.

LIBERAL PARTY, SEXUAL ASSAULT ALLEGATIONS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:07): Supplementary question to the Premier or, indeed, the deputy: since the Deputy Premier identified this as being an

issue or an allegation of an event that occurred within the federal jurisdiction, why did the Deputy Premier feel the need or feel it appropriate to contact Ms Chelsey Potter?

Mr Pederick interjecting:

The SPEAKER: The member for Hammond is called to order. We have the question. The Deputy Premier.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:08): I think it's very important that as Ms Potter, in my case, is known to me and has made a valuable contribution, that it is consistent with other occasions in which someone has identified a circumstance of which they have expressed some disquiet or anger, angst or concern. It's not the first time I have done it and it's not the last time—and it's not the first time I have done it in relation to just Liberal people.

I think there are circumstances, and there have certainly been in the time that I have been here in the parliament, where I have had brought to my attention persons, usually women, in a circumstance where they have felt compromised in some way in their workplace. There have been members of other political parties; I treat them no differently, and I will not be making any difference in the future.

LIBERAL PARTY, SEXUAL ASSAULT ALLEGATIONS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:09): My question is to the Premier. What has the Premier done to assure himself that the alleged assailant of Ms Potter is not in the employment of the state government?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:09): I thank the leader for his question. I am not in possession of any information or any evidence whatsoever that would suggest that the perpetrator, or the alleged perpetrator, has been or is a member of the state team.

STATE AND FEDERAL LIBERAL GOVERNMENTS

Mr PEDERICK (Hammond) (14:10): My question is to the Premier. Can the Premier update the house on the benefits of the state and federal governments working together?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:10): Thank you very much, sir.

Mr Odenwalder interjecting:

The SPEAKER: The member for Elizabeth is called to order.

The Hon. S.S. MARSHALL: Can I just say that it is with great pleasure that I outline the great advantages to our state of having a good quality working relationship with the federal government. Whilst we on this side rejoice with that, we note the deriding comments of those opposite about working together, because what we had for a very long period of time were fake fights with Canberra that never delivered for our state.

What we are now seeing is a steady stream of great benefit to our state starting with, of course, the wonderful contribution that the federal government is now making to South Australia in terms of infrastructure. We were very proud to hand down our most recent budget, which shows $11.9 billion worth of future infrastructure investment here in South Australia. That is absolutely fantastic and could not be delivered without a close working relationship with the federal government.

It is one of the items that I had on my agenda when I met with the Prime Minister, the Hon. Scott Morrison, in Canberra on Tuesday. I asked him whether he would again consider, when we are ready, to be able to bring forward projects already agreed with the federal government beyond the forward estimates within the forward estimates. This was the case last year.

I still remember when the Minister for Planning, Transport and Infrastructure said, 'We're going to do whatever we can to bring forward projects,' and those opposite were saying, 'This will never happen.' Well, it did, and that is why I said to the Prime Minister, 'Thank you very much, sir. We appreciate this.' Of course, if there is another opportunity as we work very diligently to do the work that is needed to put forward projects, to bring them forward he said that he would look on that. I am very grateful, and I hope we have more to announce on this topic in future months.

Can I say, also, though, that only yesterday in the parliament I was talking about our petition, essentially to the Prime Minister, to establish an independent umpire for the Murray-Darling Basin Plan. This was necessary to restore confidence, trust, if you like, within the plan. Would you believe, sir, that only today federal minister Littleproud has announced that an inspector-general position will be created. I would like to particularly acknowledge the work of our environment and water minister, the Hon. David Speirs—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —who has worked very diligently on this task—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —keeping people at the table, making sure that we get every, single, solitary skerrick—I don't know whether you can—

Mr Brown interjecting:

The SPEAKER: The member for Playford!

The Hon. S.S. MARSHALL: —have a skerrick of water, but every drop of water that we are entitled to here in South Australia. Of course, the other great example of cooperation, if you like, between the federal government and the state government is with our $551 million City Deal in South Australia, which will be transformative for our CBD, for our city and for our state and, dare I say, for the nation, because located on Lot Fourteen—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —will be the Australian Space Agency, the SmartSat Cooperative Research Centre. These two things alone will be absolutely transformative for our state. We have been able to work with the federal government cooperatively on a Designated Area Migration Agreement for South Australia. We believe that we can support a greater population in South Australia. We have an ambition for a greater population, and we are very grateful to the federal government for supporting us in that.

Those opposite had 16 years, and we got further and further behind the national population growth rate. Sir, you know this: at the most recent federal election we lost a seat. We lost influence in the federal parliament. We are making up that influence by working in a cooperative way and delivering for our state.

The SPEAKER: I will call the leader. I have a couple of things I need to deal with. I call the following members to order for their interjections during the Premier's answer: the member for Wright, the member for Playford, the member for Lee, the Minister for Innovation, the member for Morphett, the member for Kaurna and the Leader of the Opposition.

Parliamentary Procedure

VISITORS

The SPEAKER: I welcome to parliament today students from Elizabeth North Primary School, who are hosted by the member for Taylor, as well as St Ignatius College year 12 students, who are hosted by the Minister for Education.

Question Time

LIBERAL PARTY, SEXUAL ASSAULT ALLEGATIONS

Mr MALINAUSKAS (Croydon—Leader of the Opposition) (14:14): My question is to the Premier. Given the Premier's previous answer to the opposition's question, does he have information to suggest that the alleged assailant of Ms Potter has never been in the employ of the state Liberal opposition or government?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:15): I thought it was clear to the member and other members that this is a matter that is entirely within the realm of the complainant to both detail and to progress in a forum that may be appropriate if she chooses to do so. There are—

Mr Malinauskas: But she has chosen *The Sydney Morning Herald*.

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: The member may be aware, as the rest of us are, of matters that have been aired in the media—

Mr Malinauskas: By Ms Potter.

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —and the particulars of those that have been reported.

Mr Malinauskas: By Ms Potter.

The SPEAKER: Leader!

The Hon. V.A. CHAPMAN: The progress of this matter beyond making a public statement and a desire as to outcomes of future process is entirely a matter for her. I can honestly say that there are a number of occasions, in the times that I was referring to before, of other persons coming to me as a member of the parliament to seek advice on matters of when they did raise concerns, they were not progressed by that person by their election.

What is really important for all of us to do is to make sure that if and when those issues are raised with us, we ensure they have all available options before them so they can make a judgement about how they want to progress that. That is as important today as it was in the past, and I have made a commitment that I will ensure that that is made available in the future.

LIBERAL PARTY, SEXUAL ASSAULT ALLEGATIONS

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:16): My question is to the Attorney-General. Did Ms Potter tell the Attorney-General who the assailant is?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:16): Again, these are matters that are entirely for publication by the people who make those statements, but I can assure the house that in reaching out in these circumstances to offer that support, to date that has not been taken up, other than to thank me for making that inquiry.

Mr Odenwalder interjecting:

The SPEAKER: The member for Elizabeth is warned. Is there another question? The deputy leader and then the member for Finniss.

LIBERAL PARTY, SEXUAL ASSAULT ALLEGATIONS

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:17): My question is to the Attorney-General. Has the Attorney-General done anything about the person she understands to be the assailant in terms of membership of the Liberal Party?

The SPEAKER: The question does assume certain facts. Is the Attorney keen to answer?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:17): I don't really understand the question because it assumes that I even know who we are talking about, but the answer—

Members interjecting:

The SPEAKER: Order! The Minister for Innovation is warned.

The Hon. V.A. CHAPMAN: I don't think I can add anything further.

HOME BATTERY SCHEME

Mr BASHAM (Finniss) (14:18): My question is to the Minister for Energy and Mining. Can the minister update the house on how the Marshall Liberal government is delivering cheaper power for South Australians with home batteries?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:18): Yes, I can. As this house knows, we are determined to deliver cheaper electricity to South Australians. We have a focus on business and a focus on households. We know that we need storage to essentially make variable intermittent renewable energy into reliable energy that can be dispatched upon demand when consumers need it and want it, and storage is a key part of that.

We are running on with our Home Battery Scheme, which is actually developing very successfully. We have over 1,500 households that have had batteries installed under the Home Battery Scheme, receiving the very generous subsidy of up to $6,000 for the purchase of the battery price. In many cases, they have accessed the low-interest loan for the balance of the purchase price and also for the installation of brand-new solar panels. All homes are entitled to apply for that. Some don't actually need it; some do need it. It's a fantastic opportunity.

We are making electricity cheaper for all other homes as well, because when homes generate electricity in the middle of the day, when they are not typically consuming too much electricity, they store it in their battery and then they consume it in the evening in their home, out of the battery, when they typically are consuming more electricity. They are helping themselves, but they are also helping the grid because they are not drawing as much electricity out of the grid at that point in time.

By doing so, we are taking a slice off peak demand so that all other consumers benefit from more reliable, secure electricity and lower prices. You only take a small slice off peak demand to have a fairly significant impact downward on the wholesale price of electricity. It does require that the household is consuming less electricity when it is generating and consuming more electricity in the evening when it's not generating from solar.

We are looking at clever ways to expand this program into other areas that would have the same benefit—small business, for example. We would love to be able to support small business with this program, but we need small businesses that are not consuming as much electricity during the day but are consuming more electricity in the evening. Potentially, hospitality businesses and others like that would benefit very well from this scheme. We are looking at how common areas in apartment buildings can benefit—homes where they don't typically have enough roof space to support all the residents who might live there, but they very often have common electricity consumption that might be attached to a gym, a car park, a swimming pool or a common meeting area. They could benefit as well.

We are also looking at aged-care facilities—which are essentially similar to homes—where, within the broader facility, there would be independent dwellings and/or common areas, as I have just discussed. All these things are ways in which we are looking, every day, to improve how we roll out this scheme. It's running on very well as is, but we are always looking for opportunities to improve it. In the Tesla virtual power plant program, we also have over 1,000 homes installed in addition to the household battery scheme.

While we are focused on a wide range of things, storage is key. We are looking at grid-scale storage, as this house knows, but household storage is very important. I thank the member for Finniss for his question. He is always focused on what is important for households in his electorate, and we are doing everything that we possibly can to put down the cost of electricity for them.

LIBERAL PARTY, SEXUAL ASSAULT ALLEGATIONS

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:22): My question is to the Attorney-General. Does the Attorney-General rule out knowing who the assailant is that Ms Potter has made complaints about in the media?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:22): I don't think I can add anything further to this. I'm not going to be providing a discussion in relation to any

information that has come to me in relation to this matter or any other matter in relation to members of parliament who have raised these issues in the past, so—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —I am certainly not going to go into the detail of that. All I can say is that at this point, other than what is in the media as to the details of this complaint, that is the extent of the detail I have about this matter.

LIBERAL PARTY, SEXUAL ASSAULT ALLEGATIONS

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:23): My question is again to the Attorney-General. Has the Attorney-General told the Premier who the alleged assailant is?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:23): Again, I don't know whether the member has really either understood or listened to what I have said in the past, but that makes an assumption that, firstly, I know and therefore have I conveyed it to anyone? I make the point again that, in respect of this issue, I am relying on, as I think are most other members here, what I have read in the paper.

LIBERAL PARTY, SEXUAL ASSAULT ALLEGATIONS

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:23): My question is again to the Attorney-General. Can the Attorney-General rule out that the alleged assailant of Ms Potter was indeed preselected for the Liberal Party?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:23): Again, I will just refer to my previous answer.

Parliamentary Procedure

VISITORS

The SPEAKER: Before I call the member for Narungga, I welcome to parliament today Mr Phillip Heaslip, who I believe is the Mayor of the District Council of Mount Remarkable, and also Ms Therese Bonomi, who is a councillor at Campbelltown City Council—and a great council it is.

Question Time

FARM DEBT MEDIATION

Mr ELLIS (Narungga) (14:24): My question is to the Attorney-General. Can the Attorney-General update the house on how the Marshall Liberal government is delivering to farmers in relation to debt mediation?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:24): I thank the member for Narungga for that question. I know how important it is that he represent and advocate for farmers in his electorate.

I advise members that the object of the Farm Debt Mediation Act 2018 was to provide for the efficient and equitable resolution of farm debt dispute by requiring creditors to provide farmers with the opportunity to have the disputes referred to mediation before creditors are able to take possession of property or other enforcement action under farm mortgages. We all know—and if we don't we should know—that our farmers are always facing the vicissitudes of the weather, commodity prices, disease and all the other challenges that they have, and we appreciate the contribution they make to our state.

For the benefit of the parliament, in the update, whilst there was expected to be some 15 farm debt mediations per year, the Small Business Commissioner, who is vested with the responsibility of this, has advised that the first came in on 2 October last year. There were three last year and six this year. Of the nine that have been completed, eight were mediations. There has been a signed agreement and/or settlement deed between the farmer and the creditor regarding the farm debt. One of the mediations is open, pending further negotiations. Of the nine cases that have been dealt with,

seven were initiated by the creditor. There are six more mediations that are scheduled, so there is ongoing work in this regard.

The Hon. A. Piccolo interjecting:

The SPEAKER: The member for Light is called to order.

The Hon. V.A. CHAPMAN: The commissioner has a team of some 10 experts in this area—some are lawyers, some aren't—that's probably more helpful in these cases.

The Hon. J.A.W. Gardner interjecting:

The Hon. V.A. CHAPMAN: I shouldn't be self-deprecating, that's right. I am sure they all make a valuable contribution. The combined expertise and experience in providing this through this legislation is something of which we are proud in this government and is a small way that our government is able to support farmers in circumstances where their mortgage obligations, in particular debt levels, have reached the stage where it cripples their capacity to be able to continue. It has not only been passed but it has been initiated. It's well used, it's on track and it's successful.

The Hon. A. Piccolo: And we set it up.

The SPEAKER: The member for Light is warned.

PREMIER'S EXPENDITURE

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:26): My question is to the Premier. Why did the Premier refuse an opposition and media request to release details of credit card transactions and travel arrangements from 2015?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:27): From 2015?

The Hon. A. Koutsantonis: Yes.

The SPEAKER: The member for West Torrens is called to order.

The Hon. S.S. MARSHALL: It wasn't practice at that time, but my understanding is that they have been released. That was certainly—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: I read about them only a few weeks ago.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: That's my position on it.

PREMIER'S EXPENDITURE

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:27): My question is to the Premier. Will the Premier now table the credit card transactions and travel arrangements for 2015?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:27): My understanding is that the details have been provided, I have just been advised, from 2016 onwards.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: It has never been the practice for us to provide that.

Ms Stinson interjecting:

The SPEAKER: The member for Badcoe is called to order.

The Hon. S.S. MARSHALL: That level of detail is now being provided to the public. We weren't required to provide that. I think we have done that to increase transparency. But, no, I don't think that there is a requirement to do it from before. I mean, do we go back and start declaring things that occurred in 2000, in the Mike Rann office? These are all interesting from an historic perspective, but I don't think that they are particularly useful going forward and we don't plan to change the practice.

LIBERAL PARTY, SEXUAL ASSAULT ALLEGATIONS

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:28): My question is to the Premier. Has the Premier ever, in government or opposition, been warned about the predatory behaviour of a member of the Premier's staff towards young women working in his office?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:28): No.

PASTORAL ECONOMIC GROWTH

Mr TRELOAR (Flinders) (14:28): My question is to the Minister for—

Members interjecting:

The SPEAKER: Order!

Mr TRELOAR: —Primary Industries and Regional Development. Can the minister update the house on how the state government is supporting economic growth in our pastoral lands?

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:29): Yes, I can, and I thank the member for Flinders for his very important question.

Mr Hughes interjecting:

The SPEAKER: The member for Giles is called to order.

The Hon. T.J. WHETSTONE: I have been over in the electorate of Flinders quite a bit lately and recently up in the pasture country visiting the dog fence and also speaking to the pastoralists up there. Today, I have released a discussion paper to launch the review of the Pastoral Land Management and Conservation Act.

Our pastoral lands in South Australia represent about 410,000 square kilometres, covering 40 per cent of the state, 324 leases, and those pastoral leases are currently granted for a term of 42 years. The pastoral act has not been reviewed since it was established 30 years ago, and I feel that it has become outdated. As a government, our agenda, and proudly so, is how do we drive more prosperity in our pastoral country? How do we drive a larger economic base in our pasture lands?

We have had no qualms about putting $7.5 million towards a red meat and wool strategy. It's about how do we give the tools to those pastoralists to diversify their businesses? Looking around, how do we look at creating some sense of farming opportunities, farming practices, the adoption of technology? In some spaces, we can actually put cyber technology into some of those pasture spaces where some of the practices they are using today have been outdated.

This major change in farming practices in today's world of agriculture is constantly evolving. We know that five years ago some of the practices we are seeing in practice today had never even been thought of. Some of those new technologies will be able to be used on those pastoral lands. It is also giving those pastoralists greater opportunities, not only about their diversity within their businesses but it is about how those pastoralists can come forward and look at ways that they can use that technology with the support of the act being changed.

It is also important to understand that to modernise the act and draft a new bill for the parliament has been called for for a long period of time. Sadly, the pastoralists, particularly the Far North pastoralists, have been calling out for change for a number of years, but that has fallen on the deaf ears of the previous government. But what I will say is that our pastoral range lands are a critical contributor to our economy. They do operate in very marginal circumstances. We know that they have been dealing with some pretty hard times over the last couple of years, particularly with the dry.

What I would say is that they now have a government that cares for them, that is looking to promote what they do so well. It is also the protection for pastoralists and our livestock from the impacts of wild dogs. We know, and proudly, we have announced a partnership with industry and the commonwealth to rebuild 1,600 kilometres of the dog fence up in that pasture country. It is about giving those pastoralists the ability, as I have said, to lie in bed at night and think that they can rest easy that the reported 20,000 sheep that were lost this year to wild dogs will be negated down to minimal losses.

It is also understanding that what the dog fence means to regional South Australia is increasingly important, particularly with the price of livestock, the price of wool. It is a huge economic driver. Again, the pastoralists are pleased to be a part of this discussion paper, to be a part of the amendments to the Pastoral Land Management and Conservation Act, because we all know #RegionsMatter.

LIBERAL PARTY, SEXUAL ASSAULT ALLEGATIONS

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:33): My question is to the Attorney-General. Can the Attorney-General assure the house that as a result of the Chelsey Potter discussion that she, the Attorney-General, has fulfilled all her obligations as a public officer under the ICAC Act?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:33): Perhaps I need to repeat what I had said in relation to the communications I have had. I had made a communication to Ms Potter outlining the offer to assist her in relation to any concerns that she has. To date, I have had a message back from her to thank me for that offer and that I have not been provided with any other information or detail in relation to the matter.

So I repeat: I am relying in relation to the detail on the matter as is published and, quite frankly, even if I was aware of other detail, for the reasons I have previously explained, and the other cases of which people have come to me in the time I have been here in the parliament, I wouldn't disclose the particulars of those from whatever political party they have been from, whoever the allegations have been made against. It is up to the complainant how and where they take that matter further. It is a sensitive matter, and in these sorts of issues they must be respected. Our obligation is to make sure that we give them all the tools and available options for their consideration.

LIBERAL PARTY, SEXUAL ASSAULT ALLEGATIONS

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:35): My question is to the Attorney-General. Has the Attorney-General sought to identify who the senior colleague was Ms Potter spoke to about the alleged incident?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:35): For obvious reasons from my previous answer, the answer to that is no.

LIBERAL PARTY, SEXUAL ASSAULT ALLEGATIONS

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:35): My question is to the Attorney-General. Should young women like Chelsey Potter have any reason to feel that their Liberal Party careers would be ruined if they raised allegations of sexual assault with senior members of the South Australian Liberal Party?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:35): I hope that I have made it clear from the previous statements I have made that no-one in any workplace, including in a political environment—whether it is in this parliament, electorate offices, political party headquarters, undertaking volunteer work, anywhere—should be in any different circumstance to any other person in a workplace. They must not be the subject of sexual harassment or abuse or assault or worse still, either as one-off or repeated. I make that point very clearly. I think that sort of behaviour should be condemned. Some of it is unlawful.

Anyone who has read even the South Australian Equal Opportunity Commission's annual report will see that over the last few years there are an increasing number of cases of reporting of sexual harassment in the workplace, for example. These are things that, coming into the new government, I have taken a renewed interest in, especially as I am now responsible for that office.

It is important not only that we address the individual cases when they are brought to our attention but also that we fairly treat, respectfully, those who raise concerns. To date, there are two current profiles in the Australian media, and I have explained the invitation that has been given to one of them to provide assistance or advice or support. I will provide that support if that is pursued, and I will continue to be available to provide advice or support to anyone who is exposed to a circumstance where they are aggrieved at how they have been treated in their workplace.

SCREEN MAKERS CONFERENCE

Mr McBRIDE (MacKillop) (14:37): My question is to the Minister for Industry and Skills. Can the minister update the house on the recent Screen Makers Conference and the Marshall Liberal government's support for the South Australian screen industry?

Members interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI (Unley—Minister for Innovation and Skills) (14:37): I can actually do that. The Screen Makers Conference is the leading event for emerging and early career screen content makers in Australia. The conference was sold out well in advance, with 250 people attending the two-day event opened by the Premier last Friday. I was very pleased that the Premier was there. People were saying, 'Well, look, you're the minister. Why is the Premier opening it?' and I said that I was always happy to play second fiddle when the Premier is there. I am still in the orchestra, sir.

It is the only conference of its type in the country that attracts emerging and entry-level screen practitioners from right around Australia; in fact, 40 per cent of attendees came from interstate. Delegates had the chance to hear from accomplished writers, directors and producers—

Members interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI: —and national organisations, including Screen Australia, Screen Producers Australia and the Australian Directors Guild, producers and leading production companies all keen to connect with young talent.

Some of the highlights included the Screen Makers Lab, a unique opportunity to learn the art of creating and developing a studio-based entertainment show, where attendees heard from some of the biggest names in television, with representatives from the ABC, SBS, the Nine Network, Fremantle Media and CJZ.

Pitch-o-rama provided the opportunity for attendees to pitch their screen concepts to a panel of industry representatives. The contest saw Anna Lindner win $10,000 in prize money for the development of her project, *The Dash*. She also will gain assistance from ABC TV to help her progress the idea. The highlight of the conference was the opening session. It was a one on one with the acting CEO of the South Australian Film Corporation, Amanda Duthie—

Members interjecting:

The SPEAKER: Order!

The Hon. D.G. PISONI: —and acclaimed US producer E. Bennett Walsh. Of course, he is in Adelaide for the production of *Mortal Kombat*, the largest production in South Australia's film history.

The Hon. S.C. Mullighan: The story of the Liberal Party.

The SPEAKER: The member for Lee is called to order.

The Hon. D.G. PISONI: Bennett traced his career in the film industry. We reviewed the back catalogue of productions that he has worked on, such as *Men in Black*, *Robin Hood*, *The Great Wall*, *The Amazing Spiderman 2* and, of course, *Kill Bill: 1* and *Kill Bill: 2*. He spoke of how he sees SA.

The Hon. S.S. Marshall interjecting:

The Hon. D.G. PISONI: All those swords in the back, Premier.

Members interjecting:

The SPEAKER: The member for Waite is called to order.

The Hon. D.G. PISONI: Of course, he discussed his role in the production of *Mortal Kombat* right here in South Australia, with 580 jobs created and a $70 million spend—foreign currency, $70 million coming into South Australia, 1,500 extras. Mr Speaker, for your benefit (I know you will be interested in this), we have already spoken with the HIA and the MBA about the trades that they need for building sets—four kilometres of lighting for one particular scene. It is an extraordinary project for South Australia.

Members interjecting:

The SPEAKER: The member for Cheltenham is called to order.

The Hon. D.G. PISONI: Of course, all those hundreds of names that will appear on the credits, many will be South Australian names, as they have worked behind the scenes to produce this blockbuster Hollywood production. The Marshall Liberal government is proud to have provided $255,000 to secure the Screen Makers Conference here in South Australia for the next three years so it can continue to grow this state's reputation in the Australian screen and creative industries. The Premier and I look forward to seeing the Screen Makers Conference go from strength to strength in coming years.

PREMIER'S EXPENDITURE

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:41): My question is to the Premier. Why has the Premier chosen to release only part of the travel arrangements and credit card transactions in the time that he was opposition leader and not starting from 2013, when he first became Leader of the Opposition?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:42): I have already made comments on this to the house and I have nothing further to add.

PREMIER'S EXPENDITURE

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:42): My question is to the Premier. What criteria did the Premier apply in deciding to start his credit card and travel arrangement details in 2016?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:42): There was some advice to me that the details going back to that date would be easier to compile because of a change of system that was put in place within the department under the previous government and they were readily available.

The Hon. Z.L. Bettison: You're blaming us?

The SPEAKER: The member for Ramsay is called to order.

LIBERAL PARTY, SEXUAL ASSAULT ALLEGATIONS

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:42): My question is to the Attorney-General. Does the Attorney-General believe the allegations made by Ms Chelsey Potter that she was sexually assaulted by a Liberal colleague in Canberra?

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (14:42): Even if I had a view on these matters, it would be entirely inappropriate for me to express them, so I won't. I ask members to respect the position of those who make these statements about circumstances that they have found themselves in and want to make a statement on it. I am not the adjudicator—

The Hon. D.G. Pisoni interjecting:

The SPEAKER: Minister for Innovation, order! The Deputy Premier is on her feet. Members expect me to listen to the answers, so I would like to do so.

Members interjecting:

The SPEAKER: The Minister for Primary Industries is called to order. Deputy Premier.

The Hon. V.A. CHAPMAN: I am not the investigator or the adjudicator—

Members interjecting:

The SPEAKER: Order!

The Hon. V.A. CHAPMAN: —of this matter and it would be entirely inappropriate for me to offer commentary on this matter, particularly as the only matters that I have in fact before me are those that I expect most others in the parliament have read.

Members interjecting:

The SPEAKER: Deputy Premier, please be seated for one moment. If this continues, members will be departing today. I would not like to end this way before the midwinter break, but if I need to I will; I will act. Members on both sides—don't point. The Deputy Premier has the call.

The Hon. V.A. CHAPMAN: I have finished.

CITY SOUTH TRAM STOP

Mr PATTERSON (Morphett) (14:44): My question is to the Minister for Transport, Infrastructure and Local Government. Can the minister update the house on the City South tramline replacement?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:44): I can. For all the constituents in the member for Morphett's electorate, they now have a tram service that moves more quickly to get people to the CBD. They now have a tram stop and a tram service—

Mr Picton interjecting:

The SPEAKER: The member for Kaurna is warned.

The Hon. S.K. KNOLL: —that goes on (obviously except for Jetty Road) a dedicated corridor. They now have a tram service with a City South tram stop that all people can use. It was my great pleasure yesterday—

The Hon. L.W.K. Bignell interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: It was my great pleasure yesterday to be able to stand there with Mr Phillip Beddall, who lives only down the road from the City South tram stop. It is his local stop, and, for basically his entire life, he has not be able to get on—

The Hon. L.W.K. Bignell interjecting:

The SPEAKER: The member for Mawson is warned.

The Hon. S.K. KNOLL: —a tram at his local stop because it did not provide him with the access that he deserved. Yesterday was a great day to be able to make that announcement and then to see that roll out this morning. Phillip did tell me, though, that he wasn't going to be on the first service but that he was going to take the opportunity over the course of the day. This project has been too long in the making, and for too long this injustice at the south end of our city has been allowed to continue.

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: And $17½ million from the Marshall Liberal government to fix this problem has done exactly that. Again, can I say that this is important also to help improve road safety for all users—

Members interjecting:

The SPEAKER: Order!

The Hon. S.K. KNOLL: —of the City South tram stop—

The Hon. A. Koutsantonis: Why the big smile?

The SPEAKER: The member for West Torrens is warned.

The Hon. A. Koutsantonis: What are you so happy about?

The SPEAKER: Order! Minister.

The Hon. S.K. KNOLL: —because we are still seeing far too many accidents and collisions between trams and other things. In the last financial year, 50 cars had near misses with trams across those parts of our network that still operate, or did still operate at that time, in a shared-use environment, including 18 collisions in 2018-19. That is far too many and, again, it is one of the fundamental reasons why we need a tram track that works on a dedicated corridor.

Mr Speaker, 55 pedestrians in the last financial year experienced near misses with trams, again another example of why we need to improve safety across our network and why a City South tram stop that was dangerous needed to be got rid of and now under this government has. What we have also done in this project, though, is made sure that we have balanced the needs of all road users, making sure that there are dedicated right-hand turn lanes for people wishing to turn right off King William Street into those side streets, dedicated through-lanes for traffic that just wants to get into the middle of the city and dedicated cycling lanes for cyclists.

We are also making sure that we maintain pedestrian access for everybody. This is an example of how you make sure that a corridor works for everybody, from pedestrians to cyclists to people living with disability and those needing to use a wheelchair, as well as for motorists and tram users. We are making sure that we deliver a road corridor that delivers for all South Australians.

For all those who doubted this project, for those opposite who said we should have just waited another six months before fixing this long-term problem, can I say that this project has been a success. It has been delivered on time and on budget, and we have done a huge amount to make sure that we minimise the disruption that this project was going to bring and, in doing so, make sure that we have as little impact upon local businesses as possible.

LIBERAL PARTY, SEXUAL ASSAULT ALLEGATIONS

Dr CLOSE (Port Adelaide—Deputy Leader of the Opposition) (14:48): My question is to the Premier. Is the Premier aware of any sexual misconduct allegations in the previous leader of the opposition's office when you were leader of the opposition?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:48): No, not that I am aware of.

MINISTERS' INTERESTS

The Hon. S.C. MULLIGHAN (Lee) (14:48): My question is to the Premier. Has the Premier assured himself that his Minister for Environment has met his land tax obligations for his portfolio of investment properties?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:49): I have no evidence to suggest that he hasn't. If the honourable member has something that he would like to provide to us, we would be more than happy to consider it, but I certainly am not in possession—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —of any information to suggest that there is a problem there, so, I don't plan to take any further action.

MINISTERS' INTERESTS

The Hon. S.C. MULLIGHAN (Lee) (14:49): Is the Premier familiar with yesterday's media reporting of the Minister for Environment's investment holdings and his land tax obligations?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:49): No, sir.

The SPEAKER: The member for Florey.

Members interjecting:

The SPEAKER: Order! The member for Florey has the call.

SURGICAL FEES

Ms BEDFORD (Florey) (14:49): My question is to the minister representing the Minister for Health. Could the minister tell the house if the cost shifting of surgeons' or anaesthetists' fees to the commonwealth government will occur in any public operations performed in private hospitals?

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (14:50): I would be very happy to take that on notice. No, I apologise; I can't answer that very specific question right now, but I would be very pleased to go to the Minister for Health and Wellbeing to get a full answer for the member on that question.

O.G. ROAD INTERSECTION

Ms LUETHEN (King) (14:50): My question is to the Minister for Transport, Infrastructure and Local Government. Can the minister update the house on the Marshall Liberal government's commitment to upgrade the intersection of O.G. Road and Turner Street in the north-east?

The Hon. S.K. KNOLL (Schubert—Minister for Transport, Infrastructure and Local Government, Minister for Planning) (14:50): I would like to thank the member for King for this question and for her keen interest in this topic. I wouldn't want to suggest at all that she was seeking to curry favour with the Premier whose electorate this election commitment sits in, but we can all enjoy very soon the benefits of this election commitment.

I have talked a lot in this house about making large investments to improve our road network right across South Australia and the billions of dollars that we are investing to make sure that our city remains the beautiful, liveable place that it is. More than that, I think we need to look to some of the smaller investments that we are making that will have very big impacts in discrete communities within Adelaide; and here we are, with another one of the Marshall Liberal government's election commitments being delivered.

On Monday, works commenced to upgrade the O.G. Road and Turner Street intersection, Mr Speaker, a project that I think you would be well familiar with. The $2.7 million upgrade will include the installation of traffic signals at the existing junction of O.G. and Turner, the extension of the left-turn lane onto Turner Street, an extension of the right-turn lane onto O.G. Road, modifications to the south-west corner of a traffic island, the relocation of an existing pedestrian walk-through on O.G. Road and the relocation of a number of bus stops.

These smaller commitments that were made by the Marshall Liberal government were all about fixing discrete issues that we know exist within our community. Certainly, for those residents who live in and around O.G. Road who are seeing increased levels of congestion and who want to make sure that there are equal opportunities to be able to get around, this $2.7 million is going to deliver so many benefits for them.

This project is due to be completed in early November, weather permitting, and we will see works occur both during the day and also overnight. For those road users, they will know that this road will remain open with speed restrictions in place, but there will still be ongoing access to these roads.

This is just another example of the government delivering on the commitments that it took to the people of South Australia, another example of this government's commitment to improving our road network with projects big and small, and another example of this government doing everything it can to improve safety outcomes for pedestrians, cyclists, public transport users and road users, to make sure that as many people as possible can get home safely to their families each and every night.

LAND TAX

The Hon. S.C. MULLIGHAN (Lee) (14:53): My question is to the Premier. How many landowners has the Premier met with to discuss their concerns about land tax aggregation changes?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:53): I have met with plenty of people who have land in South Australia and are subject to paying land tax in South Australia. It's fair to say that the proposal that we took to this most recent state budget provides some relief for some landowners in South Australia.

Members interjecting:

The Hon. S.S. MARSHALL: Those opposite scoff, but my advice is that there would be around 8,000 people who are currently paying land tax in South Australia who will pay no land tax in South Australia going forward. What we do know is that the threshold in South Australia was unacceptably low under the previous government. We have sought to increase that. In fact, I think at the moment it's around 391,000, and will move to 450,000.

Of course, we have tried to also deal with the unacceptably high top marginal rate that is paid in South Australia, currently sitting at 3.7 per cent. That is what we inherited from the previous government. We have made it very clear that what we would like to do is to reduce that down, and I again provide the information to this parliament. If you look at the measures that were contained both in last year's budget and this year's budget and you combine them together, the changes that were made—

Mr Malinauskas interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —there is a net reduction from those adjustments—

Mr Malinauskas interjecting:

The SPEAKER: Leader!

Mr Brown interjecting:

The SPEAKER: Member for Playford, be quiet.

The Hon. S.S. MARSHALL: —that we have made and proposed of $9.7 million next financial year, and it increases every year thereafter.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is warned.

The Hon. S.S. MARSHALL: That is what we have put forward.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: It is a net reduction from the changes that we have—

The Hon. S.C. Mullighan interjecting:

The Hon. S.S. MARSHALL: Well, you know, this is the problem. This is the guy who wants to be the Treasurer.

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: There is an expression that comes to mind: bad to worse. Bad to worse, that's what we would have. He doesn't understand how the finances operate. It's a disgrace.

The Hon. A. KOUTSANTONIS: Point of order.

The SPEAKER: Can the Premier please be seated. The point of order from the Father of the House is for debate?

The Hon. A. KOUTSANTONIS: Yes, sir.

The SPEAKER: And he has a fair point. I am listening to the member for West Torrens. I ask the Premier to come back to the substance of the question.

Members interjecting:

The SPEAKER: I am asking the members on my left to be quiet.

The Hon. S.S. MARSHALL: I will not respond to interjections, sir, because they are disorderly. Of course, what we do know is that when you take the effects of the threshold change and of the—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —top marginal rate changes that we have outlined both in last year's budget and this year's budget, the combination of those two sets of changes leads to a net reduction in land tax.

Now, the shadow treasurer says, 'Oh, but there's a projection for an increase.' Well, there is another thing that comes into effect, and that is property value increases in South Australia. The long-term average increase has been 3 per cent. You've got to take that into account as well, of course, but what I am saying unequivocally, and I hope that the member for Lee can understand it, and I will try to say it as slowly as possible, sir—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —but the net impact of the changes to the threshold and the aggregation and the top marginal rate that we are proposing is a net reduction—not an increase, but a net reduction. We have made—

Mr Malinauskas interjecting:

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: —it very clear—

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is warned for a second and final time.

The Hon. S.S. MARSHALL: —to the people of South Australia that we are a low-taxing government on this side. We are trying to fix up—

Mr Malinauskas interjecting:

The SPEAKER: Leader!

The Hon. S.S. MARSHALL: —the mess that those opposite made with South Australia being a very unattractive place in which to invest. From opposition we blocked their car park tax, we blocked their big massive bank tax in South Australia, and since coming—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —to government, we are very proud on this side of the house to halve the emergency services levy—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —take the axe to payroll tax, continue to drive down stamp duty in South Australia, and now we are fixing the threshold and the top marginal rate with regard to land tax.

Mr Malinauskas interjecting:

The SPEAKER: The Leader of the Opposition is warned for a second and final time. The member for Lee.

LAND TAX

The Hon. S.C. MULLIGHAN (Lee) (14:57): Thank you, Mr Speaker. My question is to the Premier. Since the state budget was released, how many landowners has the Premier met with who are not members of the South Australian Liberal Party?

The Hon. S.S. MARSHALL (Dunstan—Premier) (14:57): I think I have answered that with my previous answer, sir.

WINE INDUSTRY TECHNICAL CONFERENCE

Dr HARVEY (Newland) (14:58): My question is to the Minister for Primary Industries and Regional Development. Can the minister update the house on how the state government is encouraging growth in the South Australian wine tech sector?

The Hon. T.J. WHETSTONE (Chaffey—Minister for Primary Industries and Regional Development) (14:58): I certainly can, and I thank the member for Newland for his continued interest in the wine sector. It is important that we know that we just hit record exports out of South Australia within the wine sector—$1.79 billion. It is a very, very important sector. The horticulture sector—$1.2 billion, particularly out of the Riverland region, which is now more important than ever.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens is on two warnings.

The Hon. T.J. WHETSTONE: Last week, I was joined by the Premier and we headed down to the Convention Centre. We had 1,500 national and international wine industry delegates who attended the 17th Australian Wine Industry Technical Conference to gather, harness and network all of the new things, the new technology and the cyber within horticulture and the cyber within viticulture.

I was lucky enough to stand with the Premier to announce an $80,000 grant to kickstart Foment, which offers intensive support to early-stage innovative wine and tourism tech businesses to help them accelerate their businesses and take their innovation to Australia and to the world.

'Foment' means to promote the growth of development, to instigate, to foster, to encourage and to stimulate. The Foment strategy is really, really exciting. It is the buzzword within the wine industry. The program is designed to help accelerate businesses with the help of local and international experts and mentors. We all know that having good mentors is as good as good wine. Foment will run in partnership with Wine Industry Suppliers Australia, Flinders New Venture Institute and Hydra Consulting and will be held in South Australia's wine regions. It is a boon for the wine industry. The opportunities that Foment present to them are very, very exciting.

The conference also gave me an opportunity to say that the government's focus on opportunities within cyber tech, agriculture, horticulture and viticulture now seem more secure than ever before. We are now putting all of those research and development programs into the new technology space. Cyberspace is well endowed in agriculture and viticulture.

It was also an ideal opportunity to speak with some of the South Australian businesses displaying innovative areas at the conference, particularly with bottle traceability, artificial intelligence—again, more cyber, the Premier will be pleased to hear—and satellite technology. As I walked away, I was inspired. It really underpinned the efforts that I'm now installing, putting a panel together as the agtech advisory panel. It's more important than ever that we actually give confidence to the agriculture sector that there is a government out there looking to implement that new technology.

Some of those innovative South Australian businesses I met with were GAIA Agricultural Intelligence, O-I Australia, Platfarm and Titanium Threat, but there are many, many more. It is more important now that agriculture, viticulture and horticulture be part of the new era within the tech space.

LAND TAX FORUM

The Hon. S.C. MULLIGHAN (Lee) (15:01): My question is to the Premier. Will the Premier front landowners at Sunday's land tax forum?

The Hon. S.S. MARSHALL (Dunstan—Premier) (15:01): No, I have other arrangements.

The Hon. A. Koutsantonis interjecting:

The SPEAKER: The member for West Torrens can leave for half an hour under 137A.

The honourable member for West Torrens having withdrawn from the chamber:

The Hon. S.S. MARSHALL: I have other arrangements this weekend, but I have taken the opportunity to meet with the organiser on two occasions in the last two weeks and my door is always open. We are listening to people. We are consulting with people. The Treasurer has made it extraordinarily clear that we are happy to receive any submissions that the industry has for us to consider before we make a final position that will then go out for public consultation. We then hope to introduce that information to this parliament in a few weeks' time so that we can have the land tax cuts in place for 1 July next year.

This is an important reform. Reforms like this are never easy. I note that those opposite contemplated these reforms on a number of occasions but, as per every single useful reform that could have been helpful for South Australia, they just swept it under the mat. This was too hard. Kick that can down the road. We know the consequences of that sort of lazy government: South Australia gets further and further behind. We saw disaster after disaster after disaster under the previous government, whether it be the TAFE debacle presided over by the deputy leader, whether it be the health debacle presided over—

The Hon. S.C. MULLIGHAN: Point of order.

The SPEAKER: Premier, please be seated for one moment.

The Hon. S.S. MARSHALL: —by the Leader of the Opposition, whether it be problems with child protection that the deputy leader also looked after.

The SPEAKER: Premier, please be seated for one moment. I believe that question was about whether the Premier was attending a land tax forum at the weekend.

The Hon. S.C. MULLIGHAN: Yes.

The SPEAKER: I have the point of order for debate. I ask the Premier to come back to the substance of the question, please.

The Hon. S.S. MARSHALL: Yes. As I was saying, sir, I won't be able to attend the land tax rally, which has been organised to take place on the weekend, but we are listening and we are consulting. I must say that the vast majority of all the feedback that we have received has been respectful. I emphasise the 'vast majority', not all, but we have received a lot of feedback. A lot of it is respectful. A lot of it is useful and constructive because I think most people realise that the current arrangement, the disaggregated arrangement, is where you may have two people with exactly the same land value but held in different structures who have completely different tax rates in South Australia. I often say to people—

Members interjecting:

The SPEAKER: Order!

The Hon. S.S. MARSHALL: I often ask people who tell me how they are going to be affected if they have determined what their effective land tax rate is and whether or not that is acceptable. One of the things that we heard repeatedly from the sector—

The Hon. S.C. Mullighan: Will you be with the haves or the have-yachts on Sunday?

The SPEAKER: Order!

The Hon. S.S. MARSHALL: —in the lead-up to the election was that the top marginal rate of 3.7 was unacceptably high. We are addressing that. That is exactly and precisely what we are addressing. We have never said that the reforms that we are putting forward will benefit every single person in the state, but what we are saying is that we are prepared to take on this important reform. We are absolutely committed to lowering the taxation burden in South Australia, and that is precisely what is represented in the state budgets from last year and this year.

Personal Explanation

HOME BATTERY SCHEME

The Hon. D.C. VAN HOLST PELLEKAAN (Stuart—Minister for Energy and Mining) (15:05): I seek leave to make a personal explanation.

Leave granted.

The Hon. D.C. VAN HOLST PELLEKAAN: I have been advised that when I answered my question from the member for Finniss and I said mistakenly that we have already installed over a thousand batteries under the Tesla VPP scheme, what I actually meant to say is that we will very shortly have installed over a thousand batteries under the Tesla VPP scheme.

Grievance Debate

STATE LIBERAL GOVERNMENT

Ms HILDYARD (Reynell) (15:05): I rise following the release of the latest Household Income and Labour Dynamics in Australia Survey, which shockingly articulates that wages growth is at a standstill in this country, that people's standard of living is not improving and that for Australians on low incomes, and indeed for those not working, meeting the cost of living has become even harder.

The report found that Adelaide is the mainland capital city with the lowest median income and highlighted a trend across the board towards increased depression and an increase in poverty. This shocking report has landed during a period when we have had the Liberal Party in Canberra working as hard as they possibly can to cut penalty rates and to attack unions and stymie ability to support workers to negotiate decent wage increases.

This period of stalled wages growth and economic stagnation is the environment into which those opposite handed down their first budget all about cuts, closures and privatisation and their second, which was also all about cuts, closures, privatisation and higher costs. Each of the budgets from those opposite completely lacks vision, does not articulate any plan to better support South Australians in this current climate, and commits our state to ongoing, unprecedented debt.

Those opposite are bizarrely focused on higher costs and fewer services, evidenced by the extraordinary increases in their budget to the cost of living in almost every aspect of a household budget: new taxes, fee increases and charges on your rubbish, to your metro ticket, to your car parking, your rego and licensing and everywhere else. We did of course have the chance—well, sort of—to ask about a number of these issues during estimates.

And what did we find out? We found out that a number of ministers are really not keen to answer questions from their relevant shadow at all. We found out that others could not. We found out that some are very obsessed with finding a page number or line item repeatedly and for a very, very long time, rather than being accountable, and that others were happy to further justify their cuts, their closures, their higher costs and their privatisation agenda.

We found out that a number of backbench members were very happy to go along with their ministerial colleagues' appalling cuts and higher costs—well, once they found out about them. We found out that the Minister for Sport still does not understand that people play sports other than football, cricket and netball. I suspect that if the Liberal Party are watching sport on TV and accidentally switch on SBS, they change the channel to keep ignoring diversity.

We also found out that he still does not understand that a $24,000 program with no requirement for council or club contribution is not the same as a $5 million per annum program that does. We also discovered that he still does not understand the difference between equity and equality, nor what making change rooms female friendly means for clubs. We found out that the Minister for Transport still commutes with training wheels on and that his friend the member for Waite still really, really wants to get some ministerial training wheels on too.

We knew it already, but we found out that those opposite continue to have a problem with women, evidenced firstly and starkly by the number of women or lack thereof available to ask questions in estimates. We discovered that the Minster for Trade, Tourism and Investment thought

it appropriate to enlighten us in estimates that Ms Sally Townsend, South Australia's Trade Commissioner for Japan and Korea, is:

> …married to a Japanese gentleman up there. For those of you who have met her, Sally is nearly six foot tall and has blonde hair, so she stands out quite nicely in the Japanese market.

It remains unclear what her height and shade of hair have to do with her skills and experience to do the job.

Thirdly, I really do not understand, and I am not sure that I want to, what the Minister for Sport was getting at when he said that he is 'more excited' than his wife would like about the women's tennis event coming to South Australia. Fourthly, our understanding of the importance that this government places on the status of South Australian women—

Ms Stinson interjecting:

The SPEAKER: The member for Badcoe, stop interjecting out of your seat.

Ms HILDYARD: —was very clear when I was afforded just 16 minutes for questions on this important portfolio, a situation that left me unable to inquire about the cuts to the Equal Opportunity Commission that will diminish the ability for South Australian women to seek support in relation to matters of sex, discrimination or sexual harassment.

We learnt that the Premier apparently loves multicultural radio and thinks that 'we are very fortunate in South Australia to have various ethnicities with their own or shared radio'. We learnt that despite this he will continue with the cruel cut of $22,500 of funding that 5EBI, which connects with 44 different language groups, has received for 20 uninterrupted years.

Time expired.

CAROLS BY THE CREEK

Mr DULUK (Waite) (15:22): I rise today to talk about Christmas carols and common sense. If you are surprised that Christmas carols and common sense are being uttered in the same sentence, you are not alone. Mr Speaker, I know that you are asking yourself: 'How could anything but common sense prevail in a discussion about Christmas carols?'

Music is an iconic feature of the Christmas season and an integral part of the Christmas celebrations in many cultures across the world, with the singing of Christmas carols a staple of local community calendars. Nothing other than common sense would possibly prevail in the hosting of these much-loved and well-supported events. I would have asked myself the same question a week or so ago, but enter Mitcham council, who sadly are at risk of making common sense an endangered practice.

Last week, the City of Mitcham voted to dump community Christmas carols as it is too religious and not inclusive enough. Yes, Mr Speaker, you heard right: because it is too religious. Mr Speaker, I can see that you are shocked and asking how this is possible because I know that you love attending Christmas carols in your own community. How could Christmas carols, an event that reflects love, joy, hope and celebrates a time of inclusion and unity, be dumped on the basis of being too religious or not inclusive enough?

It was a decision that blindsided my community and shocked and outraged me, and I am not alone. The Mitcham council's decision has attracted condemnation from across Australia and from all corners of the community. This is political correctness gone mad and it has taken the issue of exclusion too far, sending a damaging message that we cannot celebrate anything just in case it offends or excludes someone or something. Christmas may have its foundations in Christianity, but many people of other faiths not only enjoy the Christmas period and festivities that it brings but actively participate.

The response of the local community indicates just how passionate they are about Carols by the Creek in Mitcham. The response from the broader community indicates the frustration at councils once again acting way beyond their remit. It is another example of councils trying to shape society, driving a PC agenda and deciding what we should or should not like and who the problem is. Rather than running for council on an agenda of lower rates and more efficient service delivery, we are

increasingly seeing society being shaped by PC rhetoric coming from local government and people running for local council on the basis of not serving their community, but on serving their own interests.

Australians across the country are fed up with their lives and longstanding customs and beliefs being eroded in the name of PC martyrs. I believe it is timely for a debate to be had on the roles and responsibilities of local government. I think there is a lot of merit in examining the Local Government Act to determine whether the powers of councils could be more strictly codified. It has never ever been envisaged—and it never should be envisaged—that councils have the authority to debate the merits of Australia Day, the singing of Christmas carols or even the support of the commemoration of ANZAC Day and otherwise.

The general public are sick of it, and I know right across the spectrum in my community, across South Australia and interstate that people are sick of being told what to do by councils. As one person posted on my Facebook page this week, they 'would rather Council stick to road engineering than social engineering'. I think that is a fantastic common-sense approach from the public in terms of what they want to see from their local government representatives and councils.

Christmas is a fantastic tradition and it is a time of celebration for the entire community. It is not just about the birth of Christ. It is about community, our traditions and our values. It is about spending time together and reflecting on the end of another year. It is an excuse for all Australians to get together to celebrate our community. Last week, the Mitcham council made a terrible decision. It was a decision that challenged the foundations of our community.

I would like to congratulate Councillor Adriana Christopoulos on requesting a special meeting for Tuesday night just gone and on moving a new motion to reverse the bad decision of the Mitcham council in relation to the cancellation of its carols. I actually do commend the council for unanimously on Tuesday reversing that terrible decision. I would also like to thank my colleagues the member for Elder and the member for Boothby for their support of my petition to reverse the council decision and to stop the City of Mitcham being the Christmas Grinch.

Whilst the original decision was appalling, I look forward to working with my community, all the groups that are involved in that community and participating in and hosting a fantastic Carols by the Creek 2019.

REGIONAL GP SERVICES

Mr HUGHES (Giles) (15:16): I rise today to talk about what I think is a very important issue across regional South Australia. It affects many of our electorates in regional South Australia, and the issue was highlighted again on Sunday in the *Sunday Mail*, where it identified that there were, as a result of a report, 60 vacancies for GPs in country South Australia. I know that in my own electorate the council in Kimba has been battling to get a GP for an extended period of time and, as part of that battle to get a GP, they have had to spend ratepayers' money. I think in the order of $150,000 has been spent by that small council on trying to attract a GP to the community.

I attended a meeting in Quorn that was looking at, succession planning, if you like. Quorn has been incredibly fortunate in having Dr Tony, as he is known locally. Dr Tony has been practising in that community since 1992, but he is not going to be there forever, and obviously the community is concerned about what they can do to find a replacement. Once again, we might well see a council having to adopt the role of seeing if they can attract a GP to the community of Quorn.

Streaky Bay in the seat of Flinders has recently lost its GP. I know that in order to secure that GP, that particular council has also had to expend a very significant amount of money. I think in the interests of fairness it should not come back to local councils and local ratepayers to undertake this work to try to address this deficit. When you look at it, 60 vacancies across the state, it clearly indicates that there is a systemic problem, but it should not be left to councils to do what they can, and what they can do to try to address this gap is often limited.

Twenty towns in South Australia have been identified as priority 1 when it comes to vulnerability regarding the lack of access to GP services where people might have to travel very extended distances in order to access a service. When I said that it is across all our electorates, the

priority hotspots where GPs are needed are Wudinna, Kimba, Cummins, Lameroo, Pinnaroo, Streaky Bay, Beachport, Kingston, Robe, Port Augusta and others.

Health professionals were identified as being needed in Port Lincoln, Port Augusta and even in communities as big as Whyalla and Mount Gambier, Ceduna, Murray Bridge, the APY lands (where the turnover of medical staff is enormous), Hope Valley (a very distant and remote community), Yalata and Coober Pedy. In the interests of equity, this needs to be addressed. It is not primarily a state responsibility.

The state can play a role—and, I would argue, a far more proactive role—and pick up the burden that at the moment the local councils are shouldering. At the end of the day it is a federal issue, and a $500,000 package over the next 10 years was recently announced to address it. However, in looking at the report out of which those recommendations or that action came, it still does not address the systemic issues leading to the shortage of GPs in country South Australia and in other country areas in other states.

In order to address that, we really have to start looking at the Medicare provider numbers. The city, especially the more affluent parts of the city, are massively overserviced when it comes to GPs, and often where the real health needs are, out in country areas, they are very much underserviced. We need to provide Medicare service provider numbers on the basis of population ratios and stop paying people to deliver services where they are not needed but pay them to deliver services where they are needed.

QUEEN'S BIRTHDAY HONOURS

Mr CREGAN (Kavel) (15:21): National and civic honours help define, encourage and reinforce our aspirations and ideals. It has also been said that the more our individual honours reflect who we are, the more enriched we are collectively. Awards of this type also allow an opportunity for all in our community to extend our thanks and gratitude.

I was pleased to learn that a number of residents from throughout Kavel and the Adelaide Hills were recognised in the 2019 Queen's Birthday Honours. I wish to record, for the benefit of all members, the achievements of those individuals today. Five residents from across the Hills were made a Member of the Order of Australia, including:

- Mr Deane Edgecombe of Aldgate, for significant service to Australia-Indonesia relations and the South Australian community;
- Ms Margaret Fischer of Hahndorf, for significant service to the performing arts sector, to the LGBTIQ community and to the Jewish community in South Australia;
- Mr Marcus La Vincente of Stirling, for significant service to the not-for-profit sector, particularly by supporting much-needed and wider access to justice;
- Dr John Litt of Aldgate, for significant service to preventative medicine as an influenza specialist and as a general practitioner; and
- the Hon. Terence Worthington QC of Crafers, for significant service to the law and the judiciary as a judge and then Chief Judge of the District Court of South Australia.

In addition, a further six residents received a Medal of the Order of Australia, including:

- the late Mr Guy Bowering of Lenswood, for service to veterans and their families;
- Mr Trevor Corbell of Nairne, for his active involvement in the Nairne and wider district community. Mr Corbell was a Mount Barker district councillor, a member of the Nairne and District Residents Association and provided extensive service to Diabetes Australia;
- Mr Leon Eddy of Charleston, for service to veterans and their families, in particular through the Totally and Permanently Incapacitated Ex-Service Men and Women's Association of South Australia;
- Mr Brian Edwards of Strathalbyn, for service to Surf Life Saving SA and the Port Elliot Surf Life Saving Club;

- Mr Brian Haddy of Nairne, for service to science education as the event director of Science Alive!, as well as for service to the Heart Foundation and our wider community; and
- Mr Austin Taylor of Aldgate, for service to education and community health.

Finally, I wish to acknowledge Ms Alexandra Reid of Mylor, who received a Public Service Medal for outstanding public service to the arts, culture and education, particularly through the delivery of significant improvements to TAFE SA.

My community believes in the value of service to others. That service is given without the expectation of recognition. I record in this place my gratitude and the gratitude of my community for the work undertaken by the men and women I have mentioned in this place.

MAWSON ELECTORATE

The Hon. L.W.K. BIGNELL (Mawson) (15:24): Last week, many people in the seat of Mawson received a rude awakening from the Liberal Party of South Australia. These calls started at quarter past six in the morning, with the person on the other end asking how they thought South Australia was going. Most people down in Aldinga and other parts of the electorate of Mawson think that South Australia, and in particular their local area, is not going that well. To be woken by the party that has done so much damage to Aldinga, McLaren Vale, Kangaroo Island and the rest of the western side of the Fleurieu Peninsula was particularly insulting.

In this survey, they asked a question about how I was going. I was quite pleased that a lot of the feedback I had in my office was that I was doing a good job standing up for the local area, but they were far from impressed with what the Marshall Liberal government is doing to them in the local area. It also caused some confusion because some people thought that I had something to do with these calls that woke people up last Wednesday morning. Then, just to prove that they were completely hopeless at running something, they allowed it to happen the next day. As some people said, these clowns could not run a circus.

The people of Aldinga are particularly upset with the Marshall government because they have been hit hard in so many different areas. There was $2 million in the midyear budget of 2017-18 for the local Aldinga soccer club to build pitches and put up lights. When the Marshall government came into power, they ripped that money out of the budget. It is an absolute disgrace to take that away from a sporting club that needs that development now, but the sporting precinct in Aldinga also needs this because, at the same time, the government is proposing to put an extra 900 to 1,000 houses all around the existing sporting complex.

They are also going to put in a school, which we announced in our 2017 budget, but they will have carriage of making sure that it works, which people are worried about. It is a school for about 1,650 students that will be right next door to the sporting complex. It goes without saying that when you are building an extra 1,000 houses at the back of one of the fastest growing communities in the state, and you are building a school for 1,650 people right next door to the sporting complex, they are going to need some help.

We have been working together with the sporting clubs this year and we teed up a meeting with the government. We had the mayor, Erin Thompson, as well as the CEO of the Onkaparinga council and many of the senior managers of the City of Onkaparinga turn up for this meeting. We were all sitting around the table with eight sporting clubs—footy, netball, croquet, lawn bowls, equestrian, dressage, soccer—but the government did not come to the table. That is pretty disrespectful to a group of volunteers who gave up their time to come to a meeting during the day.

People are involved in these clubs because they love the sport that they started with, whether it was hockey, netball or whatever. They joined up to do it, to give their time every weekend. They give their time during the week for training and they gave their time to come to a meeting. The government, which had ripped $2 million out of one of the sports down there, which would have been an anchor development for further development in that precinct, did not even bother to turn up.

This is the same government that almost 18 months after the election still has not given the people of Aldinga an electorate office for their local MP. I do not think that there are any MPs on

either side of this house who would think that it is acceptable that 18 months after an election, when the Aldinga shopping centre has at least four free offices, that we have a leader in Premier Marshall who cannot oversee a government that can find an electorate office so that people can come in and get their forms signed by a JP, they can come in and get advice, or they can come in and just have a chat with their local MP.

We also have a development, the duplication of Main South Road, which we announced in our 2017 budget and which this government is doing a go-slow on. They still have not been out to consult with the people of Aldinga to ask them what they want. I want to thank the Main South Road Action Group for all the work they have done, but we are really scared that they are going to ignore the local pleas for underpasses and overpasses we were looking to have as part of that project. The people of Aldinga deserve better from the Marshall government. We hope to see a better performance over the next couple of years.

GLADIGAU, MRS K.

Mr PEDERICK (Hammond) (15:29): I rise today to hopefully bring to an end a sorry, sorry saga in my electorate of Hammond. In October last year, I raised this matter of online bullying and false accusations by a failed Xenophon SA-Best candidate who ran for the seat of Hammond at the 2018 state election and also ran for the Mid Murray Council at last November's local government elections and for the federal seat of Barker at the recent federal election—all unsuccessfully.

Kelly Gladigau has finally issued a formal apology for comments made on social media in 2018 regarding the activities of previous Mid Murray Council deputy mayor, Kelly Kuhn. The formal apology from Kelly Gladigau is, and I quote:

> In August 2018 I posted on Facebook a series of questions concerning expenditure by Kelly Kuhn in her position as Deputy Mayor of the Mid Murray Council. I recognise that these questions, and the manner in which they were framed, impugned the reputation of Ms Kuhn, the Mid Murray Council, and the office of Deputy Mayor. I understand that this has caused hurt and distress. That was not my intention. I now accept that the expenditure I questioned was properly incurred and accounted for by Kelly. I unreservedly apologise for my misunderstanding.

A statement in response to this from Kelly Kuhn, former Mid Murray Council deputy mayor, is as follows, and I quote:

> I am relieved Ms Gladigau has finally provided a formal full and unqualified apology, acknowledging the anguish her actions have caused during the past 11 months.
>
> People in public positions should not be subjected to misleading accusations with no right of reply, and I'm incredibly disappointed to have this tarnish my otherwise rewarding time at Mid Murray Council. The hurt caused by inappropriate use of personal images of my children in a bid to fuel this improper allegation caused great upset to my family, and the community in which we live.
>
> This comes at a time of global effort against cyber bullying, so to be victims of this from a person seeking positions in all three tiers of government is deeply concerning. The best apology I can hope for is changed behaviour from all keyboard warriors.

A statement in response to this from the Mid Murray Council Mayor, Dave Burgess, is below, and I quote:

> The Council welcomes the formal apology by Ms Gladigau for comments made on social media in 2018, regarding the activities of Ms Kuhn during her time as the Deputy Mayor.
>
> We are incredibly saddened to see the impact of Ms Gladigau's comments on Kelly and her family.
>
> Council has a zero-tolerance stance against online bullying, and any other behaviour which may lead to the hurt or distress of its Elected Members and staff, or damage the reputation of Council.
>
> Council supports of all of its Elected Members who give up their time and make great sacrifices to help deliver much-needed and valuable services to the community, and they should be able to feel safe and confident that they can do this without fear of personal attacks.
>
> This is a timely reminder to all members of the public regarding responsible and respectful online behaviour.
>
> There will always be passionate debate when it comes to local government politics, we understand this. However, there is a respectful and proper way to go about it, and we will not tolerate otherwise.

For my part, I have known Kelly Kuhn for many years—in fact, for decades. She is a woman of absolute integrity—I stress, absolute integrity—and I know only too well the pain this saga has

caused Kelly Kuhn and her family. This disgraceful behaviour should never be acceptable in any political contest. As I said in my previous speech on this matter, and I quote:

Kelly Gladigau seeks to succeed based on defamation and slander due to a lack of ability and should never hold public office.

Mr GEE: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Bills

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading (resumed on motion).

Mr PICTON (Kaurna) (15:36): It is my pleasure to rise and speak in relation to the Legal Practitioners (Miscellaneous) Amendment Bill and indicate that I am the lead speaker. The Clerks were anticipating that declaration. I also indicate that the opposition will be supporting the large majority of this bill that has been presented by the Attorney-General, but we will be opposing one clause, subject to further consultation, and reserving our position on the amendments that have been recently filed by the Attorney-General.

We have received advice that, if passed into law, clause 5 of this bill will change the formula set out at section 57A(2) of the act, which governs the allocation of the interest occurring on solicitor trust accounts (the funds). The practical effect of the amendment will be to reduce the amount paid to the Law Foundation of South Australia, made under section 57A(2)(c), from 10 per cent of the funds to only 5 per cent, with an option to reduce it to zero at the Attorney-General's discretion.

I understand that 10 per cent of the funds payable under section 57A(2)(c) of the act have been paid to the Law Foundation every year, since its inception in 1983. We understand that this equates to a cut of approximately $180,000 a year to the Law Foundation—around 16 per cent of their revenue—which likely means funding for JusticeNet through the Law Foundation will either no longer be forthcoming or will be greatly reduced.

For many years now, JusticeNet has operated in South Australia funding itself on the donations of other generous organisations and individuals. In opposition, the Liberal Party spoke fondly and in support of JusticeNet. The current Attorney-General, when she was shadow minister, talked at length about the good work that JusticeNet SA does to support those most in need. However, now that the member for Bragg is herself in government and herself the Attorney-General, strangely those sentiments have disappeared and the Liberal government are refusing to provide funding to JusticeNet.

Reports have consistently found that JusticeNet SA provides a real benefit to clients, lawyers and courts alike. According to JusticeNet SA's 2018 annual report, they generated over 7,000 hours of pro bono work that was completed, valued at more than $2.1 million. However, it is not only JusticeNet that will be impacted by cuts to the Law Foundation: it will also be organisations like the uni law clinics and many others that will be impacted. I know that the Attorney-General will claim that the cut to the Law Foundation will not impact on its ability to provide funding because it has other sources of funding.

However, there does appear to have been an impact on its ability to distribute funding. Advice has been received from the Law Foundation that it has made smaller grants across the board, not just to JusticeNet, because the foundation is mindful of the impending cut to its income as a result of this bill from the government. For example, the Law Foundation has granted just $20,000 to JusticeNet. The current position of the opposition is to oppose this clause; however, we will continue to consult with the legal fraternity and the community more broadly on this matter.

The government has filed amendments this week to clauses 8 and 9 of the bill, which amend sections 80 and 82 of the act. These amendments attempt to deal with an issue raised by the South Australian Bar Association, where the bill has a retrospective effect that extends the time in which a

charge made against a lawyer or legal practitioner could be laid before the Legal Practitioners Disciplinary Tribunal.

The opposition does not intend to delay the bill today, but we reserve our position on the amendments until we have conducted further consultation and more fully considered the nature and effect of these amendments, and we will be considering them between the houses. I conclude by once again indicating that Labor will support the large majority of this bill but intends to oppose clause 5, subject to further consultation, and reserves our position on the amendments filed by the Attorney this week.

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (15:41): I indicate my appreciation for the contributions of the member for Heysen and the member for Kaurna, and in particular the at least partial support that has been provided from the opposition. I think it is fair to say that both areas of concern on their part, one relating to the interest distribution and, secondly, in relation to the retrospectivity arising out of the obligations for applications that are made out of time to the Legal Practitioners Disciplinary Tribunal, are qualified to be reserved at this stage pending consultation.

In respect of the first matter, can I outline to the house the following because I think it is important, when considering the question of distribution that is being amended here, that I do remind the members about the proposed amendments to section 57A of the Legal Practitioners Act as to the distribution or how moneys can be paid from the interest accrued from trust accounts.

To understand some background here, section 57A tells us that, in relation to the interest that is a accrued on trust accounts, the interest has to be paid to the Law Society, and then it makes provision as to how it is to be applied. I think I need to clarify this by saying that the principle underlying the payment of interest on trust accounts to the society is on the basis that, when individual clients of solicitors place money in their care in trust and the solicitor is obliged to pay those moneys into a trust account, there is interest that accumulates from that and that it would be obviously unreasonable for the financial institution holding the money to have the benefit of that interest.

So there has been now a longstanding provision that any interest on these moneys that are held in trust accounts have to be paid into a combined trust account interest benefit to the Law Society. Under section 57A, subject to some aspects of the bill that allow for the Attorney-General to have some powers of distribution, there is an application that instructs the society that they must deal with those moneys as follows: 50 per cent goes to the Legal Services Commission or other legal centres, 40 per cent goes to the Fidelity Fund, and 10 per cent gets paid to any person nominated by the Attorney-General, subject to conditions that may be imposed by the Attorney-General. So there is some flexibility there.

The member for Kaurna is quite correct in his assertion that for some decades now that 10 per cent has been applied to the Law Foundation of South Australia. They are an important institution headed by a chair that is frequently populated by a Supreme Court judge or other eminent people. I think members of parliament have always been represented. I think the member for Little Para is currently on the foundation board, but in any event it is a worthy organisation—

Mr Picton: Elizabeth.

The Hon. V.A. CHAPMAN: Elizabeth, I beg your pardon. It is a worthy organisation. It has an admirable charter and it provides support both academically and in the advancement of legal research and education and the like. Half goes to the Legal Services Commission—I do not think I need to explain to members that, along with community centres, it provides legal services frequently to people who are unable to avail themselves privately of services—40 per cent goes to the Fidelity Fund and 10 per cent goes to the Attorney-General to distribute in the manner I have just suggested.

I need to explain what has happened with the Fidelity Fund, which gets 40 per cent of this. The Fidelity Fund is basically a guarantee fund for legal practitioners. It is for the benefit of people who are the losers in respect of the misconduct or misappropriation by legal practitioners where there has been a negative detriment and who may not avail themselves or have access to alternate means of redress.

I will not go into all the details to qualify it, but, in short, this fund sits there to make sure that, if lawyers do the wrong thing and their clients miss out, or it has a negative impact on them, they have a capacity to be able to get some of their money back or some compensation for the misconduct or failings on behalf of the legal practitioner.

I think that is the primary responsibility of having the Fidelity Fund, but the law under the Legal Practitioners Act reminds me a bit of overextraction from the River Murray. Everyone wants a piece and over the years others have climbed on board to get a share and it has led to a circumstance where the bank account—the available resource—to help people who have been adversely affected by lawyers gets ever diminished because it is slowly being drawn down.

Whilst it has a balance sheet, if we continue to extract from it, as has occurred over recent years—and apparently it had been brought to the attention of the previous government but they had not done anything about it—we are going to end up with a situation where the money that goes into the Fidelity Fund, which is this 40 per cent distribution, is simply not going to be enough to arrest the loss. Potentially, a claim will come along and we will wipe out the fund, so there is a real and present danger if we do not do anything about this.

The amendment before the house is not necessarily designed to be a detriment to the Law Foundation. It is designed to ensure that we make extra provision for money to go into the Fidelity Fund, which frankly was an original and important purpose for having this fund in the first place as well as collecting the interest to ensure that we have that provision.

Just so that you appreciate the operation of the Fidelity Fund, under the act money is paid into the fund from the interest, as I have referred to. There are also certain circumstances in which the Law Society recovers costs or other money by virtue of other actions, and they can have an obligation to pay it in there. It also pays for the cost of any fee paid to the commissioner. The draw on the fund is, as I said, quite extensive and I want to explain that to the house.

All of these are worthy purposes and they are in need of funds in order to be funded. They have been added onto quite extensively, even in the time I have been in the parliament. Money in the Fidelity Fund may be applied to meet all the expenses incurred by the Legal Practitioners Education and Admission Council (LPEAC), the Board of Examiners, the Legal Practitioners Disciplinary Tribunal and the Legal Profession Conduct Commissioner and also the costs incurred by the Law Society in appointing a solicitor to appear in proceedings in which a person seeks admission.

In addition, it is to meet all the costs of investigating complaints under the act and disciplinary proceedings which relate to the work of the commission and the tribunal. It is also to meet all the costs of proceedings instituted by the commissioner for the adjudication of legal costs, the costs of prosecution of offences against this act and the costs consequent on the appointment of a supervisor or manager under this act. That relates to where a practitioner might have been arrested or unfit to continue to operate the practice, or they may have disappeared, and a manager needs to go in. The Law Society attends to that, so there are costs associated with that.

In addition to that, we have the costs of investigations or examination under schedule 2 of the act; the payment of any honoraria, approved by me as the Attorney-General, to members of LPEAC and the tribunal; the payment of the salaries and related expenses of the commissioner (currently Mr Greg May) and his or her staff; the legal costs payable by any person in relation to any action arising from an honest act or omission in the exercise or purported exercise of powers or functions under schedules 2 or 4; the payment of money towards the costs of an arrangement under part 3; the costs of processing claims under part 5 and of paying out those claims; defraying any management fee; and educational or publishing programs conducted for the benefit of legal practitioners or members of the public.

It is a very long list. There are a whole lot of people taking money out of this fund, which they are entitled to do under this act, and it is reducing the pool, just like the River Murray. I make this point and I hope it is clear to people: we cannot just do nothing. Because there is an important list of things that need to be provided for out of this fund, we need to ensure that one of its principal purposes takes priority. That is the basis upon which the government has reviewed this matter and

considers that an increase from 40 per cent to 45 per cent of those moneys ought to be paid into the Fidelity Fund.

The other matter, which may be known to many in the profession but perhaps not as well known in the parliament, is that the Law Foundation, as important and impressive as their work is, also has a very significant accumulated reserve, and it continues to increase. I was actually surprised, in coming to office and examining this issue, to find that it is now over $7 million. It has a very large reserve—a growing reserve. The member for Kaurna offered in his contribution one of the reasons they have apparently diminished their payment to an organisation called JusticeNet. Quite frankly, it has a lot of other money that it can draw on if it wishes to apply towards worthy causes that it assesses are important to support.

I am not persuaded by the competing demands of the Law Foundation, which, as Attorney-General, remains my discretion to apply the funds to, by virtue of the reduction of the total pool going from 10 per cent to 5 per cent as a result of this proposal and therefore the consequential increase to the Fidelity Fund. I am not persuaded by the relative merits or plight of the Law Foundation relative to the Fidelity Fund. It is our view, on this side of the house, that the Fidelity Fund must take priority. That is what the purpose of this legislation started as. Others have joined in to seek a share, which I think must be a secondary recognition on the list of priorities.

Another matter I will touch on is the reference to JusticeNet and the claim that prior to coming into government, as the shadow attorney-general, I was complimentary of the good work of JusticeNet but that that has somehow or other changed. The 'sentiment disappeared' I think were the words used in relation to this organisation. For the benefit of members, JusticeNet is a three-person operation and its job is to coordinate the distribution of pro bono work to legal practitioners. It is a program that a large number of legal practitioners around the state sign up to and offer their staff and/or partners to undertake pro bono work.

They are really a sorting house for that distribution. They receive requests, they identify relevant or capable lawyers to undertake that work and they distribute it to them. For people who need to have representation, who cannot afford it through their own means or who may be ineligible for legal aid, this is an important service that is provided by lawyers and it needs to be coordinated. This is an important job. I do not in any way withdraw or diminish my accolades in relation to the work they do. I think they still do excellent work and they do very important work.

I attend their annual walk, which helps raise usually $50,000 plus a year, and I encourage others to do so. I am very proud of the fact that the state government has, via the Attorney-General's Department and in particular via the Crown Solicitor's Office, also been signed up to this service. We provide hundreds of thousands of dollars worth of pro bono work to help those who receive the benefit of this program.

A large amount of their work relates to commonwealth areas of responsibility, particularly migration matters. Not surprisingly, the commonwealth provide quite a significant amount of funds to JusticeNet. I think they are under a three-year provision of substantial moneys, in addition to other funds or benefits, such as what the state government gives them via free legal work to operate. I do not accept the member for Kaurna's statements and I do not detract from the work that is done by that agency.

Why the Law Foundation of South Australia has apparently reduced its contribution to JusticeNet is a matter for the Law Foundation. I cannot answer that. JusticeNet have $7 million and they could apply some of that if they really needed to. If there is a persuasive case to have further funds to support that organisation, I can only suggest that that be revisited by JusticeNet.

In relation to the second matter—the foreshadowed amendments to deal with the Legal Practitioners Disciplinary Tribunal, or applications to it, and in particular the commencement of the proceedings within certain time frames—members would be familiar with the fact that, when claims are made in a lot of legal arenas, there is a time limit within which the matter can be progressed.

There were two areas which the commissioner for legal practitioners presented to the government for consideration. One was as a result of a Supreme Court determination, which said that if you apply for an application and it is out of the time limit and you want leave to be able to proceed, it has to go before three members of the tribunal, not one, which had been the practice of

operation. Apparently, six cases had all been approved and if one was invalid they needed to relitigate them.

The second thing was that it was a difficulty for the commissioner, who had a running of the time of that limit from the time of the alleged misconduct, as distinct from the time the complaint was made. The problem with that was, if the commissioner received the complaint at or near the time of the expiration of time, there were some difficulties in being able to progress the assessment of that matter, its investigation and dealing with it in the time required, which may culminate in a recommendation that it be referred to the tribunal or that charges be laid. Then there is another process, usually which comes back through my office, to approve that to happen. That was producing challenges also for the commissioner.

At first blush, the remedy which was provided in this bill, which had been sought by the commissioner, was to provide for the time for lodging of applications before the tribunal to run from the time that the complaint is made as distinct from the time of the misconduct. The second thing is to have made those applications for these to be before one member of the tribunal for leave out of time rather than having to require three to attend.

In addition to that, the effect which the drafting provided was that it would have the retrospective effect and capture not only the six cases that had been dealt with by one, one of which is still pending, but also some other cases for which there had not been an application lodged. The inequities in relation to retrospectivity had been then brought to our attention, firstly by the President of the Bar Association, Mr Mark Hoffmann QC, and otherwise with submissions from SABA, to point out the inequity of progressing with a reform which had this retrospective effect.

We have sat down with them. We have had some discussion about it. We have gone back to the commissioner and explained the difficulty in relation to progressing a law where this has been identified and clearly highlighted. Quite reasonably, we raised it. In fairness to the shadow attorney-general, I think he understands the concerns raised by the Bar Association and is sympathetic to that, so I would be very disappointed if, on further consideration of the matter, they do not accommodate these amendments that are foreshadowed that we will introduce in committee.

But I make this point: on the amendments that are foreshadowed, whilst we have provided some discussion with the shadow attorney-general on the matter, we appreciate that he may need some time to confer with his caucus to identify the position of the opposition, and obviously he will have that time in the course of the time between the houses. I make it quite clear that if any member requires further briefing or information in respect of this I am happy for it to be provided.

I also acknowledge that the Legal Practitioners Act is not something most people in South Australia sit down and read—most of them have probably never even seen it or care about it—but it is an important piece of legislation that deals with the profession and sets out all the regulations of the practice of the law. This is important for the safeguarding of the community generally. It has some fairly sophisticated structures, a significant number of protections, and imposes a number of obligations, which are largely carried out by the Law Society of South Australia and some by the Bar Association, those who are representatives of the independent bar and members thereof.

Otherwise, in the context of this discussion, it is very much in the ambit of the Legal Profession Conduct Commissioner, Mr Greg May. I am appreciative of his advice on where he sees improvement can be made to the process, balanced against the importance of not prejudicing people's rights in the transfer of a regime that is at one date interpreted by the judiciary to be applied as follows and then remedied retrospectively by legislation that has a significant adverse impact. We are not in the business of doing that. On our side we recognise that in those circumstances that needs to be tempered, and that is exactly what these amendments will do.

Again, I thank members for their contributions. I especially want to thank the member for Heysen. He always maintains a diligent interest in all matters legal, and I appreciate his advice in relation to a number of these matters as well as his contribution to the house. I look forward to the passage of the second reading and, if that occurs, moving into the committee stage.

Bill read a second time.

Mr PICTON: Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Committee Stage

In committee.

Clause 1.

Mr PICTON: In relation to clause 1, I wonder if the Attorney can outline who she consulted with and provide a summary of their submissions, bearing in mind that she never reveals her government submissions, but particularly in terms of what the approach was by others and, in particular, the list of people she consulted with.

The Hon. V.A. CHAPMAN: As indicated in the contributions made earlier, firstly, the Legal Profession Conduct Commissioner, Mr Greg May; the Crown Solicitor's Office; the Chief Justice; the Chief Judge; the Chief Magistrate; the Law Society of South Australia; the South Australian Bar Association, and their president in particular; the Legal Services Commission; the Aboriginal Legal Rights Movement; the Law Foundation, which was also referred to in our discussions today; the South Australian Council of Community Legal Services; the South Australian Legal Assistance Forum; JusticeNet; Northern Community Legal Service; and one individual barrister who presented a submission to us.

I think the member has already indicated that the Bar Association has been quite vocal in relation to this area, but otherwise I am sure he can follow up with them. Unsurprisingly, I will simply confirm that we have progressed and are now amending the recommendations put to us by the Legal Profession Conduct Commissioner, Mr Greg May.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

Mr PICTON: Can the Attorney-General confirm that this amendment corrects a drafting error in the act, a reference to schedule 3, which should be a reference to schedule 2? Can she outline how this was picked up, who picked it up and how the error came about?

The Hon. V.A. CHAPMAN: Yes, it was a drafting error. I did not pick it up, so I assume it was during the course of the drafting process that it was identified.

Mr PICTON: Has there been any effect of this drafting error in the legislation?

The Hon. V.A. CHAPMAN: Not that I am aware of.

Clause passed.

Clause 5.

Mr PICTON: In relation to clause 5, and in particular in regard to new paragraphs (c)(i) and (c)(ii), what is the policy rationale behind the Attorney-General being given the discretion to pay no grants out?

The Hon. V.A. CHAPMAN: There is no policy resolution to pay no grants out. What is proposed by clause 5 is that the 40 per cent, which relates to the payment to the Fidelity Fund, will increase to 45 per cent for the reasons I have outlined. The remaining 5 per cent may, at my discretion, be also paid to the Fidelity Fund or be paid to persons nominated, which can allow for the continued payment to the Law Foundation or, as is currently the case, to any other person under the conditions that I as Attorney-General can direct. So really it just identifies the capacity to be able to prioritise to the Fidelity Fund if it is needed but otherwise leaves it as open as it has always been.

As the member has quite rightly pointed out, historically, since the early 1980s, that has been applied for the benefit of the foundation. As is now evident, we have a pressing problem with the Fidelity Fund, the principal beneficiary, if I can describe it as that, of the funds of the interest, and also the discretion that remains as to who might be the beneficiary.

I could repeat all the matters I raised in the third reading. I was trying to make it clear, as we went through, that there is a very significant draw on this money. Frankly, its principal purpose is to

try to make sure that we do two things. One is to pay for people who are unfairly treated and do not have access to any remedy in that sense. Magarey Farlam was the last big draw on this fund, which may have been prior to the member coming into the parliament. I am not sure whether or not he is aware of it, but that was regarding a defalcation by an accountant in a legal firm. Very substantial moneys were misapplied and proceedings ensued. There was a large legacy of the misapplication of money and, accordingly, a lot of people suffered. There was a very big draw on the fund

At the time that occurred, which is probably close to 10 years ago, there was quite a lot of discussion here in the parliament about how we would review what was to happen in the Fidelity Fund. We changed the name of the legal practitioners guarantee fund, as I recall, and formed a new set of priorities as to what thresholds had to be achieved before one could get the benefit of the fund. There was quite a significant discussion with the Law Society of South Australia. The opposition, as we were at that time, had a number of conversations with the then government about how we might redraw the obligations and who could apply for funds from the statutory interest fund; so it was a big redraw.

As the relatively newly appointed Attorney-General when we came into office, it was clear to me that, as was apparently repeatedly presented to the former administration, a consequence of that was what I have described as the overextraction of money. Even without having other large claims, the pool was diminishing. That is clearly an unacceptable situation if in fact one of the principal purposes is to provide for those who have been hurt as a result of the failings of lawyers.

The second thing I do not think should be underestimated. I read out an extensive list of the costs and expenses relating to a number of different agencies, all of whom work hard to try to deal with complaints against lawyers, action against lawyers, and deregistering them or striking them off. There is also the taxing of bills, which involves going through and providing assessments on whether they have issued invoices for fair charges of their services.

All the things in the list that I read out earlier have a role in helping to minimise, ultimately, claims against the fund. That works on the principle that, if somebody is not doing the right thing as a legal practitioner and they are struck off or suspended from being able to practise, it will reduce the risk and help to minimise future claims against the funds in circumstances where someone might be incompetent—or worse, someone who has a more selfish motive of remuneration to themselves before they do what they are supposed to do. All these things have a constructive and important role.

We have a number of them now. One that draws quite a significant amount of money is the structure that was set up by the former government with the establishment of the Legal Professional Conduct Commissioner. I just want to get that right. They change them around a bit—sometimes they are the commissioner of something. His work, in light of the new structure that was set up, has quite a multilayered process in dealing with complaints about lawyers.

If I were to say it in its short version, it is to receive complaints, try to deal with them and conciliate on them. If they are not resolved or they are serious enough, they are referred to the tribunal, and/or, if a practitioner is already convicted of an offence, the matter is taken straight to the Supreme Court to have them struck off. I am summarising, but it is quite a comprehensive process.

I think that the member for West Torrens, for example, would remember the very extensive inquiry and debates we had in this house as a result of the Eugene McGee case, which related to a legal practitioner who had left the scene of a motor vehicle accident in which a cyclist lost his life. It was not reported in a timely manner to enable a blood test to be taken or an assessment made of the driver to determine whether he had imbibed any alcohol or drugs. I have summarised the case, but it was very well publicised at the time.

All sorts of assertions were made as to what the legal practitioner was expected to do and the standards he was expected to comply with. I think he was charged with driving without due care, or something of that nature, which was complained of in the public arena at the time as being an unacceptably low charge because of the seriousness of what had occurred. That complaint purportedly arose from the fact that he had escaped the scrutiny and testing for a level of alcohol for which he would face charges. A long and ugly scenario of litigation continued.

There were claimed inadequacies in the reference of matters such as this and the alleged conduct in that case of escaping even the obligation of the matter to go before the tribunal. A restructure was presented by the government of the day, the parliament considered it, we made these changes and we set up this structure, much of which was with our blessing as the then opposition. However, it has proven to be a structure that is pretty complex.

As I say, the objectives here today—not in clause 5, but in the rest of this bill—are to try to help streamline this so that we do not waste money in relation to how it applies and also to provide the procedural fairness that is necessary for a complaining party, which in this case is legal practitioners, if they are facing the threat of losing their right to earn a living as a legal practitioner.

I hope that makes it clear why it is so important that we address this issue, which was clearly looming and for which there did not seem to be any resolution by the previous government. I have viewed quite a lot of correspondence that had been forwarded by the Law Society, preceding presidents and the chief executive to try to alert the government of the day to the looming problem. We need to address this problem. Our government has taken action to address it, and this, to some degree, is helping to minimise the damage.

Accordingly, a priority has been identified for this Fidelity Fund in the hope that we can support its continued retention of a balance sufficient to meet what is anticipated—some small claims and, every now and then, some large claims—and we need to provide for it.

Mr PICTON: That was a very thorough answer from the Attorney. Back to section 57A(2)(c) and new paragraph (c) and subparagraphs (i) and (ii), my understanding is that the previous act said that 10 per cent would be paid by the Attorney to a nominated area, which always was the Law Foundation. It has now been reduced to 5 per cent, and that 5 per cent could either go to the Fidelity Fund, along with the other 45 per cent, or could be paid to people nominated by the Attorney-General, in the same way as the previous act talked about the Law Foundation.

It is open to the Attorney-General under this provision to say that that 5 per cent can go entirely to the Fidelity Fund and there could be no money going to the Law Foundation. Having that in mind, what is the process that the Attorney-General—if she is successful in having this law changed—would go through every year to make the determination whether 5 per cent, 4 per cent, 3 per cent, 2 per cent, 1 per cent or zero per cent would go to the Law Foundation as opposed to going to the Fidelity Fund? Is that an annual assessment that would be made, is it a weekly, or a quarterly assessment, and what are the criteria she would use in making that assessment?

The Hon. V.A. CHAPMAN: At this stage I have not turned my mind to how often it would be addressed or what criteria would be used. However, in light of the envelope of discussion with the Law Society and the issues that I have raised, that is, ensuring that the Fidelity Fund has sufficient moneys in it, and maintaining a commitment to the current and long-term recipient of funds, namely, the Law Foundation, it would be my expectation, if I can generalise, that the Law Foundation would continue to receive the 5 per cent and that, in the event there was a significant draw on the Fidelity Fund, which may never happen in my time here—we do not know yet; there might be two or three in one year—or if there was an event that caused the severe depletion of funds in the Fidelity Fund, then that would certainly trigger my attention. I am sure that it would be brought to my attention by the Law Society if that were to occur, or if there were a large claim looming in relation to that.

I am not sure, but I might even need to sign off for funds to be paid out of the Fidelity Fund. Anyway, do not take it as necessarily being required, but it would certainly be brought to my attention. with the position that I thought I had outlined fairly clearly, but which I will just briefly outline again, our priority is to ensure that the Fidelity Fund is not depleted to the extent it does not do what it is supposed to do. This has been a principal obligation in relation to this whole structure—to provide for those who, as I say, have suffered the penalty of incompetent or inappropriate or, indeed, illegal activity of their legal practitioners.

That said, it is relatively easy, I suggest, for me to accept at this point that by doing so and by giving the capacity to be able to allocate those funds to the Fidelity Fund, taking priority therefore of either all or whole of the 5 per cent that would otherwise be going to the Law Foundation, I am mindful of the fact that it has a very significant reserve of funds available to it to continue to provide the meritorious support to scholarships and organisations as it has done in the past.

Mr PICTON: In relation to that, has the Attorney-General either before or subsequent to the drafting of this undertaken modelling to determine that this is the right percentage of funding into the Fidelity Fund and that this would address the concerns that she has expressed in relation to how much money should go into that fund? Also, has she discussed with Justice Judy Hughes, the chair of the Law Foundation, and what has been the reaction of the Law Foundation to her proposals?

The Hon. V.A. CHAPMAN: Firstly, can I indicate that, as at 30 June last year, I am told that the fund was up to $8.1 million in the Law Foundation. It seems to be growing, even since my first briefing on it, but that was an estimate that had been given to me at the time. Yes, $8.1 million is what they had at 30 June 2018.

I think the first question was about the modelling used. The advice of the Chief Financial Officer of the Attorney-General's Department was sought after extensive submissions were presented by the Law Society, particularly from their financial people, on the capacity for the fund to weather a significant claim and the annual diminution of moneys. A graph was provided to me at the time to indicate the decline.

In 2012-13, it had a fund balance of $27.9 million; this is way after the Magarey Farlam and payout, I might say. In 2013-14, it had gone down to $27 million, so it dropped close to $1 million in that year. In 2014-15, it was down to $24.5 million; in 2015-16, it was $21.9 million; in 2016-17, it was down to $20.4 million; and then there was another significant drop in 2017-18 down to $18.3 million. It is dropping between $1 million and $2 million plus a year because it is receiving less into the fund than it is having to pay out, and that is obviously a concern.

This is just one more thing we had to sort out when we got into office, but I am disappointed that there appeared to be no direct action, other than to suggest that fees go up for lawyers. I think it is a matter that needed attention. The Law Society probably had it highest on their list of priorities for us to sort out. I then had a number of conversations, firstly, with the Legal Profession Conduct Commissioner because it was suggested that his agency had a significant ballooning of costs in recent years under the previous government and that this was not looking to become any better. That was considered.

Obviously, I also met with Her Honour Justice Hughes as the chair of the Law Foundation. In fact, my first contact with her about this matter was to ask her to be the chair when I became the Attorney-General. She had been recommended. I thought it was an excellent nomination and progressed her appointment. I thank her for taking on this responsibility. There are a number of other people on the board—as I said, I think the member for Elizabeth is still a member of that board—and I thank them, too, for the work they do. Basically, they are the keepers of the money, and they are husbanding it very well because, as I said, they are up to $8.1 million at the moment. At the rate they are going, they are going to have more than the Fidelity Fund.

It seems a bizarre situation, but it was one that was a real and pressing concern to the Law Society. I think that the commissioner, Mr May, has done everything he could to bring in a list of ways as to how he might modify his operations to minimise the expansion of the cost. He probably has the hardest cohort of complainants in South Australia because he has lawyers or people complaining about lawyers, and when lawyers are under attack, let me tell you, they get QCs and bring out all the armoury to protect their patch.

That is their professional entitlement. It is their ticket to work, it is their status in the community, it is the income stream they enjoy, etc., but they are in a privileged position, frankly, to have connections to be able to get representation, probably more than any other profession, so Mr May has a pretty tough job. He has reasonable—sometimes unreasonable—concerns and complaints raised usually by former clients who say that they have been overcharged, under-represented or had a complete klutz of a lawyer who failed to do X, Y and Z. He has to work through these things, remedy them if he can with a conciliatory approach, refer them to the tribunal or go off to the Supreme Court—all those things I referred to in detail earlier.

It is not an easy job, so I take my hat off to him, but I think everybody appreciated that, including Justice Hughes when I met with her to indicate the circumstances of the Fidelity Fund. I can say that she was not overjoyed about the prospect of an imminent reduction in the money allocated for her fund. In fairness to her, she had only recently been apprised of the financial

circumstances of the fund of the foundation. I think it is fair to say that most of the people sitting around the room at the time we discussed this were a bit surprised at how high the balance was.

In any event, it can only be a commendation to the people who had previously managed this fund and its presumably successful investment and careful application of some of the funds. Some might say that perhaps they should have given out more to worthy organisations each year; they may not have received applications. I cannot pass any judgement on that, but I make this point: of course the foundation would love to keep having an income stream at 10 per cent of the interest in this fund, a share of the interest that goes into this fund. There are other real and present, imminent and pressing requirements. The government accepts that, the Law Society seeks it and the commissioner also supports it. As such, we are bringing it to the parliament for approval.

Clause passed.

Clause 6.

Mr PICTON: In relation to clause 6, I gather that the new power being provided here is the ability to waive the fees; is that right? Can you provide a list of the fees that this power would apply to?

The Hon. V.A. CHAPMAN: I am advised that the commissioner already has a power to have fees. This amendment sets out a threshold requirement, that is, the approval of the Attorney-General to fix and require the payment of fees. I am advised, and I can confirm from the discussions I had with the commissioner, that his only intention is to charge a fee for the lodgement of a complaint to his office. There is no intention to pay any others. Otherwise, you will see that the amendment also provides for the waiving of those fees where the commissioner considers appropriate.

Mr PICTON: Can the Attorney-General outline the circumstances in which a fee would be waived?

The Hon. V.A. CHAPMAN: I am advised that there are two circumstances where it is likely to be considered favourably. One is when the complaint is upheld and, secondly, presumably the impecunious state of the complainant.

Clause passed.

Clause 7.

Mr PICTON: I would like to ask a couple of general questions in relation to clause 7, and then I think the Attorney has an amendment. What is the policy rationale behind allowing the commissioner to require a complainant to pay the costs of an assessment under this section? What do you estimate reasonable costs might be?

The Hon. V.A. CHAPMAN: In relation to the latter issue first—that is, what are reasonable costs—obviously they will vary depending on what has been assessed and what the final outcome is. It may be that a reasonable cost might apply for an appearance by someone at the local Magistrates Court to do a guilty plea, as distinct from three months of litigation in relation to an estate dispute. It obviously depends on the nature of the case.

In this area, because overcharging is an area of dispute, not uncommonly, the member might be aware that certain scales of fees operate for solicitors and barristers, depending on the jurisdiction in which they have an application or who is responsible for it. Again, for example, there may be a rate per page for preparation of documents for proceedings—

The Hon. A. Koutsantonis interjecting:

The Hon. V.A. CHAPMAN: And the disbursements, as the member for West Torrens out of his place rightly points out, such as photocopying, for example. There is a rate that is set by the District Court, and there is a rate that is set if you have proceedings in the Supreme Court, the Magistrates Court, etc. The Federal Court and the Family Court also have their own scales in relation to that. They are set not as an obligatory amount that only can be charged.

There is also another layer of obligation that sets out the capacity to be able to recover at a rate provided certain things have gone through. That includes having a signed in writing costs

agreement between the client and the legal practitioner at the commencement of the work. Obviously, notice of various things has to be given in that agreement. It is quite a complex process these days, but it is important so that the practitioner knows what they can charge and the prospective client knows what they are signing up to in the sense of what they will pay. Largely, there are still a number of legal processes that are based on time that is applied for certain levels of a solicitor's practice and experience.

There is similarly another scale for barristers. For the parliament's benefit, they are people who attend in court. Some are also solicitors, but there are those, like the member for Heysen, who are members of the bar, like myself, who accept briefs only from solicitors and then appear in court. They usually get paid on a daily rate, sometimes an hourly rate, sometimes a perusal rate for their briefs and material that is provided as exhibits and the like. I cannot ask the member for Heysen to go through the latest rates. In any event, he was excellent counsel, so he was obviously enjoying the fruits of a reasonable return. I think we need to be even more grateful for his coming into the parliament and giving his wise counsel to us for the benefit of our team.

It is a fairly complex process, and the charging or overcharging that is claimed by clients from time to time sometimes is because they are just cranky about losing their case or they feel that they were inadequately represented or poorly represented, or there was some mischief in the work that was done or failed to be done, and so they want to challenge what they have been charged. The process for that, which is the subject of this clause, is that an assessment sometimes needs to be done about what the cost is going to be for someone to sit down and do what we call a taxation of costs—that is, go through item by item the work that has allegedly been done—and work out whether they are acceptable for the purpose of a final amount, which is determined by what we call a taxation, being an amount that can then be certified to be paid.

That assessment process is something that takes a bit of time. There are experts around who do this on a regular basis, where they come in, look at the file and they can see that a certain amount of litigation, for example, has occurred. They can identify the level of estimate and say, 'To do that assessment, it is going to cost $2,500 to go through and detail what is a $25,000 legal bill.' The obligation here is that the complainant can be required to pay those reasonable costs of assessment, so that $2,500 that is assessed as being necessary to do the assessment for that whole exercise needs to be presented to the complainant, and there is an obligation to pay it for that process to start.

Bear in mind that complainants do not have to come to the Legal Profession Conduct Commissioner to get their bill paid. They can go to a court and go through that taxation process and get a declaration by a master of the court, for example, as to what they are obliged to pay. But they have to then pay somebody to do that exercise anyway and obviously go through the painstaking exercise of being in a court process to do that. So this process is offered and frequently availed by clients who are unhappy with the bill, or refusing to pay the bill, and there needs to be some enforcement of all or part of that account.

Whilst this is seen as an impost potentially on the complainant to have to pay up-front for that assessment to take place, their alternative is a very significant other litigation process which, to some degree, is exactly what everyone else has to do. If you have had plumbing done in your house, and you say it is not up to scratch and the plumber says, 'I want to be paid my $25,000,' there is a claim and cost claim which needs to be litigated to decide it. But the plumber says, 'Here are the pipes I used, here are the taps I used, here is the equipment, here are the invoices for the payment of them and here are my hours of labour,' and it is reasonably straightforward.

Legal bills are a little more complex because of the nature of how the charging occurs, so that is where we are at. I think it is an important service that is provided via the commissioner's office. I urge the members to support the clause.

Mr PICTON: Following that, I am wondering if the Attorney can outline exactly why in section 77N(7)(a) the Attorney has decided to replace the original provision of the amount in dispute in a complaint of overcharging as no more than $10,000 and replace that with $50,000? How was that amount reached as the determination?

The Hon. V.A. CHAPMAN: I am advised that this relates to the threshold of the dollar figure up to which the commissioner can make a binding determination in respect of a costs dispute. I would suggest that that is reasonable for two reasons. One is obviously that with the efflux of time and the expanding of jurisdiction to avail this process to complainants at a higher level is better for them because it gives them that option. They can still go to the court, if they wish, but this is an option that is available to them. I do not think there is anything further I can add but to suggest that that is a recommendation. I think the second part of the question was on whose recommendation? By the commissioner's.

Clause passed.

Clause 8.

Mr PICTON: I wonder if the Attorney can outline the policy rationale behind including applications for extensions of time. How much does the Attorney-General think this will either raise or save the government?

The Hon. V.A. CHAPMAN: The first part of the proposal is to make it clear that an application for extension of time is an interlocutory matter, which deals with the Fittock matter referred to in the debate and which currently says that these matters have to be heard before a tribunal comprising three members. If it is identified as an interlocutory matter, it can be heard by one tribunal member, which is to cure the ill of the cost of having a three-member tribunal for applications for extension of time.

I think the second matter allows for the tribunal, in its discretion, to hear and determine an application for extension of time when it hears and determines the proceedings in relation to the charge. In other words, it can do it all in one sitting. Quite often what happens in civil proceedings is that there is an application made for an extension out of time and then, if you are successful on that, everyone goes home and another listing is made for the hearing of the substantive case. My understanding is this will allow the tribunal to hear it all together, notwithstanding the fact that one of the parties at least is a lawyer and probably has an army of other lawyers representing them.

We do not want these things to be drawn out into an oppressively complex and expensive exercise when the complainant might be sitting there, with or without representation, just looking for some answers, for someone to decide whether the representation they have had was appropriate or adequate and whether they have been charged a reasonable amount.

Whilst we lawyers like to be particular and pedantic and all those other things, in this situation the consumer is often looking for relief and an adjudication that will resolve the matter. Coming back and forth to the proceedings on these matters is something they are not too impressed by, in my experience. Where possible we are trying to protect procedural fairness but also give them a streamlined process.

Clause passed.

Clause 9.

Mr PICTON: Similarly, can the Attorney-General outline the rationale behind limiting the application period to five years? Was this amendment requested by anybody in particular? What does she think the impact will be, and will it raise or save anything in particular?

The Hon. V.A. CHAPMAN: I am reminded and aptly advised of two things, and I think I have covered these in the address: first, to enable an inquiry to proceed by the commissioner within a five-year time limit from the time of the complaint to him, not from the time of the alleged conduct or misconduct that is being complained of; and the recommendation by the commissioner to adopt this wording and allow the five-year provision after the laying of the charge.

It is expected that there will be less requirement then to have extensions of time. If anything, it is giving a greater time for both the commissioner to deal with the matter and also for the complainant to have some redress on their complaint. I think the rest of it, as to charges being laid, is similar to what already applies, because I know that I still sign applications from time to time for charges to be laid in the tribunal.

Clause passed.

Clause 10.

Mr PICTON: Can the Attorney-General confirm that this amendment is to essentially allow large legal firms to lodge their wills with the Law Society's will register? How much additional funding would the Law Society expect to receive as a result of managing these additional wills? Was this something that came about because of a request from those large law firms, or did it come about because of a request from the Law Society or somebody else?

The Hon. V.A. CHAPMAN: I think the member is nearly right, but can I just clarify it. The position is that the Law Society does provide, and has for some time provided, a register service for the purposes of keeping a list of wills. To be clear, you do not just send all your wills down to the North Terrace office of the Law Society, dump them with them and say, 'You look after them.' It is a register as distinct from being a keeper of them.

We have a number of large law firms that practise across state jurisdictions. Thomson Greer is probably the biggest one in South Australia. I think they have 200 practitioners here in that firm, but it is a national entity. I just plucked them out; there is no disrespect in nominating them. For example, say they were to use this service, they might be in breach, according to the Law Society, of privacy laws at the commonwealth level, because they are a national organisation, if they publish the names on the register. To avoid that problem, the Law Society has asked us to make provision in this bill, and we have acceded to the same.

Clause passed.

Clause 11.

Mr PICTON: I wonder if the Attorney-General can outline what the rationale is of now defining in the act an 'approved form', meaning 'a form approved by the Supreme Court'? Is this addressing some sort of deficiency that there was in the legislation before, or is this something that was requested by the Supreme Court or another body? What is it trying to achieve?

The Hon. V.A. CHAPMAN: We are just going to get that for you, but it relates to incorporated legal practices, which in my time in the law have finally been allowed to happen. I am advised that it simply replicates the definition of what the 'approved form' is in the regulations but which now will be in the schedule because it is referred to in the schedule. It is not a new definition; it is simply replicating it for the purpose of ease of interpretation.

Clause passed.

Schedule 1.

The Hon. V.A. CHAPMAN: I move:

Amendment No 1 [DepPrem–1]—

Page 5, lines 1 to 8 [Schedule 1, clause 1(2)]—Delete subclause (2) and substitute:

(2) Section 80 of the *Legal Practitioners Act 1981*, as in force immediately before the commencement of section 8 of this Act, applies in relation to an application for an extension of time heard by the Legal Practitioners Disciplinary Tribunal after the commencement of the amendments made by that section if the charge or charges in relation to which the application is being made arise from a complaint made, or a direction from the Attorney-General or the Society received, or from an investigation by the Commissioner commenced on the Commissioner's own initiative, before that commencement.

Amendment No 2 [DepPrem–1]—

Page 5, lines 9 to 17 [Schedule 1, clause 1(3)]—Delete subclause (3) and substitute:

(3) Section 82(2a) of the *Legal Practitioners Act 1981*, as in force immediately before the commencement of section 9 of this Act, applies in relation to the laying of a charge before the Legal Practitioners Disciplinary Tribunal after the commencement of the amendment made by that section if the charge arises from a complaint made, or a direction from the Attorney-General or the Society received, or from an investigation by the Commissioner commenced on the Commissioner's own initiative, before that commencement.

I move both amendments because they have the same combined effect. These amendments have the same explanation attaching to both and therefore I will deal with the explanation of the amendments at the same time. The first amendment is to the traditional provision dealing with the amendment to section 80 of the Legal Practitioners Act. The amendment to section 80 expressly allows for an extension of time hearing to be heard by a single judge of the Legal Practitioners Disciplinary Tribunal.

The second amendment is to the transitional provision dealing with the amendments to section 82, which extend the time allowed to lay charges against a legal practitioner from three to five years, running from when the person laying the charge becomes aware of the conduct. The current transitional provisions made the operation of the amendments to section 80 and section 82 fully retrospective; that is, they would apply to both future and current complaints and charges that have already been laid. These amendments change the transitional operation of the amendment so that new sections 80 and 82 will apply only to complaints received, investigations commenced or charges laid after the commencement of the bill—so, prospective.

The amendments to the transitional provisions have been undertaken in response to feedback from members of the legal profession and the Bar Association. The government appreciates the desirability of certainty in relation to the law applying to current complaints and charges that have already been laid. These amendments allow the issues raised by the Legal Profession Conduct Commissioner, in relation to extensions of time and the time period, to lay charges to be addressed for the future but preserve the operation of the current Legal Practitioners Act for those matters already afoot, providing certainty for those practitioners who are the subject of current complaints and charges.

To be absolutely clear, the five applications that have already been made for an extension of time and granted by a single judge, but now fall foul of the determination in the Fittock case, will be reheard and dealt with under the three-tribunal member rule, and there is a six-six which is in the court. The process of how that is to be heard is likely to be the subject of the consideration of the judge in the Full Court of the Supreme Court in the sixth matter, and that will assist him, I am advised by the commissioner, in determining how he progresses some other cases about which he has received the particulars of the complaint but which he has not progressed, obviously in light of the flux of this circumstance that has arisen as a result of the decision.

In short, he will be required to deal with the matters which are already there or which relate to the complaint and conduct preceding now under the old act and with all the obligations that go with that. The relief and the new streamlined structure will relate to all new matters that are received and progressed to ensure that this new procedure now will be only prospective and not retrospective.

Mr PICTON: Following on from our second reading contribution, I rise to indicate that these amendments have been filed relatively late in the parliamentary process. These are matters about which, as the Attorney has outlined, concerns have been raised with her by the Bar Society and others in relation to the government's original drafting of legislation. This is something that we will take on notice and look at between the houses in terms of the opposition's position. We will consult with those particular stakeholders of relevance here before debate begins in the other place.

Amendments carried; schedule as amended passed.

Title passed.

Bill reported with amendment.

Third Reading

The Hon. V.A. CHAPMAN (Bragg—Deputy Premier, Attorney-General) (17:04): I move:

That this bill be now read a third time.

Bill read a third time and passed.

Mr PICTON: Mr Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

STATUTES AMENDMENT (BUDGET MEASURES) BILL

Committee Stage

In committee.

Bill taken through the committee without amendment.

Third Reading

The Hon. J.A.W. GARDNER (Morialta—Minister for Education) (17:08): I move:

That this bill be now read a third time.

In moving that the bill be read a third time, I am very grateful to the people who have contributed to the discussion. I reflected on the member for Lee's second reading contribution last week. I only do so again now to reiterate that I did say some nice things, and I encourage him to continue with the whimsy when he makes those contributions—I enjoyed that.

I commend the opposition for their speedy passage through the committee stage of this process, and I look forward to seeing the bill hopefully supported, with the majority of members endorsing the third reading this afternoon and then, in due course, in the Legislative Council. I commend the bill to the house.

Bill read a third time and passed.

CONTROLLED SUBSTANCES (YOUTH TREATMENT ORDERS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 4 July 2019.)

Mr PICTON (Kaurna) (17:09): I indicate that I am the lead speaker on this youth treatment orders legislation proposed by the government, officially titled the Controlled Substances (Youth Treatment Orders) Amendment Bill.

This is a piece of legislation that the government has introduced without knowing how it is going to do it, without knowing what it is going to cost, without knowing the details of it. It is something that it is seeking to do following its election policies. I should say at the outset that this is something the opposition is not going to be opposing in either house. However, we have sought a number of amendments to try to improve this legislation from something that was pretty hastily drafted without going through the full detail of how this was going to occur.

The history of this goes back to what I believe was called the 100-day Action Plan, or some sort of rhetoric like that from the election. One of those items was going to be that the government would have to introduce legislation to set this up within a hundred days of taking office. On this measure, that appeared to be the only sense of urgency whatsoever because, once they rushed in a piece of legislation in this regard, it sat there and it sat there and it sat there in the other place. There was no action to progress this legislation. There was no action to make sure that it was a high priority for the government.

The opposition has been ready to deal with this for a significant period of time, but the government has sought to delay it at every step. There are a few reasons why that could be case. We understand that this has been a matter of serious difference between the Attorney-General and the Minister for Health. There has been a serious difference of opinion between those two ministers, between those departments, about how this would operate, about the circumstances in which it would operate, about how quickly it should be implemented, about what the provisions of the legislation should be. They could be a few of the reasons.

Another reason could be that the government does not really know how it is going to implement this. It does not have a plan, it does not have a model of care devised, it does not have a provider organised, it does not have funding in the budget to do this. They could be the other reasons why there has been such significant delay by the government in implementing this legislation. However, we now have it here before this house after it spent almost an eternity in the other place,

and we are some 16 or 17 months now since the election and only have just now begun to debate it here in this house.

This bill is seeking to address a particular issue that we know is a problem, that is, in relation to young people in our community who are afflicted by drugs. That is something I know all of us in our electorates have encountered. We have spoken to families and we have spoken to loved ones who are concerned about their kids, concerned about addictions, which they have sometimes at a very disturbingly early age, to a whole range of substances that fall under the Controlled Substances Act, and that is very concerning.

I think the reason, essentially, why the opposition is not opposing this legislation is that we believe that more needs to be done. We believe that we should be taking as many practical measures as possible. This is the government's way of doing that. It is not something that we necessarily agree with in terms of all of the details—as much as details are actually available, given the comments I made earlier about there not being any details. However, we are willing to look at measures that can help in particular circumstances.

There is significant opposition to the bill in the community from a range of different groups who are concerned about it. I think that is important to put on the record to begin with. There are significant concerns from a range of people who have raised concerns with the opposition and with the government and the crossbench as well. We think that those are matters that need to be fully fleshed out through debate and discussion in this place and the other place. That is why we sought to introduce a whole series of amendments in the other place to this legislation to try to improve it and to get it to a point at which it could work—a point at which it could provide protections for the kids involved in this scheme.

I am delighted to report to the house that a significant number of those amendments were successful. To date, we have not seen any filed amendments to this legislation in this house that I am aware of. I am not sure whether the government accepts what the Legislative Council moved or whether the government is saying that they are not going to deal with it this week and that they are going to wait for the winter break and just have some second reading speeches this afternoon. It has been brought on right at the end of sitting for this week before the parliamentary break, so we will see some amendments come in five or six weeks' time when parliament reconvenes. I am not sure of the reasoning behind that. We may see.

Essentially, the bill that was originally presented was highly deficient. It did not have sufficient detail. It did not have sufficient protections that would enable a proper instrument to be enacted. Following our filing of amendments, the government sought to file some of their own amendments. Some of their own amendments sought to address some of the issues that we had raised and, in a minor way, some of the issues that some of the treatment NGOs and other stakeholders had raised—commissioners, doctors groups, etc.—in regard to the legislation; however, they were nowhere near as strong as the amendments filed by the opposition.

We also believed that this was something that deserved some scrutiny, particularly when it had been sitting around for so long over the summer break. That would have been a good opportunity. It is now well over six months ago that there was a proposition to have a time-limited select committee to look into the drafting of the legislation and whether there were amendments that needed to be filed.

We believe that that would have been an appropriate mechanism to ensure that this bill had been appropriately drafted; however, it was something that the government did not support and we were not able to get that passed, and, in the peculiarities of the upper house, we were not able to get the numbers despite having two of the three crossbench groups joining with the opposition to do that.

However, I think that if we had had a proper parliamentary look at this over the summer break, now well over six months ago, it would have given us a better bill today. It would have given us a proper look at this legislation—a proper avenue to investigate it—prior to its coming to this house, so it is disappointing that that did not happen. From our position in opposition, I think we have done the best that we can to try to implement some improvements to this legislation that will lead us to a better piece of work.

It was interesting that, after that debate happened at the end of the last sitting year—I believe the last week of November or the first week of December—minister Wade filed off a letter, as he occasionally likes to do, to me and cc'd to all members of parliament having a spray at the opposition for daring to propose that we have a select committee looking into this matter. In that letter, he said that, with the understanding that the opposition were going to support the legislation, he was only now going to begin work on the model of care, only after that debate in the parliament back in November/December last year.

Here we have the government elected to office, elected on this platform to implement this, who said it was an urgent need and urgently needed to be addressed, but the government appeared to be so certain that their legislation was going to fail before the parliament that they did not even bother starting work on their model of care until the end of the parliamentary year after the opposition had had the opportunity to give our second reading speech on the legislation.

The government seems completely bereft and negligent when it comes to their responsibilities in relation to their so-called desire to get this legislation through. The health department and the health minister just sat on their hands for seven or eight months and did not even begin discussions in relation to a model of care. A lot of the questions in relation to this bill come down to the model of care. What care is being provided to these kids? What mechanisms are going to be in place? Who is going to provide the care? What contracts are going to be in place with people who will provide the care? Where is this care going to be provided?

All these questions remain unanswered by the government. They are saying, 'Oh, well, we need to look at the model of care to do this.' This government said this was an urgent matter. They were elected 16 or 17 months ago, yet all these questions remain unanswered. From our perspective, we took a policy to the election whereby we were very willing to look at the mechanisms in place. In particular, the policy we were looking at was a trial of detention and mandatory treatment orders for adults. We were looking at some of the evidence from interstate and we were willing to go down that path.

The government have gone down a very different path with regard to young people. It is not the path we had set out, but it is a path that they proposed and took to the election. It is not something that we are going to oppose at this juncture, but it is incumbent on the government to have a plan for how they are going to do this. It is incumbent on the government to have a plan for who is going to do this work and for how much it is going to cost.

We had budget estimates just this week, where we examined the payments that have been allocated in the budget for this measure. It seems quite clear that the government have allocated funding for legal assistance for the kids who would be subject to this but have not allocated any funding for the treatment. There is no funding to treat a single child under one of these treatment orders—not one dollar for that. We asked the health minister about this and he said, 'We need to think about what the model of care is.'

It does not sound as though the government are treating this with particular urgency. It is peculiar because they have set aside money to provide legal assistance for families and young people in this situation but have not set aside any money to undertake the treatment itself. This also goes to the suspicions we have about division in the government on this measure. It seems that the Attorney-General's Department is well funded to roll out its element but that the health department is not well funded or well prepared to roll out theirs.

In fact, the health department is proposing a go-slow on the whole measure, so much so that the original drafting of this legislation, as has become quite a custom of the Minister for Health, sought an exemption from the statutes interpretation legislation, which set out that legislation should be enacted within two years of passing the parliament. They wanted an exemption from that, so it might not ever come into operation. It might sit on the books and not be enacted for many, many years. I think that shows the government's headspace: they are going slow on this measure in its entirety.

Let's remember that this government came to office with a promise of a war on drugs. When he was opposition leader, the Premier said that he was going to 'declare a war on drugs'. What have we seen since then? Absolutely nothing. Take this measure: go slow for 17 months. Sniffer dogs in

schools seemed to be the big policy. We have seen no sniffer dogs going around in schools—certainly none in private schools.

We have seen no attempts to improve treatment for people. We have seen very long waiting lists for people who need treatment and the government are not taking any measures in relation to that. Time after time, the member for Elizabeth has come to this parliament proposing measures to try to improve the way in which police can deal with drug matters, and the government have opposed them at every turn. The rhetoric that we had before the election seems to be completely thrown out the window after the election, and this bill is evidence of that.

As the Attorney-General outlined, the bill seeks to create a regime for the involuntary assessment, treatment and detention of young people with drug dependency problems. As I said in the other place, the opposition successfully moved many amendments and supported several crossbench amendments to substantially strengthen the bill. In our widespread consultation on the bill, the opposition received a significant amount of feedback from various stakeholders with concerns about the planned regime that the bill outlines.

We have carefully considered the feedback and filed amendments in an attempt to vastly improve the legislation and provide clarity about what these orders would entail. We were very concerned about the lack of detail and the potential failure of this policy due to the government's incompetence in its drafting. The amendments we filed increased oversight and transparency of detention orders and focused on enshrining the standards of medical treatment available to young people subject to detention orders.

I note in the Attorney-General's second reading speech in this place that she said that the government remains opposed to many of the amendments of the past; yet, as I said, we have not seen any amendments filed by the government to remove those sections from the bill, which, once again, shows the lack of urgency that this government is taking with this legislation, which supposedly they believed was so urgent.

As I said, the government has yet to file any amendments. This complete disregard for these amendments, generated through stakeholder consultation and backed by the crossbench, demonstrates the government's lack of commitment to create a comprehensive and transparent system surrounding these detention orders.

I would like to reiterate some of the comments we have received from stakeholders, which clearly show a strong concern for the lack of clarity regarding the costing and implementation of this legislation. We heard from the Australian Medical Association, SA Branch, who said:

> This treatment program, even though conceived as a last resort, would be expensive, and unless additional funds are provided, the AMA(SA) is concerned it would result in a displacement of voluntary clients from the treatment system.

That is a very important point because the government, as I said, has allocated no money for this program. If they continue to allocate no money to this program and this legislation comes into effect without that allocation being made, we are fearful that we could see a significant number of people who are in the system already getting voluntary treatment displaced from their places and being replaced by these people subject to these orders. In effect, you would have no net increase whatsoever in people getting treatment; you would just be displacing other people out of the system who had already signed up voluntarily to get treatment.

That would be a complete disregard for what the government said in terms of their promise to provide this additional treatment. Nowhere in their promise did they say that this is going to be treatment that is just replacing other treatment. They gave the public the impression that this was new treatment and that this was going to be additionally funded. Of course, they did not outline any costings for this before the election and have not done so subsequently. At no time have they suggested that it would be replacing other people's treatment already funded by the system, leading to no net increase in treatment being provided in our community.

The Law Society has said to us, 'It is evident from that consultation there is a lack of affordable treatment and support services currently available.' That goes to the point that not only could this potentially displace other treatment that is being provided in the community but that we actually need more treatment and that there actually is a shortage already. If you take away treatment

that is being provided, you add to that lack of capacity that we see and those significant waiting lists that people are facing. You make the problem even worse. We also heard from the South Australian Network of Drug and Alcohol Services who said:

> Currently the sector cannot meet the demand for places by voluntary clients. Research shows that involuntary clients require greater resources in terms of time and staffing to provide effective treatment.

That is a very important point as well. Not only could we potentially be taking the treatment away from people who are there at the moment, and not only would that add to the significant waits people face for that voluntary treatment, but the treatment prescribed by this legislation would require substantially more resources, substantially more staff and would have substantially more cost than the treatment already being provided.

You would have a double effect in terms of the cost to the system, if you took away those resources to provide them here because this is going to be a lot more expensive than the other treatment options being provided already. That flow-on effect, the treatment being provided already, is going to be a lot more significant.

Stakeholders also emphasised the need for clinical expertise and involvement in the treatment order process, in the granting of orders, in treating individuals subject to orders and in regular oversight of those orders. Many stakeholders expressed concerns that the bill approached mandatory treatment as if it were a solely judicial matter, not a medical matter. I think the government has tried to be at pains to say that this is all going to be medical, this is all about health care, this is not about judicial or punitive measures.

But I do not think that is quite borne out in the way they have drafted the legislation. The way that they have drafted this legislation is very much a judicial process. It is very much a process by which the courts are very heavily involved. It is very much a process in which the government has been seeking to make amendments that from our look would seek to try to limit this to people in youth detention judicial systems, at least in the beginning. So all those matters combine to make this look like a very judicial matter, not medical, as the minister has been trying to make clear.

Stakeholders also emphasised the need for a multidisciplinary approach. As the Royal Australian and New Zealand College of Psychiatrists put to us:

> Young people may be subject to assessment, treatment and potentially detention orders based on substance dependence when they may have issues that are far more wide ranging. Serious consideration needs to be given to the impact of mandatory treatment and potential detention on the health and well-being of the young people this Bill is seeking to target, including impacts on health, education and social development.

Not only do we have an expensive model of care and not only is it going to replace substantially those care and supports already provided to people, unless there is an additional budget being provided, but what the government has not outlined, or not made provision for, is that not only do you need to provide the care and treatment for these people, which we know will be more expensive because it is going to be mandatory treatment, but you also need to care for those people in terms of their other needs. Particularly when we are talking about young people, we need to be providing for their educational needs as well.

There was nothing in the original draft in this legislation that would have dealt with the educational nature of the needs of these people. It is something that we have sought to implement through our amendments to the legislation to make it clear that the government needs to absolutely make clear that education needs to be provided to children subject to these orders. The opposition does remain concerned at the government's apparent unwillingness to properly work through how this bill will be implemented in practice.

The government did support amendments in the other place to ensure that a child can have a family member or advocate present during proceedings and access to government-funded legal representation—amendments the opposition, of course, supported. The government has set aside funding for this representation in the budget which, as I noted earlier, is notable in that it is the only funding that the government has set aside for this measure whatsoever.

So we are funding the lawyers for this process but we are not funding any of the treatment which goes to the point that this government is saying, 'This is all a health and medical matter but

we are actually not funding any of that; we are just funding the lawyers.' To date, that is the only costing that we have seen for this bill. The rest remains a complete unknown. There have not even been any estimates provided, which is of course something we will be scrutinising in great detail when we get to the committee stage.

As I said, the government introduced this bill back in June last year. We are now in August 2019 and this bill was introduced in the other place in June 2018. There was no attempt by the opposition to slow this matter down. We have been ready to debate this legislation for a very significant period of time; however, it has been delayed by the choice of the government in how they have prioritised the legislation. To be slotting this in late Thursday afternoon before we rise is the latest evidence of the lack of urgency on this legislation.

When we asked questions about the costing of the orders proposed under the bill back in December 2018, the government said that a model of care would be developed and from there the costing would be considered. That was December last year, they were going to consider the model of care, going to consider the costing. None of that has appeared to date. That is well past eight months now, almost nine months since that promise was made. In May this year, as the debate continued in the other place, it was revealed that an interagency working group set up to create a draft model of care was established only in March 2019. The government, elected in March 2018, set up a working group to investigate how to set up a model of care for this in March 2019.

It took a whole year just to set up a group of public servants sitting around talking about how we are going to do this. That sounds exactly like something from *Utopia* or *The Hollowmen*: one year just to get public servants in a room to begin talking about this. You could not devise a more go-slow measure if you tried. The government took this policy to the election as a key commitment a year and a half ago and introduced it 14 months ago, but they only started considering what this bill might mean in practice just five months ago. Then, in the five months since the establishment of this working group, we have heard nothing, absolutely nothing, from the government in terms of what they are proposing.

In the last five months, this working group has not released any discussion papers, has not released any papers, has not put out any contracts for care, has not released any tender documents. There has been absolutely no news from this group. It took them a year to set up the working group, and since it was established five months ago there has been absolutely nothing coming out of that group. Yet we are debating legislation to set this up, and it does not look like the government have any plan for how this is going to happen for a very significant time into the future.

The minister told us that the working group would be considering models of care and associated costs. What has been the outcome of that work to date? What has that working group devised as the cost of this legislation? How many children will be subject to it? Where are they going to be treated? How are they going to be treated? What health professionals are going to treat them? How are those health professionals going to be recruited?

Is this care going to be provided in-house in the government? Is it going to be contracted out to be provided? Is it going to be provided in Adelaide? Is it going to be provided in regional locations? Is it going to be provided in one location or several locations? What is the nature and supporting mechanisms that will be available for people who require treatment under this? All those questions are unknown. All those questions are in this dark box of this interagency working group that has been the go-slow mechanism of this government on this bill.

There is no funding in this budget to implement this bill. There is no indication that the government has even considered where these children would be detained under these orders. We know there are only six residential rehabilitation beds dedicated to children across the entire state. These are run by Centacare and those beds are for voluntary treatment, not for what this bill seeks to establish. Does that mean the government is going to try to change those beds from voluntary to involuntary treatment? From what I am aware, I do not believe there have been any discussions with Centacare along those lines.

Is the government going to try to get Centacare to expand those? Has the government even talked to Centacare about how that would work? If they did replace those six beds with involuntary treatment, what is going to happen to the voluntary treatment that children in South Australia need

to be able to access? Are were going to say that the only treatment in South Australia is going to be on an involuntary basis because we have nowhere for voluntary people to be able to receive treatment? There are very significant questions about how that is going to work.

We have heard from multiple stakeholders that placing children under voluntary treatment and children under involuntary treatment in the same facility is very poor practice. What the experts are saying is that you cannot just take that Centacare treatment facility and say, 'In three of those beds we are going to put voluntary kids and three of those beds we are now going to use for involuntary treatment.'

As bad an outcome as that would be, because it would of course be limiting us in terms of our voluntary treatment options, which already have significant wait times attached to them, clearly this is something that the government has not thought through because what the experts are saying is that you cannot combine them. Even if you were to expand the Centacare facility to include additional beds, combining those voluntary and involuntary patients is not good practice whatsoever.

The government's lack of foresight was further evidenced when the government introduced amendments in the other place, creating a two-stage approach, with the bill initially only applying to young people already in detention centres. When the opposition moved amendments to stop the government's attempt to skirt around requirements to put the bill into effect within two years, the government pushed back. Thankfully, the crossbench supported these amendments, but I suspect that the government will attempt to reverse these important amendments in due course.

Why do the government need until August 2021 or later to enact this legislation? Why would they expect parliament to be completely comfortable with passing a bill that may not even take effect for more than two years? The answer is clear: because they still do not know how this legislation is going to work in reality. That is why the opposition has taken the action to try to implement a range of amendments to improve this legislation and to make sure it can actually work in reality.

We passed those amendments, ensuring that children under detention are provided appropriate care. There must be a nurse present in the same premises as the child under detention and a medical practitioner available on call at all times. The child's treatment plan must include treatment from a healthcare professional on each day the child is detained, which makes sense, because why have children in this detention under this order if we are not actually providing any treatment to them each and every day they are there?

As well, arrangements would be made for the ongoing treatment of the child after they have been in detention. It is pretty bad practice if we are bringing in this measure, putting children in these facilities and then saying, 'Once you are out, you are out, and we are not going to care about you anymore after that.' This bill should make it clear that there should be a plan and that there should be measures for after they leave that detention to make sure they receive ongoing treatment and care.

We also established the right for the child to receive family visits when subject to a detention order and the right to continue schooling or other appropriate training. The opposition also passed amendments regarding the transparency surrounding these orders, including creating a requirement for information to be published in the department's annual report, including the number of detention orders made; the age and sex of any child subject to a detention order; the length of time spent in detention; the number of ongoing detention orders at the time of the report; the number of children absconded from detention; the outcomes of each treatment order, including failures to comply; the cost of treatment provided to each child; and the cost of detaining each child.

There were no transparency measures in the original legislation. The opposition has sought to get these amended into the legislation, and I am glad that the other place has agreed with us to do that. These amendments make clear that information is not to be disclosed where it provides information identifying the child, as would be appropriate. We also had a number of amendments that we have agreed to follow up between the houses with the crossbench. The Hon. Frank Pangallo raised concerns in terms of how often a psychiatrist should be able to see a child, and that is something we are happy to work with him on and to be less specific about in terms of the dates and the times we set in our original amendment.

The second deals with issues raised by the guardian and the Hon. Tammy Franks in terms of access to children. The recommendation is that that should appropriately be under the youth training visitor scheme, and we are happy to work on amendments with the Hon. Tammy Franks to ensure that that is the case and that we clarify that matter. These are things that the opposition is doing with the crossbench to improve the legislation because the government have been so derelict in their duty to actually draft some decent legislation in this case.

In conclusion, the opposition is going to support this bill. We are not opposing it because we believe that this is a significant problem in our community. We believe that we need to improve our measures, but we do have concerns about the way the government has drafted this legislation and we do have concerns about the fact that there is no plan, no funding, no outline of how this is going to work in reality. We absolutely will be standing by our amendments.

No doubt when we return after the winter break the government will try to seek to remove them from this legislation, but the opposition will be standing by them. I look forward to discussing this at the committee stage and really examining those questions in terms of how this is going to work in practice, why there have been such delays associated with this, how much funding this will cost and when this will operate. All these remain important questions that the government has not addressed. I look forward to the committee stage of the debate.

Debate adjourned on motion of Mr Teague.

DIRECTOR OF PUBLIC PROSECUTIONS (PENSION ENTITLEMENTS) AMENDMENT BILL

Final Stages

The Legislative Council agreed to the bill without any amendment.

At 17:46 the house adjourned until Tuesday 10 September 2019 at 11:00.

Answers to Questions

FOSTER AND KINSHIP CARER ASSESSMENTS

884 Ms STINSON (Badcoe) (2 July 2019). What actions to date have been taken by the Department for Child Protection, to ensure that foster carers, kinship carers and respite carers comply with the new working with children checks that are due to come into force on 1 July 2019?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

In 2018-19, $250,000 was allocated by Department of Human Services towards an advertising campaign comprising print, radio, digital and social media.

As part of that DHS campaign a wideranging communication strategy is underway to ensure the community is aware of the changes that have occurred and transitional arrangements.

Valid child-related screening checks issued prior to 1 July 2019 remain valid until they expire, even if this expiry date is after 1 July 2019.

Information on the changes has been regularly communicated to foster care agencies and is on the DCP website. This information includes specific sections for foster care agencies and carers, as well as a fact sheet.

Transition arrangements are in place for foster carers, kinship carers and specific child only carers during the implementation of the new legislation and arrangements in regard to working with children checks.

FOSTER AND KINSHIP CARER ASSESSMENTS

885 Ms STINSON (Badcoe) (2 July 2019). What actions to date have been taken by the Department for Child Protection, to ensure that adult household members and regular guests of a carer household comply with the new working with children checks that are due to come into force on 1 July 2019?

Hon Rachel Sanderson MP:

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

In the 2018-19 budget, $250,000 was allocated by the Department of Human Services towards an advertising campaign comprising print, radio, digital and social media.

As part of that DHS campaign, a wideranging communication strategy is underway to ensure the community is aware of the changes that have occurred and transitional arrangements.

Valid child-related screening checks issued prior to 1 July 2019 remain valid until they expire, even if this expiry date is after 1 July 2019.

Information on the changes has been regularly communicated to foster care agencies and is on the DCP website. This information includes specific sections for foster care agencies and carers, as well as a fact sheet. This material is clear on the obligations of other adults residing at or visiting the carer household.

Transition arrangements are in place for foster carers, kinship carers and specific child only carers during the implementation of the new legislation and arrangements in regard to working with children checks.

NGO services and the Kinship Care program are working with carer households, including adult household members and regular guests, to ensure they comply with the new working with children checks.

FOSTER AND KINSHIP CARER ASSESSMENTS

886 Ms STINSON (Badcoe) (2 July 2019). What actions to date have been taken by the Department for Child Protection, to ensure that volunteers engaged by the department comply with the new working with children checks that are due to come into force on 1 July 2019?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

In the 2018-19 budget, $250,000 was allocated by the Department of Human Services towards an advertising campaign comprising print, radio, digital and social media.

As part of that DHS campaign, a wideranging communication strategy is underway to ensure the community is aware of the changes that have occurred and transitional arrangements.

Valid child-related screening checks issued prior to 1 July 2019 remain valid until they expire, even if this expiry date is after 1 July 2019.

The department wrote to all volunteers on 30 May 2019, advising of the upcoming changes to the screening process. This correspondence included a copy of the fact sheet about the changes, which can also be found on the department's website. Other pertinent information for volunteers is also available on the website.

FOSTER AND KINSHIP CARER ASSESSMENTS

887 Ms STINSON (Badcoe) (2 July 2019). What actions to date have been taken by the Department for Child Protection, to ensure foster care agencies and non-government organisations work with the Department comply with the new working with children checks that are due to come into force on 1 July 2019?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

In the 2018-19 budget, $250,000 was allocated by the Department of Human Services towards an advertising campaign comprising print, radio, digital and social media.

As part of that DHS campaign, a wideranging communication strategy is underway to ensure the community is aware of the changes that have occurred and transitional arrangements.

Valid child-related screening checks issued prior to 1 July 2019 remain valid until they expire, even if this expiry date is after 1 July 2019.

Information on the changes has been regularly communicated to foster care agencies and is on the DCP website. This information includes specific sections for foster care agencies, as well as a fact sheet.

Transition arrangements are in place for foster carers, kinship carers and specific child only carers during the implementation of the new legislation and arrangements in regard to working with children checks.

NGO foster agencies have been advised of the changes and have been working with the department to ensure foster and specific child only carers comply with the working with children checks that commenced 1 July 2019.

FOSTER AND KINSHIP CARER ASSESSMENTS

888 Ms STINSON (Badcoe) (2 July 2019). What actions to date have been taken by the Department for Child Protection, to ensure Department employees comply with the new working with children checks that are due to come into force on 1 July 2019?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

In the 2018-19 budget, $250,000 was allocated by the Department of Human Services towards an advertising campaign comprising print, radio, digital and social media.

As part of that DHS campaign, a wideranging communication strategy is underway to ensure the community is aware of the changes that have occurred and transitional arrangements.

Valid child-related screening checks issued prior to 1 July 2019 remain valid until they expire, even if this expiry date is after 1 July 2019.

An all-staff communique was sent via email across DCP on 3 June 2019. This communique advised staff of the upcoming changes to the screening process and how these affect employees, carer agencies and carers.

Additionally, information on the changes is on the DCP website. This information includes targeted material for various stakeholders, as well as a fact sheet. Similar information is available to DCP employees through the department's intranet, although the intranet also contains practice guidance for practitioners.

FOSTER AND KINSHIP CARER ASSESSMENTS

889 Ms STINSON (Badcoe) (2 July 2019). Have foster carers, kinship carers and respite carers who have a current screening due to expire within the next six months, been advised by the Department for Child Protection, that they should apply for a new clearance?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

Valid child-related screening checks issued prior to 1 July 2019 remain valid until they expire, even if this expiry date is after 1 July 2019.

The department and NGO services have been actively working with carers and carer households to ensure they are aware of the requirements in regard to working with children checks.

Additionally, information on the DCP website states that, 'If your screening will expire within the next six months, you should apply for a new clearance now.' The website also provides further details on how to apply for a new clearance.

FOSTER AND KINSHIP CARER ASSESSMENTS

891 Ms STINSON (Badcoe) (2 July 2019). Have foster care agencies and non-government organisations who are contracted by the Department for Child Protection been advised that any person with a current screening due to expire in the next six months should apply for a new clearance?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

Valid child-related screening checks issued prior to 1 July 2019 remain valid until they expire, even if this expiry date is after 1 July 2019.

The department is actively working with NGO foster care agencies in regard to their requirements to ensure carers and carer household members and regular guests have a working with children check.

Information on the DCP website states that, 'If your screening will expire within the next 6 months, you should apply for a new clearance now'. The website also provides further details on how to apply for a new clearance.

FOSTER AND KINSHIP CARER ASSESSMENTS

892 Ms STINSON (Badcoe) (2 July 2019). Have employees of the Department for Child Protection, who have a current screening due to expire within the next six months, been advised that they need to apply for a new clearance?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

An all-staff communique was sent via email across DCP on 3 June 2019. This communique advised staff of the upcoming changes to the screening process and how these affect employees, carer agencies and carers. Further information is available on the DCP internet and intranet sites.

For all DCP employees, DCP Human Resources monitors clearance expiry dates. Up to six months prior to the expiry of a current clearance, Human Resources initiates a renewal application of an affected staff member. Upon initiating a renewal, the employee receives a notification email, which prompts them to complete the application and submit it to the Department of Human Services.

FOSTER AND KINSHIP CARER ASSESSMENTS

893 Ms STINSON (Badcoe) (2 July 2019). What action, if any, does the Department for Child Protection take in the event of a foster carer, kinship carer or respite carer whose clearance has lapsed and not been renewed by 1July2019?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

Prior to the expiry of a working with children check, DCP reminds a carer and/or carer agency of the impending expiry and the requirements of the Children and Young People (Safety) Act 2017. If the situation is not rectified, a DCP case manager will contact the carer/carer agency to discuss the situation. If a new clearance is still not obtained, DCP would take action to ensure the safety of any children placed with the affected carer. An order would be issued to remove the child or children from the placement. Practice guides provide advice to staff in these situations.

CHILDREN IN CARE, IMMUNISATION

902 Ms STINSON (Badcoe) (2 July 2019). Does the Department for Child Protection provide a history of immunisations to a carer when a child or young person enters their care?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

DCP practice guidance recommends departmental staff, where possible, provide carers with all relevant details of a child's or young person's medical history, including any information about allergies and allergic reactions to previous vaccinations, prior to an immunisation. DCP's Lead Practitioner reinforced this guidance in an all-staff email on 3 June 2019.

EXCEPTIONAL RESOURCE FUNDING

913 Ms STINSON (Badcoe) (2 July 2019). Have any applicants received reasons why their application for Exceptional Resource Funding has been rejected since 27 September 2018?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

Applications for Exceptional Resource Funding are recorded on case files and, as such, DCP cannot easily provide program data without diverting front line resources to the task.

EXCEPTIONAL RESOURCE FUNDING

921 Ms STINSON (Badcoe) (2 July 2019). How many enquiries or complaints has the Office for the Minister for Child Protection received from foster carers and members of the public about the suspension of the Exceptional Resource Funding Procedure?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

Although the funding procedure was under review, applications were still considered on a case-by-case basis.

CHILD PROTECTION DEPARTMENT

926 Ms STINSON (Badcoe) (2 July 2019). Can the Minister for Child Protection advise:

(a) What consultancies have been engaged by the Department for Child Protection since 18 March 2018?

(b) What is the purpose of each consultancy engaged by the Department for Child Protection since 18 March 2018?

(c) What is the cost of each consultancy engaged by the Department for Child Protection since 18 March 2018?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

The Department for Child Protection has not yet finalised its financial reporting for 2018-19, therefore this data is not currently available. Reporting on consultancies is made publicly available each year as part of the department's Annual Report.

In 2017-18, for consultancies above $10,000 , information can be found here: https://data.sa.gov.au/data/dataset/0ec74e12-fdd5-46d5-9341-70f3af068262

This information can also be found in the Annual Report of the Department for Child Protection: https://www.childprotection.sa.gov.au/department/about-us/annual-reports/2017-18-annual-report/2017-18-annual-report-section

It shows the total cost was $153,000 in 2017-18 which was a $403,105 reduction on 2016-17 figures.

CHILD PROTECTION DEPARTMENT

928 Ms STINSON (Badcoe) (2 July 2019). What are the names, titles and salaries of ministerial staff working in the Office of the Minister for Child Protection at any stage between 18 March 2018 and 17 June 2019?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

The titles and salaries of ministerial staff working in the Office of the Minister for Child Protection between 18 March 2018 and 17 June 2019, as at 17 June 2019, were:

Between 18 March 2018 and 17 June 2019 the Minister for Child Protection has had one chief of staff and three ministerial advisers employed in her office.

As is required under the Public Sector Act, the Minister for Child Protection will be gazetting the names, titles and salaries of all staff employed by the minister under section 71 of the act. Her office and all ministers have successfully implemented the election commitment to reduce the number of staff in ministerial offices.

CHILD PROTECTION DEPARTMENT

929 Ms STINSON (Badcoe) (2 July 2019). What are the names, titles and salaries of departmental staff working in the Office of the Minister for Child Protection at any stage between 18 March 2018 and 17 June 2019?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

The titles and salaries of departmental staff working in the Office of the Minister for Child Protection between 18 March 2018 and 17 June 2019 were:

Title	Classification	Salary Range
Office Manager (March 2018—July 2018)	ASO7	$106,507
Office Manager (July 2018—Current)	ASO7	$100,059
Ministerial Liaison Officer (March 2018-July 2018)	ASO6	$94,543
Ministerial Liaison Officer (March 2018—May2019)	ASO6	$75,634 (part time)
Ministerial Liaison Officer (July 2018—Current)	ASO6	$96,343
Ministerial Liaison Officer (November 2018—June 2019)	ASO6	$96,343
Ministerial Liaison Officer (June 2019—Current)	ASO6	$96,343
Executive Assistant (March 2018—November 2018)	ASO6	$89,184
Executive Assistant (February 2019—Current)	ASO6	$72,787.2 (part-time)
Parliamentary and Cabinet Officer (March 2018—July 2018)	AS06	$89,184
Business Coordinator	ASO4	$70,635
Senior Business Support Officer (March 2018—April 2018)	ASO3	$60,681
Senior Business Support Officer (October 2018—Current)	ASO3	$62,181

CHILD PROTECTION DEPARTMENT

930 Ms STINSON (Badcoe) (2 July 2019). Has the Minister for Child Protection or a member of her staff (including the media adviser) met with lobbyists (listed on the Register of Lobbyists) and on these occasions:

(a) What is the name of the lobbyist?

(b) What was the date of the meeting(s)?

(c) What is the name of the third party for whom the lobbyist was providing either a paid or unpaid service?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

All registered lobbyists must lodge an annual return by 30 January each year, outlining lobbying activities for the previous year. These annual reports list their clients, public officials met and the subject discussed.

Annual Reports of lobbyists are released publicly annually—at: https://www.lobbyists.sa.gov.au/#/

FINANCIAL COUNSELLING SERVICE

940 Ms STINSON (Badcoe) (3 July 2019). Why has a tender not yet been advertised for a financial counselling service to replace the departmental financial wellbeing counselling service, as indicated by the minister at Budget Estimates Committee B on 26 September 2018?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

I refer the member to my answer to question with notice number 939.

GUARDIANSHIP OF THE CHIEF EXECUTIVE

1008 Ms STINSON (Badcoe) (3 July 2019). How many children under the guardianship of the Minister for Child Protection had finalised NDIS plans on June 30 2018?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

On 30 June 2018, it is estimated 569 children and young people in care had an approved NDIS plan.

GUARDIANSHIP OF THE CHIEF EXECUTIVE

1009 Ms STINSON (Badcoe) (3 July 2019). How many children under the guardianship of the chief executive of the Department for Child Protection had finalised NDIS plans on June 20 2019?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised that:

As at 20 June 2019, it is estimated 623 children and young people in care have an approved NDIS plan, with a further group currently going through the NDIS planning process.

FAMILY GROUP CONFERENCES

1015 Ms STINSON (Badcoe) (3 July 2019). How many family group conferences were held by the Youth Court of South Australia in:

(a) 2018-19?

(b) 2017-18?

(c) 2016-17?

(d) 2015-16?

The Hon. R. SANDERSON (Adelaide—Minister for Child Protection): I have been advised:

Questions relating to how many family group conferences were held by the Youth Court will need to be directed to the Courts Administration Authority.