LEGISLATIVE COUNCIL

Thursday, 6 September 2018

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

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

Parliamentary Procedure

PAPERS

The following papers were laid on the table:

By the President—

Register of Members' Interests, June 2018—Registrar's Statement
Ordered—That the Statement be printed. (Paper No. 134A)

By the Treasurer (Hon. R.I. Lucas)—

Determination and Report of the Remuneration Tribunal No. 6 of 2018—Allowances for Members of Local Government Councils
Determination and Report of the Remuneration Tribunal No. 7 of 2018—Allowances for Members of Adelaide City Council
Determination and Report of the Remuneration Tribunal No. 8 of 2018—Manager Family Violence List Allowance—Magistrates
Determination and Report of the Remuneration Tribunal No. 9 of 2018—2018 Review of Salary for Presidential Members of the SA Civil and Administrative Tribunal

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

Reports, 2017-18—
Approvals to Remove Track Infrastructure
Leases and Licences Granted for Properties held by the Commissioner of Highways
Petroleum and Geothermal Energy Act 2000 Compliance—Report, 2017

Ministerial Statement

NATIONAL DISABILITY INSURANCE SCHEME FRAUD

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:18): I table a copy of a ministerial statement on the subject of National Disability Insurance Scheme fraud on behalf of the Attorney-General in another place.

Parliamentary Procedure

ANSWERS TABLED

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

Question Time

SAFEWORK SA

The Hon. K.J. MAHER (Leader of the Opposition) (14:20): I seek leave to make a brief explanation before asking the Treasurer a question about SafeWork SA.

Leave granted.

The Hon. K.J. MAHER: In the recently handed down budget, specifically Budget Paper 4, Volume 4, it outlines a reduction of around 40 staff at SafeWork SA. At the same time, the budget papers estimate that the number of compliance and enforcement visits will remain constant, with a projection of around 19,000. Former employees of SafeWork SA have presented submissions to the recent ICAC evaluation of SafeWork SA and they list a range of issues that were not best practice and highlighting that one of the reasons was an insufficient number of staff. My question is: how does the Treasurer expect SafeWork SA to meet this and other activity indicators and its obligations while so severely slashing the number of staff at SafeWork SA?

The Hon. R.I. LUCAS (Treasurer) (14:21): I think the honourable member is quite right to say that under the former Labor government there were indeed very significant management and operational problems under SafeWork SA. It's a shame on the honourable member, as a member of the cabinet, that SafeWork SA arrived at the situation where the ICAC commissioner deemed it so serious that he had to undertake an evaluation of the operations of SafeWork SA. We, and I am sure all of us collectively, await the final determination of the ICAC commissioner in relation to what suggestions he might make for the future operations. The honourable former minister is correct to say that the former government's operations of SafeWork SA are deserving certainly of comprehensive condemnation.

In relation to the budget savings task, the advice that I have been provided with is that the critical inspectorial staff will be protected from the savings that have to be implemented through SafeWork SA, which is essentially one of the key components of the work of SafeWork SA, and I'm happy to take on advice and bring back a more detailed response. I think the new director or CEO of SafeWork SA, in his publicly reported evidence, indicated that from his viewpoint there were widespread problems in terms of financial management practices which he was setting about correcting. These were financial management practices sadly allowed to continue under the former Labor government and indicative of some of the problems that not only that agency confronted but also many other agencies.

He was setting about making changes; some related to usage of resources such as government-provided cars. There is a range of initiatives that he believed could be instituted to achieve savings on behalf of the taxpayers without impacting on the core work that SafeWork SA needs to undertake. Nevertheless, I think the important issue, in relation to SafeWork SA, will be for all of us to await the recommendations of the ICAC commissioner, which in essence will be an evaluation of the performance, creditworthy or otherwise, of SafeWork SA under the former Labor government.

SAFEWORK SA

The Hon. K.J. MAHER (Leader of the Opposition) (14:23): Supplementary: does the Treasurer not concede that it is entirely inconsistent to claim to want to await recommendations before making decisions, while at the same time massively slashing the staff there and pre-determining what needs to be done before any recommendations are handed down?

The Hon. R.I. LUCAS (Treasurer) (14:24): It doesn't surprise me, the lack of financial competence of the Leader of the Opposition, given that he was a member of an incompetent former Labor administration. We can actually chew gum and walk at the same time, so we will await the recommendations of the ICAC commissioner.

The new boss of SafeWork SA is implementing changes already, has been doing so since he was appointed, but of course when the recommendations come down we will have to give them due consideration in relation to what impact, if any, they might have on the operations of SafeWork SA. The Leader of the Opposition can rest assured the finances are in much safer hands these days than they were when his friend and colleague, the member for West Torrens, was in charge.

SAFEWORK SA

The Hon. K.J. MAHER (Leader of the Opposition) (14:25): Supplementary arising from the original answer: the Treasurer stated in his answer that the massive reduction of 40 staff in SafeWork SA won't affect inspectorate services. Can he outline what area of SafeWork SA will be

slashed and where these 40 staff will lose their jobs? I believe this is in his area of responsibility. I know he has been fond already this week of saying, 'Oh, that's someone else's responsibility.'

The PRESIDENT: Leave the commentary alone. You've asked your question. Treasurer.

The Hon. R.I. LUCAS (Treasurer) (14:25): I am surprised that the honourable member doesn't know the standing orders: there's no commentary in supplementary questions. I have not used the word 'slashed'—that was a word that the Leader of the Opposition used in relation to his description of the changes in the budget papers. I won't be verballed by the Leader of the Opposition in relation to a wordage that he uses and I certainly didn't use. I am happy to take on notice the details.

Members interjecting:

The Hon. R.I. LUCAS: Well, I have just indicated the evidence that the director gave to a public hearing before the ICAC commissioner. He indicated that there wouldn't be changes in relation to inspectorate services. There were to be changes in terms of admin and oversight. There were to be changes in relation to staff use of government-provided vehicles, which will provide, he believes, significant savings in terms of sensible use of taxpayer resources, certainly some reduction in terms of management oversight—too much administration, too much management. Let's concentrate the resources in terms of the people who do the principal work in relation to SafeWork SA, which is the inspectorate arm.

The other thing I think you have to bear in mind is that SafeWork SA, as currently structured, does a range of things, including, as the Hon. Mr Wortley will recall, a variety of other tasks such as shop trading hours and public holidays legislation. It has a collection of responsibilities which have been visited upon it and which are not directly related—public holidays legislation, for example—to the work of safe workplaces.

If there is anything useful I can add in addition to the comprehensive answers that I have provided to the leader's questions, I will consider whether I can bring back something on notice, but if not I will leave the matter, from my viewpoint anyway, on the basis of the answers I've given.

SAFEWORK SA

The Hon. K.J. MAHER (Leader of the Opposition) (14:27): Final supplementary: just so we are clear, is the Treasurer saying that he has no idea where staff reductions are going to occur in one of his own agencies? Is that what he will have the chamber believe? Is he ignorant or is he incompetent?

The PRESIDENT: The question has been asked—resist commentary.

The Hon. R.I. LUCAS (Treasurer) (14:28): No, I'm not saying that.

EMPLOYMENT TRANSITION SERVICES

The Hon. C.M. SCRIVEN (14:28): I seek leave to make a brief explanation before asking a question of the Treasurer regarding employment services.

Leave granted.

The Hon. C.M. SCRIVEN: On 16 August 2018, the Treasurer stated, when asked about the government not honouring employment transition services to workers at New Castalloy:

> They will not be left on their own, the Liberal Government's been committed to a program of a $200 million investment in skills and training packages, so anyone who is unemployed, Castalloy or anybody else, will have the opportunity for further training opportunities.

Noting that these workers are most unlikely to be undertaking apprenticeships or traineeships, and therefore those programs are not available to them, now that the budget has been delivered and programs to support workers who have been retrenched have been cut, can the Treasurer please advise what specific opportunities and programs will be made available to workers at Castalloy, as per his commitment on 16 August?

The Hon. R.I. LUCAS (Treasurer) (14:29): Minister Pisoni, both publicly and I think in the parliament, has indicated that there is a range of commonwealth-funded programs which have been

provided and which have been made available, not just to the workers of Castalloy. I think one of the problems the former Labor administration had was that they provided special deals and services for, in particular, I think as the minister has described them, highly unionised workplaces and worksites, whereas for a whole variety of other people who lost their jobs in small business and elsewhere, they didn't get the offer of $4,000 or whatever the number was that the former Labor government offered, and what is the difference?

The Liberal government would say to the former Labor government and the Labor opposition now, 'What is the difference between somebody who loses a job in a small business and is looking for further employment and someone who is in a highly unionised worksite like Castalloy?' Why do your mates in those particular worksites get an offer of $4,000 yet some poor soul who loses their job from a small business because they happen to be one or two—

The Hon. T.A. FRANKS: Point of order, Mr President. I believe the Treasurer is accusing you of having mates in the union sector.

The PRESIDENT: We'll leave that point of order. Treasurer, what is your—

The Hon. R.I. LUCAS: I know for a fact that you do have friends in the union movement, Mr President. I know them by name, so I am sure you wouldn't take that as an offence. But, Mr President, let me direct the questions through you as is appropriate. Why should it be that the mates of the Labor Party and the highly unionised worksites get offered just before the election a $4,000 package deal, yet some poor soul who doesn't happen to be in a highly unionised worksite and a mate of the Labor Party gets zippo. The Labor Party has to explain that sort of anomaly; that is for them. The Liberal government has made it quite clear that there were Labor programs, Labor projects, Labor priorities—

The Hon. R.P. Wortley: You're not very convincing.

The Hon. R.I. LUCAS: We don't have to convince you, the Hon. Mr Wortley. I do have to convince you, Mr President, but I don't have to convince the Hon. Mr Wortley of the worth or merit of a new government's programs because the people of South Australia are the ones we need to convince, and they are the ones who said, 'Let's get rid of that other lot, the Labor Party.' They chucked them out at the last election, they comprehensively elected a new Liberal government, and they said, 'We've had enough of the Labor Party.'

The Hon. K.J. MAHER: Point of order, Mr President.

The PRESIDENT: Yes, Leader of the Opposition.

The Hon. K.J. MAHER: Again, relevance. The question was very specific about why he hates working people so much and supporting people—

The PRESIDENT: That was not the question. You are paraphrasing that question. I am going to allow the Treasurer some leniency. Hon. Ms Scriven, do you have a point of order?

The Hon. C.M. SCRIVEN: A supplementary when the Treasurer has finished his—

Members interjecting:

The PRESIDENT: Order! Has the Treasurer finished his answer? Hon. Ms Scriven, do you have a supplementary?

EMPLOYMENT TRANSITION SERVICES

The Hon. C.M. SCRIVEN (14:32): I do, Mr President, thank you. Is the Treasurer confirming that the only assistance available is through commonwealth programs for workers such as those at Castalloy and therefore his undertaking on 16 August was a lie?

The Hon. R.I. LUCAS (Treasurer) (14:33): I would never confirm that anything I said was a lie. As I have just indicated in response to either the first question or the supplementary question, I can't recall now, as minister Pisoni has indicated, there are commonwealth programs which are available, so I am advised, in relation to this particular area. If there is any further information that I can usefully provide which adds anything to what I have already put on the record, then I will put it on the record. If there isn't, then my answer stands.

EMPLOYMENT TRANSITION SERVICES

The Hon. C.M. SCRIVEN (14:33): A further supplementary: can the Treasurer confirm that he is unaware of any specific programs being funded by the Liberal state government, contrary to his statement on 16 August, for workers such as those employed at Castalloy?

The Hon. R.I. LUCAS (Treasurer) (14:34): No, I'm not going to confirm what the honourable member asked me to confirm. I have indicated there are $200 million worth of training programs which the government is funding—$202.6 million I think the exact number is—jointly funded commonwealth and state training programs. There are a range of programs which are going to be funded through the training sector.

The Hon. C.M. Scriven: What are they?

The Hon. R.I. LUCAS: A range of programs. I am not the minister in charge of vocational training in South Australia.

The Hon. K.J. Maher: You don't even know what's happening in your own portfolio.

The Hon. R.I. LUCAS: I am not the minister in charge of training programs in South Australia.

The Hon. I.K. Hunter: Then why do you make promises outside of your portfolio area?

The Hon. R.I. LUCAS: I can listen to them squeak and bleat for as long as they want to squeak and bleat from the opposition benches. If that's all they want to do during question time, good luck to them. They can waste their own question time. I am not going to agree to the position put by the honourable member by way of the supplementary question. There is a massive program of training being invested in by both the state and the federal government. There are commonwealth programs available and there are vocational training programs available. As I said, if there is anything useful that I can add in addition to the comprehensive response that I put on the public record, then I would do so.

TAFE SA

The Hon. E.S. BOURKE (14:35): I seek leave to make a brief explanation before asking the Treasurer a question regarding TAFE SA.

Leave granted.

The Hon. E.S. BOURKE: My question for the Treasurer is on behalf of Jessica, who attends the Port Adelaide TAFE:

> I am 18, and have a learning disability and struggle with various physical health issues that prevent me from holding down the types of jobs other people my age can do—like retail work.
>
> I want to be a receptionist, that is why I am currently studying a Certificate 3 in Business Administration to achieve this goal. I also experience anxiety and depression.
>
> Having lecturers on-site not only helps me to understand the content, but also alleviates my anxiety—I feel safe and supported in the TAFE community.
>
> If the TAFE closes, I won't be able to continue on with the course and reach my goal of becoming a receptionist.

Jessica's question to the Treasurer is, 'How is cutting the Port Adelaide TAFE helping me, and isn't this just a quick fix to help your back pocket at the expense of students?'

The PRESIDENT: The Hon. Ms Bourke, it can't really be Jessica's question. I am going to take the question as your question to the Treasurer, which is without the preamble. Treasurer.

The Hon. R.I. LUCAS (Treasurer) (14:37): Should I have the good fortune of meeting with Jessica, through the honourable member, what I would say to Jessica is, 'Whatever you do, Jessica, don't believe the hypocrites within the Labor Party.' That's what I would say to Jessica, 'Jessica, sit down, let's have a discussion, but whatever you do don't believe the hypocrites'—

Members interjecting:

The Hon. R.I. LUCAS: —'I don't believe the hypocrites in the Labor Party, hypocrites like the Leader of the Opposition, the Hon. Mr Malinauskas; hypocrites like the Deputy Leader of the Opposition, Dr Susan Close; hypocrites like the former treasurer, Mr Koutsantonis; and hypocrites like the current shadow treasurer, Mr Mullighan.'

What I would say to Jessica, through the honourable member, is, 'Jessica, the hypocrites in the Labor Party are exactly the same people who closed down the O'Halloran Hill TAFE, who closed down the Marleston TAFE, who closed down the Panorama TAFE, who closed down the Morphett Vale TAFE and who closed down 10 TAFE sites in country areas.' I would say to Jessica, 'Jessica, go back to the Leader of the Opposition and the honourable member and say to them, "Well, the Treasurer has just said to me that all he is doing is a lot less than you did. Perhaps you can explain to me why you closed down the Marleston TAFE, the O'Halloran Hill TAFE, the Panorama TAFE and the Morphett Vale TAFE".'

And I would say to Jessica, 'When you get an answer from the hypocrites in the Labor Party, then let's have another discussion.' Let's have another discussion, because what the people of South Australia will recognise is that they can sniff out hypocrisy a mile away—a kilometre away. They can sniff out hypocrisy at a kilometre away. There is a stench and there is a stink from the Labor Party in relation to their claims about the closure of TAFE sites. I will happily have a discussion with Jessica, or indeed with the Hon. Ms Bourke, or indeed anybody, about TAFE site closures.

This is the hypocrisy of Labor members, who as a former Labor government went on a rampant site closure across country communities, across the metropolitan area. There were about 14 of them, about 14 closures over a range of years, and the Liberal government has nominated four site closures. The members of the opposition are strangely silent as the evidence of their rank hypocrisy, their gross hypocrisy on this issue, is apparent for anyone to see.

TAFE SA

The Hon. E.S. BOURKE (14:40): I don't think Jessica is worried about the Treasurer's obsession with the Labor Party. Jessica is worried about her future.

Members interjecting:

The PRESIDENT: Order! I don't need contributions from members.

The Hon. D.W. Ridgway: We are getting another speech. Give me a break.

The Hon. E.S. BOURKE: I'm not giving a speech.

The PRESIDENT: Are you finished, the Hon. Mr Ridgway? I thought you were unwell. I misheard.

The Hon. E.S. BOURKE: Can you advise how Jessica will be supported through this transition?

The Hon. R.I. LUCAS (Treasurer) (14:40): I am very happy to. If I was having this discussion with Jessica and continuing, what I would say to Jessica is that we will be doing exactly the same as the former Labor government said they would do. You continue to provide courses to students like Jessica on sites, the Jessicas of the world who happen to live in Marleston or O'Halloran Hill or Morphett Vale or Panorama. What they were told by the former Labor government was, 'We will continue to provide courses for you in alternative options, whether it be online or whether it be at another site or whether it be in alternative locations.'

The Hon. Ms Bourke will know that, particularly in regional communities, when TAFE sites close, as in a number of cases under the former Labor government and what will occur under the Liberal government, you don't need, in this day and age, an actual TAFE site for many courses to be offered. For example, farming courses are offered these days on-farm. You actually have TAFE training providers who go on-farm to provide the courses. I would be surprised if the Hon. Ms Bourke wouldn't be aware of that particular issue.

It is exactly the same in many other industry sectors. If you went to Holden under the former Labor government, you would have had TAFE training providers not providing all their courses at a TAFE site. They actually went on location to Holden to provide the courses. What I would say to

Jessica is exactly, I assume, what former Labor TAFE ministers said to the Jessicas of this world and that is, 'Don't fear, Jessica, we will continue to provide courses but in alternative ways and through alternative means.'

As former Labor TAFE ministers did, the current Liberal TAFE minister, the Hon. Mr Gardner, will do exactly the same thing. There are alternative mechanisms. These courses will continue to be provided, but they will be done through alternative mechanisms, in exactly the same way as the former Labor government did when they closed down 14 TAFE sites all over the metropolitan area and country South Australia.

TAFE SA

The Hon. E.S. BOURKE (14:42): Just confirming that they could be undertaking their training with private training providers?

The Hon. R.I. LUCAS (Treasurer) (14:43): In the case of Jessica, I can't recall exactly the course. There are options in relation to private training provision, but that's not necessarily the total answer to the question of the Jessicas of this world. It could be TAFE providing the alternative option at another site or another location or online or at another facility.

That's what the former Labor government did. They said to the Jessicas of this world, 'TAFE will continue to provide services or training,' but in some cases the former Labor government said, 'There is a private training option, whether it be through an industry sector like the motor traders or whatever it might happen to be. There is an industry training option or a private training option or TAFE will continue to provide the option.'

That's what the former Labor government said to the Jessicas of this world, and I would be very surprised if the Hon. Ms Bourke, in an honest moment in quiet reflection after she leaves the question time, wouldn't agree that's what her government did in the past, and indeed that's what this government is going to do.

TAFE SA

The Hon. T.T. NGO (14:44): Supplementary question: could the Treasurer outline the reason behind closing Port Adelaide TAFE? I find it a bit strange, because there are more than 450 students at that campus at the moment.

The Hon. R.I. LUCAS (Treasurer) (14:44): I am delighted the Hon. Mr Ngo has asked me that question because it does give me the opportunity to indicate why we have had to make some of these cuts. Because of the scandalous nature of the former management by the former Labor government of TAFE, the state of TAFE is just a mess. This government—

The Hon. K.J. Maher: So you close them down. You fix it by closing it.

The Hon. R.I. LUCAS: Well, we actually have to find the money to balance the budget. This government has had to put an extra $109 million over five years into TAFE to try to allow it to continue as a viable training provider because of the scandalous mess in which the former Labor government left TAFE. We had people spending up to $52,000 of their own hard-earned money on courses, which, when they went to get their job, the accredited training provider said they are not worth the paper they are written on. They did not use exactly those words, but they couldn't continue to use that for the jobs that they were in.

We are having to spend $2 million of taxpayers' money, flying TAFE staff all over Australia to try to provide top-up training courses to these people who suffered under the former Labor government's administration of TAFE. They spent their money, they got a qualification, they thought they had a job, and then, all of a sudden, the national accredited body said that doesn't meet the standard that was required.

So the taxpayers are now spending $2 million of hard-earned money on sending our staff all over Australia, or flying them in, back to South Australia, paying for their accommodation, so that we can retrain them for their course. That's where the money is going. That's why we have to make savings in TAFE. That's why hard decisions have been made in relation to some TAFE sites, like

Port Adelaide, having to be closed in relation to their efficiencies. In relation to why particular sites are closing—

The Hon. K.J. Maher: What efficiencies?

The Hon. R.I. LUCAS: That's exactly what you would expect a former Labor minister to say: what efficiencies? They wouldn't recognise an efficiency if they fell over it because they weren't prepared to even look at it. That's the sort of financial mismanagement, incompetence and negligence the former Labor government exhibited in terms of the management of taxpayers' money, and it was sadly all too evident in the TAFE portfolio. There is $109 million of taxpayers' money going into trying to bail out TAFE to see that it can continue to be a viable training provider. As a result of that, they do have to make savings to try to meet budget.

INTERNATIONAL STUDENTS

The Hon. T.J. STEPHENS (14:47): My question is to the Minister for Trade, Tourism and Investment. Can the minister inform the council about the Marshall Liberal government's plan to grow our international student numbers?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:47): On Tuesday 4 September 2018, the Marshall Liberal government delivered a strong budget to secure South Australia's future. We are committed to growing our international education sector, which is South Australia's largest export sector, injecting more than $1.5 billion each year into the state's economy. For every four additional students who come to live and learn in Adelaide, one extra full-time job is created. As the Treasurer says, we are cleaning up Labor's mess and returning the budget to a sustainable position.

While the former Labor government was intent on cutting funding to this vital economic sector, we are delivering on our election commitments to create more jobs, including by introducing measures to grow international student numbers. One such measure announced in Tuesday's budget is an increase in funding to StudyAdelaide to a total of $2.5 million in annual support for the next four years. The difference between the Marshall Liberal government and the previous government could not be clearer, with this budget laying a strong foundation for the future to deliver economic reform that South Australia needs.

While the previous government considered stopping funding to StudyAdelaide altogether, this government believes we should do more to market Adelaide as a centre of education excellence, to entice more international students to live and study in South Australia. Another recent initiative to strengthen our international education offering has been the Adelaide Engage program. As shared with the council before, the establishment of this internship program has already seen over 300 international students from four universities. I'm pleased to share that overwhelmingly positive feedback has been received, and I am happy to share that with the Legislative Council.

The July cohort saw 22 teams made up of 143 international students participate in a three-week program working as business consultants under the mentorship of 27 industry professionals, delivering real-world business projects. The success of the program is demonstrated by the high feedback received from both the students, mentors and business clients. Ninety-six per cent of international students believe they have improved their employability skills by taking part in the Adelaide Engage program, and nine out of the 10 mentors and business clients said they would recommend participation in the Adelaide Engage program to a colleague.

The more international students we are able to attract to the state, the greater the benefits are for our local economy. All these students, as we know, spend money on accommodation, goods and local services while they are living here. And of course their family and friends who visit are growing our visitor economy and creating even more jobs for South Australians.

INTERNATIONAL STUDENTS

The Hon. K.J. MAHER (Leader of the Opposition) (14:50): Supplementary arising from the answer: the minister has quite rightly pointed out the importance of attracting international students and has quite rightly lauded a number of programs instituted by the former Labor government. Given the importance of this sector, can the minister outline the new programs that have been instituted in this budget to attract international students?

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (14:50): We have increased the funding to StudyAdelaide, which has increased marketing activity, to get more international students to this state. I have already outlined that it is—

Members interjecting:

The PRESIDENT: Allow the minister to speak.

The Hon. D.W. RIDGWAY: I'm normally happy to talk over the top of them, Mr President, but I'm struggling a little today. We know the industry is worth $1.5 billion. It is about attracting more international students to South Australia. That is why we have increased funding to $2.5 million.

The Hon. K.J. Maher interjecting:

The PRESIDENT: Leader of the Opposition, are you finished? I would like to go to the Hon. Ms Franks in a minute.

SA PATHOLOGY

The Hon. T.A. FRANKS (14:52): I seek leave to make a brief explanation before addressing a question to the Minister for Health and Wellbeing about the health and wellbeing of SA Pathology workers.

Leave granted.

The Hon. T.A. FRANKS: As the minister is no doubt aware, the workforce in SA Pathology has been under enormous stress for some time. It was a matter of some concern during the state election issue and has been raised in this place by all members of both the opposition and government as well as the crossbench.

Yesterday, the minister outlined that we are now seeing a six-month review of that workforce and their future with a view to possible privatisation, but acknowledging an already stressed and overloaded workforce, failed by both the human resource demands placed upon them and the technology that they are forced to work with.

Yesterday, the minister stated that the department had informed SA Pathology workers with regard to these changes, but I have received correspondence from Professionals Australia, which states:

> We have received no correspondence from the department regarding SA Pathology.
>
> The invitation to attend a department briefing was only made after Professionals Australia contacted Julie Hartley Jones (Group Executive Director of State-wide Clinical Support Services) concerned about the welfare of the staff who work in the service as she had failed to circulate information about the Employee Assistance Program in her email to staff. In conversation with Ms Hartley Jones it was at the Union's suggestion that a meeting with the department occur.

My question to the Minister for Health and Wellbeing is: how will he ensure the health and wellbeing of the SA Pathology staff as they undergo further stresses in this six-month period and have already been let down by the processes with regard to being offered mental health and other supports?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:54): I thank the honourable member for her question and the government appreciates the need to support workers as they undergo change. I was aware of an update issued by Julie Hartley-Jones earlier this week to all staff, and I am aware that there is another update that is being prepared, which will provide workers with information in relation to the Employee Assistance Program. I think the omission in the original email is unfortunate and I agree with the honourable member that it is appropriate that staff be made aware of support mechanisms.

SA PATHOLOGY

The Hon. T.A. FRANKS (14:55): Supplementary: what monitoring will the minister undertake to ensure that both the workforce and the mental health of the staff is to the optimum it should be, given there has already been a failure with providing and observing due process? How many staff are currently working more than 50 hours a week in this section of his workforce?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:55): I certainly will take the opportunity to stress with my executive the need to make sure that we are mindful of employee support ongoing. In relation to both the rights of private practice and SA Pathology, we have already given undertakings in terms of engaging employee organisations, and we will continue to do that. In relation to the second question, I recognise that as a question that the honourable member asked earlier and, as I said, I am happy to take that on notice and get back to the honourable member.

TAFE SA

The Hon. I. PNEVMATIKOS (14:56): I seek leave to make a brief explanation before asking a question of the Treasurer regarding TAFE SA.

Leave granted.

The Hon. I. PNEVMATIKOS: I wish to expand on the story of Jessica shared by my colleague the Hon. Emily Bourke. Jessica has shared her views and stated that she just wants people to know how much people will suffer if this TAFE closes, and this is something many would appreciate further information about. My questions to the Treasurer are as follows:

1. What will happen to the staff of regional TAFEs earmarked for closure?

2. Will redeployment and/or redundancies be provided to staff who are now surplus to requirements?

3. Has there been discussion with local TAFE management?

4. Are the services provided by regional TAFEs to be retained or privatised?

The Hon. R.I. LUCAS (Treasurer) (14:57): Broadly, my answers to the honourable member's questions are the same as the earlier answers I gave; that is, we will adopt the same processes that the former Labor government adopted when they closed 14 TAFE sites in regional areas and in the metropolitan area. If the honourable member was happy with those processes that the former Labor government utilised then she will be very happy with the processes that the Liberal government is going to utilise.

If the honourable member was unhappy with the processes the former Labor government utilised then I would invite her to stand up and say that she was unhappy with the processes the former Labor government utilised and she would urge the new Liberal government to reject those practices of the former Labor government and adopt new ones. I am quite happy to accept that sort of advice.

The Hon. I. Pnevmatikos interjecting:

The Hon. R.I. LUCAS: I am quite happy for me to accept that sort of advice and convey that to the minister in charge of TAFE. In relation to the general question about TAFE staff, where there are no longer jobs within TAFE, as occurred under the former Labor government, separation packages have been made available under the former Labor government and separation packages will be made available to staff under the new Liberal government in exactly the same way as occurred under the former Labor government. So if there is no longer a job for somebody within TAFE, that's how the former Labor government handled it and the Liberal government would handle it in much the same way.

TAFE SA

The Hon. T.A. FRANKS (14:59): Supplementary: what will be the effect on regional communities losing these TAFE campuses, such as Coober Pedy and Roxby Downs, and has any modelling being done about that knock-on effect to the local communities at the loss of both a facility and of course people?

The Hon. R.I. LUCAS (Treasurer) (14:59): I thank the honourable member for her question. Yes, TAFE has very considerable experience in relation to the knock-on effects because they have seen the experience of the closure of regional sites under the former Labor government. There is a long record of what the impacts are under the former Labor government when they closed a range of regional sites, so current case managers will be able to draw on the experience that they have

gathered, under the former Labor government, when they closed TAFE sites—I think 10 or 11 of them—all over regional South Australia.

There's a lot of experience for TAFE management to be able to draw upon in terms of informing them in relation to the three TAFE sites in regional South Australia. The management processes that current TAFE management will use for the three TAFE site closures in regional South Australia will be able to draw on the considerable experience of the former government, where 10 or 11 regional sites were closed down, the experience in terms of how you manage that particular process and the potential impacts.

There is no hiding the fact in relation to flow-on impacts. It will vary from regional community to regional community. That's the same with any particular service. As I indicated in response to other honourable members' questions earlier, what TAFE has done in the past is provide training options to those communities in different locations. In some cases, it is the local school which continues to exist. In other cases, they have used a community hall. As I said, in relation to some farming options, for example, they provide on-farm training. In other cases in the past, under the former Labor government, they provided online training.

There is a range of ways the former Labor government utilised to continue to provide services and training to people in regional communities where there was no longer a government-owned TAFE site. As I said, TAFE management will draw on their considerable experience of similar closures under the former Labor government.

ADELAIDE ZERO PROJECT

The Hon. J.S. LEE (15:01): My question is directed to the Minister for Human Services and is about the Adelaide Zero Project. As no-one deserves to sleep rough, can the minister please update the chamber about the work of the Adelaide Zero Project?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:01): I thank the honourable member for her question and for her interest in this area. The Adelaide Zero Project is one that is quite familiar to a number of members in this chamber. It has multipartisan support and has the aim of making Adelaide functional zero for rough sleeping, I think by the year 2020. The government is addressing the issue of people sleeping rough in the CBD, surrounding Parklands and North Adelaide and thanks Adelaide Zero for its leadership in this area.

We have been named a vanguard city by the Institute of Global Homelessness. Dame Louise Casey, who has been to Adelaide and met with a number of members last year, will be back in Adelaide on 18 September to see what progress we have made here and provide further advice. The South Australian Housing Authority is a partner of the Adelaide Zero Project. We thank the Don Dunstan Foundation for having initiated the Zero Project and for their leadership role.

The Zero Project uses approaches that have been successful overseas. Functional zero is a definition where the number of people sleeping rough is no greater than the average monthly housing placement rate. It became operational with Connections Week, which was led by the Hutt St Centre, Connections Week being from 14 to 16 May.

The Housing Authority funds a range of specialist homelessness services to provide case management and support for people who are sleeping rough in the inner city. These are funded through the National Housing and Homelessness Agreement. The Housing Authority under the previous government, I note, provided a range of supports to Don Dunstan through the Zero Project. We are currently providing 0.4 FTEs to the project to assist them in their work.

There were 143 people who were identified through Connections Week as sleeping rough in Adelaide's inner city in May 2018. People are identified by a by-name list, which is kept up to date and should be made available through a live process, if it hasn't been already. The Housing Authority has set a target to provide 10 properties a month for allocation to this, and community housing providers have also been participating by providing properties to people who are amongst our most vulnerable.

Recently, the Adelaide city council, through the Lord Mayor, hosted a business alliance, which was initiated by him. He generously hosted an event at the town hall to include a number of

Adelaide's leading business-people to advise them of the project and to seek their support and to participate in particular ways, and so a number of these activities are ongoing. It is a good collaboration between a range of different sectors in Adelaide and South Australia and we look forward to providing some firm results in the near future.

ADELAIDE ZERO PROJECT

The Hon. K.J. MAHER (Leader of the Opposition) (15:05): Supplementary arising from the answer in relation to rough sleeping and homelessness. Is the minister able to indicate if there is evidence of a significant decrease in Aboriginal youth at risk of homelessness to justify the $1.6 million cut to programs for Aboriginal youth at risk of homelessness?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:05): I'm assuming the Leader of the Opposition is referring to Marni Wodli. Marni Wodli has been identified as a particular program that needs to be rephased. The recurrent funding is, I think, close to $1 million per annum and it provides placement for nine individuals in one geographic location. We are seeking to rephase that particular program so that it provides more appropriate accommodation. For people who are accommodated there at the moment it is business as usual but we will be speaking to communities, clients, staff and the non-government sector about how to provide a more appropriate service than the one that exists at the moment.

I would also like to point out that through the homelessness and housing strategy which is being developed by the Housing Authority, it is a commitment of this government to develop an Aboriginal housing strategy. The former government mainstreamed housing, I think under the 'leadership' of the then minister Weatherill, by getting rid of the Aboriginal housing section within, as it was then, the Housing Trust. We have committed to develop a specific Aboriginal housing strategy going forward because we think this is an area that was neglected under the previous government and one where we want to provide specific supports that are culturally appropriate.

ADELAIDE ZERO PROJECT

The Hon. K.J. MAHER (Leader of the Opposition) (15:07): Supplementary arising from the original answer: is there any possibility that any homelessness services will be privatised, as other services have been privatised in the minister's portfolio area?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:07): I don't accept that any services have been privatised in my portfolio.

EASTERN EYRE HEALTH ADVISORY COUNCIL

The Hon. F. PANGALLO (15:07): I seek leave to make a brief explanation before asking the Minister for Health and Wellbeing a question.

Leave granted.

The Hon. F. PANGALLO: Earlier this week, I asked the minister what the government was doing to address a chronic shortage of doctors, medical specialists and mental health counsellors on Eyre Peninsula. As coincidence has it, I have since received a copy of the resignation letter from Dean Johnson, the presiding member of the Eastern Eyre Health Advisory Council, whose major role is to relay ideas and views from the community to the local health service; ideas that are meant to be used in planning for new and improved services.

The council, which represents hospitals and health services in Cleve, Cowell and Kimba, also provides advice to the Minister for Health and the Chief Executive of Country Health South Australia on matters outside of the local area affecting residents of Eastern Eyre. The council spent almost $100,000 trying to recruit a GP. The letter by Mr Johnson, who is also Mayor of the District Council of Kimba, makes for disturbing reading. I quote:

> The SA Health system has evolved into a series of brick walls and blockages designed to protect those inside the system, and keep external influences out…It is a top-down approach that inevitably results in depleted local services and poorer outcomes for those who choose to live and work in the regional parts of the state, a reality I believe is completely unacceptable…Not only are Cowell and Kimba without resident GP services, but there is little to no effort on recruiting by Country Health SA, the Rural Doctors Workforce Agency, or the Minister for Health.

He goes on, and his frustration is clear, and again I quote:

I have written to the Minister for Health, the Hon. Stephen Wade, multiple times without reply or even acknowledgment. I find this completely unacceptable, and must now commit all my available time and energy into finding our town a GP.

I could go on, but instead I will table the letter. My questions to the minister are:

1. Can he explain why he is yet to respond to Mr Johnson?

2. Will he now personally step in to help this desperate region find a GP before a tragedy occurs that could have been averted?

3. Will he demand his department address this critical issue?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:10): I thank the honourable member for his question. I have had requests from the District Council of Kimba for a meeting, and since I have been appointed I have been working through those meeting requests. In terms of a letter from Mr Johnson, the only letter I have on record is a letter written on 31 July, and I received a draft reply from the department this week.

In terms of the letter the honourable member read, the first part of the letter is in relation to the lack of responsiveness of Country Health SA, which is a well-founded concern right across country South Australia, and that is why this government is committed to establishing regional board governance so that communities have decision-makers closer to them and they can be actively involved in the decision-making process.

A point that Mr Johnson made in his 31 July letter is one on which I completely agree with him, that is, that the response to the GP shortage on Eyre Peninsula is likely to be a regional model. The Kimba council model up until now has been a localised model, but in the Mid Eyre service, which is owned and run by—

The Hon. I.K. HUNTER: Point of order, Mr President.

Members interjecting:

The PRESIDENT: Yes, the Hon. Mr Hunter.

The Hon. I.K. HUNTER: The point of order is that the honourable minister is falling into bad practices and turning his back on you, sir, again, having been warned against that previously.

The PRESIDENT: Thank you, Hon. Mr Hunter. Minister, through me.

The Hon. S.G. WADE: So the Mid Eyre model is a regional model, and there have been discussions both with the District Council of Kimba and with the Franklin Harbour district council in terms of the opportunities for those councils to participate in the Mid Eyre medical model.

In terms of Country Health's stepping in to try to support services where there are gaps, Country Health is providing services for clients from Kimba, Cowell, Cleve, Arno Bay and other surrounding communities from the Country Health-owned Mid Eyre practice in Cleve. The Mid Eyre Medical practice has three permanent general practitioners and also relies on locums in order to meet demand and to provide for a sustainable on-call roster.

I believe the solution to the issues at Eyre Peninsula will involve local government, state government and commonwealth government, and I particularly recognise the financial contributions that both the Streaky Bay council and the Kimba council have put in. Just to clarify the Hon. Frank Pangallo's question: it was not the health advisory council that put the money into GP services, it was the District Council of Kimba.

I have had discussions with local government representatives and local MPs from Eyre Peninsula and, as I indicated to the council on Tuesday, I will be visiting Eyre Peninsula in the near future to meet with a range of stakeholders, because I believe that the response will be across governments and it will be across the region.

The PRESIDENT: Hon. Mr Pangallo, a supplementary.

EASTERN EYRE HEALTH ADVISORY COUNCIL

The Hon. F. PANGALLO (15:14): Yes, thank you. I will make a correction. I did intend to say that it was the district council rather than the advisory council that spent the $100,000. My question was: can you explain why you have yet to respond to Mr Johnson as well? He clearly has an expectation of a response.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:14): As I indicated, the letter I presume he is referring to is the letter of 31 July. The other contacts were from the council in relation to a meeting request. As I said, the draft letter only arrived in my office this week and I will certainly be responding. If there was a failure to acknowledge the letter I regret that and apologise for it.

The PRESIDENT: Mr Pangallo, a further supplementary.

EASTERN EYRE HEALTH ADVISORY COUNCIL

The Hon. F. PANGALLO (15:15): Just to quote him, 'I've written to the Minister for Health multiple times without reply or even acknowledgement'—not once.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:15): I can only tell you what my ministerial office records show but we will certainly double-check.

The PRESIDENT: Hon. Mr Pangallo, do you have a further supplementary?

The Hon. F. PANGALLO: No.

The PRESIDENT: We are going to need to table that document in a minute. We'll do that after. Hon. Mr Pangallo, can you seek leave to table that letter?

The Hon. F. PANGALLO: I seek leave to table the letter.

Leave granted.

EASTERN EYRE HEALTH ADVISORY COUNCIL

The Hon. K.J. MAHER (Leader of the Opposition) (15:15): A further supplementary arising from the original answer: given that the Mayor of the Kimba council, who is also the presiding member of the Eastern Eyre Health Advisory Council, has said he's resigned because of the disrespect shown by the minister in not responding to multiple letters, will the minister undertake that he will treat people on his new regional board governance models with more respect than he has done so in this case?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:16): I continually attempt to treat people with respect and I have no intention of changing that practice.

SA PATHOLOGY

The Hon. T.T. NGO (15:16): My question is to the Treasurer. What level of savings does SA Pathology have to achieve to prevent its privatisation?

The Hon. R.I. LUCAS (Treasurer) (15:16): The Budget Measures document, I believe, included a number in the fourth year (2021-22) of about $42 million. If it is not exactly that, I will correct the record.

SA PATHOLOGY

The Hon. K.J. MAHER (Leader of the Opposition) (15:16): Supplementary: do we understand it correctly that SA Pathology will not be privatised until they fail to meet what is in the final year of what is in their budget? The question I think was: what are the savings that need to be reached to prevent privatisation? Is the Treasurer saying they have to come in under $42 million in a particular year not to be privatised?

The Hon. R.I. LUCAS (Treasurer) (15:17): I am not sure how that is supplementary to the question.

The PRESIDENT: Well, a clarification.

The Hon. R.I. LUCAS: The question was: what was the number, and I have given the number which was, as I said, my understanding is $42 million. I can only repeat what I said yesterday and, I suspect, also the honourable minister may well have said, and that is that the Budget Measures document makes it quite clear that the expectation—and the minister has outlined the process, I am not going to repeat the process again—the expectation of the Budget Measures document, which is quite apparent for anyone who is prepared to do the hard work and read the Budget Measures document, is that SA Pathology will be given the opportunity to, in essence, meet the efficiencies that other interstate public sector peer organisations already perform at.

The minister outlined the process but ultimately, as I indicated in the budget speech and have done so on a number of public occasions since then, if the government makes the judgement that SA Pathology is either unable to or unwilling to meet that level of savings on behalf of the taxpayers of South Australia, then there will be the option, as outlined by the minister yesterday, for alternative provision of those services.

SA PATHOLOGY

The Hon. T.A. FRANKS (15:18): Supplementary: how can the Treasurer claim that SA Pathology's performance should be measured against other states when other states do not have to deal with EPLIS?

The Hon. R.I. LUCAS (Treasurer) (15:18): I am sure the Minister for Health has—

The Hon. I.K. Hunter: You've been thrown under the bus on this one.

The Hon. R.I. LUCAS: I don't throw my colleagues under the bus. We march side by side collegiately.

Members interjecting:

The Hon. R.I. LUCAS: That's the Collingwood side by side. We march side by side collegiately in relation to these issues. The minister has a number of IT disasters inherited from the former Labor government, one of which has been identified by the honourable member. EPAS is another. I think there is another E something that is a disaster too, from my brief period as shadow minister. There were so many E disasters in Health that I have lost track of them, but I remember EPAS and EPLIS, and there was another E.

The Hon. T.J. Stephens: ESMI.

The Hon. R.I. LUCAS: What was it?

The Hon. T.J. Stephens: ESMI.

The Hon. R.I. LUCAS: ESMI. That's right, it was ESMI. There were three E disasters at varying stages under the former Labor government. That will be part of the challenge for the Minister for Health, and indeed SA Pathology. Any of these IT disasters that the former Labor government had left there—we can't just, over the next four years, leave the disaster there. Part of the solution, over the next four years, is to try to clean up the mess of the former Labor administration in relation to these E IT disasters.

SA PATHOLOGY

The Hon. T.A. FRANKS (15:20): Supplementary: does the Treasurer intend to account for the Health economics of GPs unable to get the information they require to act urgently to health issues? Will he account for these efficiency dividends being put on SA Pathology that will actually come at the expense of other parts of the Health budget?

The Hon. R.I. LUCAS (Treasurer) (15:20): When you get into the weeds of the details of these particular issues, I will leave that to my very capable colleague the Minister for Health. As I have outlined, and as the minister has outlined, in terms of the broad aggregate numbers for SA Health and SA Pathology, it is not an unreasonable expectation, on behalf of the taxpayers of South Australia, when you have a budget which is haemorrhaging out of control and the taxpayers have to bail it out year after year after year—

The Hon. T.A. Franks: Haemorrhaging might not be the wisest euphemism to be using there.

The Hon. R.I. LUCAS: Well, it's a word that I think very wisely and accurately describes the way the former Labor government managed the Health budget. When you have one particular part of health—CALHN—which was $250 million overspent last year, and over the previous four years was overspent by between $50 million and $150 million, and the former Labor government did nothing about it and just basically said, 'Well, the taxpayers of South Australia can just continue to pay for massive overspending, financial mismanagement and incompetence, and do nothing about it', then that's one of the reasons why the people of South Australia threw the former Labor government out.

They basically said, 'Are you not prepared to do something on behalf of we, the long-suffering taxpayers, who have to pay for the massive budget blowouts, the overspending, the financial mismanagement, the negligence and the incompetence of Labor ministers and the management of the Health budget?' The answer that we are giving is that we as a new government are prepared to try to take some action.

If other pathology providers in other public health institutions interstate—not private sector providers, because that's an even more onerous comparison because they can actually provide the same services at a lower cost in other jurisdictions—but if other public sector providers can actually provide the same level of quality service at a much lower cost, then it is not an unreasonable position, on behalf of the taxpayers of South Australia, to say, 'Why wouldn't we look at making the savings of tens of millions of dollars on behalf of taxpayers?'

When push comes to shove, we will be there, battling away for the quality of the services being delivered within hospitals. We will also be there on behalf of the long-suffering taxpayers of South Australia, who are the ones who ultimately have to pay the cost of the health system here in South Australia, which has been massively overspent over a long period of time because the former Labor government was unprepared to tackle the serious problems that have confronted them for literally a decade or more.

Bills

PAYROLL TAX (EXEMPTION FOR SMALL BUSINESS) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 August 2018.)

The Hon. K.J. MAHER (Leader of the Opposition) (15:24): I rise in support of this bill and indicate that I am the lead speaker on behalf of the opposition in the Legislative Council. The regime contained in this bill extends the previous work of the former Labor government in reducing payroll tax. Payroll tax is a large revenue stream for government. I think in the 2017-18 Mid-Year Budget Review the revenue was estimated at $1.170 billion. Payroll tax, I am informed, is approximately one-quarter of state taxation revenue, and along with other revenue sources in the state, like GST, it forms a major revenue source for the programs that any government implements.

But payroll tax has often been a contentious tax. Payroll tax commenced being levied by state governments from the 1940s. In a deal during the Second World War, income tax revenues went to the commonwealth and other taxes, like payroll tax, went to the state. Taxes such as payroll tax have been contentious ever since.

Labor, when in government, had a strong record of cutting payroll tax and reducing the liability on business in SA in this regard. The former Labor government were champions of cutting payroll tax. Way back in 2004-05, payroll tax was reduced from 5.67 per cent to 5.5 per cent. It should be noted that it stood at 6 per cent under the previous Liberal government. The cut benefited about 5,500 businesses in SA and amounted to a $74 million reduction on businesses over three years.

A few years later, in the financial year 2007-08, the payroll tax rate was again reduced from 5.5 to 5.25 per cent, benefiting some 6,500 employers, resulting in a $40 million reduction on businesses for that financial year. Further reform was undertaken in 2008-09, which reduced payroll

tax from 5.25 per cent to 5 per cent, increased the payroll tax threshold from $504,000 to $552,000 and implemented harmonised payroll tax with other jurisdictions; for example, vehicle and accommodation allowances, fringe benefits and super for non-employee directors. This benefited a further approximately 6,500 businesses, employing some 380,000 Australians, and equated to a $61 million reduction for businesses for that financial year.

In 2010, the payroll tax threshold was increased from $552,000 to $600,000 and the rate was cut from 5 per cent to 4.95 per cent, benefiting approximately 6,700 employers, resulting in an $84 million reduction for businesses over the forward estimates from that reform. A further reform in 2010-11 introduced an exemption from payroll tax for apprentices and trainees—a $44 million reduction for businesses over two years.

In 2013-14, there was the introduction of a concessional payroll tax rate of 2.5 per cent to employers with annual taxable payrolls of $600,000 up to $1 million, effectively halving the payroll tax rate for those businesses and providing relief of up to $9,800 to more than 2,200 businesses—a $21.6 million reduction for small businesses over two years.

In 2015-16, that small business payroll tax rebate was extended, which meant over 130,000 South Australian businesses were not liable to pay payroll tax and an $11.3 million reduction for small businesses. In 2016-17, that payroll tax rebate was again extended for four years, up to 2019-20, providing up to $9,800 each year for employers with taxable profits of less than or equal to $1.2 million, benefiting some 2,300 businesses. There was a $40 million reduction for small business over four years from this measure.

Finally, in the 2017-18 budget, the payroll tax cut for small businesses was extended, with a small business rate of 2.5 per cent, down from the 4.95 per cent, for firms with a payroll between $600,000 and $1 million, phasing up from 2.5 per cent for businesses with payroll from $1 million to $1.5 million, with an estimated additional 1,300 employers to benefit and a $45.1 million reduction for small businesses over four years.

The cumulative values of these payroll tax cuts and changes were in excess of $220 million of payroll tax relief per year and every year now. Over the life of the former government, the Labor government delivered over $2 billion of net payroll tax relief to businesses in South Australia. This reduction and the benefits have been embraced largely in a bipartisan manner in the past.

However, in 2015-16, there was confusion from the now Premier, the member for Dunstan, about whether he and the Liberal Party supported the last measure that I referred to: the rebate for small businesses. First, it was not supported, and then it was, and then there was emphatic support with a request to extend it. It is pleasing to see more reductions being proposed in the bill, standing on the shoulders of what the former Labor government had instituted.

The bill increases the tax-free threshold from $600,000 of taxable payroll to $1.5 million, at a cost to the state budget of $44½ million a year. The government is seeking to provide this relief via these amendments to the Payroll Tax Act. However, this new threshold will not be introduced until 1 January 2019, midway through the 2018 financial year, halving the full-year cost, instead of $44½ million to $22¼ million dollars of relief. The Labor opposition has questioned the reason for this delay. In our view, if this is being proposed, there is no excuse for not bringing payroll tax cuts forward in the 2018-19 budget, particularly given the federal budget is estimating South Australia will receive an additional $271 million of GST revenue in the 2018-19 year.

The additional one-off impact of bringing forward what was a Liberal election commitment to 1 July 2018 instead of 1 January 2019 is the equivalent of only 8.2 per cent of the additional, and originally unforecast, GST revenue. The Premier asserts in his second reading explanation regarding these payroll tax cuts:

> The changes will remove a major disincentive to business, create more jobs and employ more people, as well as making South Australia a much more attractive place to invest and grow businesses.

If that statement the Premier made was indeed true, then there can be no reason to argue against bringing forward these changes to create more jobs and employ more people here. Indeed, Business SA supports bringing them forward. Whilst some in the government may assert that the 2018-19 financial year has begun, and thus time has run out to implement these changes, they can

still be easily implemented administratively through ex gratia relief by the Treasurer. Indeed, that is how the current rebate scheme is already being administered.

We note that the New South Wales and Victorian governments, in their recent 2018-19 budgets, announced changes to their tax-free threshold for payroll tax and had the changes implemented at the start of the 2018-19 financial year. It is odd that the Liberal government and the Liberal Party, a party that calls itself the party of business, would not introduce a payroll tax measure at the start of the year but only halfway through the year, thus denying significant benefit to businesses in this state.

The Hon. D.G.E. Hood: You had 12 years.

The Hon. K.J. MAHER: Over the life of the Labor government, there was over $2 billion of payroll tax relief initiated—a massive amount—and I thank the Hon. Dennis Hood for complimenting the former government on their great track record with payroll tax, as he interjected. I think that is a wonderful display of bipartisanship. Despite indications that this policy was not particularly well thought out, as indicated by the proposed start date midway through a financial year, it has failed to develop a phase in or graduated tax schedule for businesses with payroll tax between $1.5 million and $1.7 million, again showing a lack of thought about how this would work.

The Premier, in a press release on 20 June 2018, attempted to deflect attention and said that there would be a phase-in of the payroll tax scheme as a big win for business. Rather, it was just a sloppy administration of an election policy. The Labor opposition supports further relief for payroll tax and notes that it is building on the tremendous work that Labor did in government with over $2 billion of payroll tax relief during its time in government, and looks forward to the committee stage of the bill.

The Hon. J.A. DARLEY (15:34): I rise in support of this bill. The bill will increase the payroll tax threshold from $600,000 to $1.5 million, with businesses with wages between $1.5 million and $1.7 million benefiting from a reduced rate. It is expected that payroll tax receipts will reduce by approximately $44.5 million to the benefit of approximately 3,600 businesses.

Payroll tax was a platform Advance SA ran with at the last election, as we believed it was a disincentive for South Australian businesses to grow. I have spoken to small businesses in South Australia who expressed their frustration over payroll tax and how they perceived it as a handbrake on expanding their businesses. They saw no point in increasing the size of their business as the increase in payroll taxes would have negated any benefit that was derived from the expansion. I am very happy to support this bill and commend the government for taking this step to reduce payroll tax for South Australian businesses.

The Hon. D.G.E. HOOD (15:35): I am very pleased to rise in support of this bill, which introduces changes to the payroll tax system that I have long advocated for and many business owners in South Australia have long awaited. I am confident the relief that will be provided to small businesses as a result of this proposed legislation will prove to be key in transforming our state into a far more attractive place in which to live, work and invest, and conduct and expand business operations.

As you would be aware, Mr President, I am a firm believer in limited government and the reduction or removal of unnecessary red tape where possible, which often only serve as impediments to growth and progress. I am proud that the Marshall Liberal team is in a position to demonstrate leadership in the area of tax reform that will stimulate and revitalise our economy.

Under the existing act, payroll tax is levied on taxable wages at the rate of 4.95 per cent above an initial tax-free threshold of $600,000. The provisions in this bill increase this threshold to $1.5 million as of 1 January next year, which means the estimated 3,200 businesses in South Australia with payrolls below this figure will be entirely exempt from payroll tax.

Businesses with annual taxable wages above $1.5 million will continue to receive a deduction of up to $600,000 from their taxable wages, consistent with the existing tax-free threshold. Those with payrolls between $1.5 million and $1.7 million will pay a tax rate that increases proportionally from zero per cent to 4.95 per cent. Overall, the changes are expected to benefit around 3,600 businesses in South Australia, reducing the payroll tax they would otherwise be liable to pay

by approximately $44 million per annum, with individual businesses saving up to, I think, a very substantial $44,550 each and every year.

There are well over 140,000 small businesses in South Australia that employ fewer than 20 people, comprising no less then 98 per cent of all businesses operating in our state. Given they provide employment to a third of our workforce, I am sure members would agree we cannot afford to have any of these enterprises at risk of closure or make life harder for them simply because payroll tax encumbrances have rendered their operations no longer viable. We cannot afford to disincentivise owners in any way from expanding their teams and offering the employment opportunities South Australians so desperately need.

I note the previous government had a growth rate target for small businesses in South Australia of 5 per cent. It is a commendable target, but the figure for the last financial year reveals it achieved well short of this, with an actual growth rate of just 1.6 per cent. This is not at all surprising, given we have unfortunately had the lowest payroll tax threshold in Australia of almost every state and territory. Increasing our employment rate is certainly a priority for our new government, and a greater focus on ensuring the success of our small business is a vital part of that process.

In an effort to achieving and maintaining a low unemployment rate, this Liberal government recognises the need to address the barriers to the creation of job opportunities that we have experienced for far too many years under the previous government. Small to medium-sized businesses, which should be given the most incentive to prosper, particularly in SA given our heavy reliance on their success, have experienced the most strain under the current payroll tax system.

By relying on this specific stream of revenue for a quarter of its tax income, the previous state government has arguably prevented our state from reaching its economic potential. Fewer jobs inevitably leads to greater reliance on government handouts and consequently less money being injected back into our South Australian economy.

Undoubtedly, excessive payroll tax rates in South Australia have not only been a detriment for business owners to expand their operations but would have made entrepreneurs consider whether this encumbrance has been worth the risk of undertaking a new venture in South Australia at all. Our state government is now intent on creating an environment where both existing businesses can thrive and start-ups are attracted.

This is an issue that will contribute significantly to the growth and success of business enterprise in almost every industry and will be welcomed by many small business owners who I know and have spoken to personally since my election to this place over 12 years ago. Indeed, they have all, to some extent, expressed their frustration at the regulatory burdens that have hindered their businesses from flourishing, with payroll tax being a consistent point of contention often raised with me. In contrast to the former Labor government, this Liberal government will not be reliant on ever-increasing taxes and new levies to counter incessant spending. This government recognises that that is not sustainable, nor desirable or beneficial in the long term.

Being part of a fiscally conservative government sits well with me, and this is a government that has an innovative vision that spans beyond its current term in office. It will not be limiting its policies and actions to those that simply obtain short-term gain at the expense of South Australia's future economic vibrancy and competitiveness but will seek to fuel investment and stimulate growth at each opportunity.

The passage of this bill will enable the fulfilment of one of the Marshall Liberal government's most important election commitments to the business sector, and I look forward to its swift passage through this place in the best interests of all South Australians. I commend the bill to the council.

Debate adjourned on motion of Hon. E.S. Bourke.

INFRASTRUCTURE SA BILL

Second Reading

Adjourned debate on second reading.

(Continued from 25 July 2018.)

The Hon. C.M. SCRIVEN (15:42): I advise that I am the lead speaker on behalf of the opposition in regard to this bill. The objects of Infrastructure SA are to promote efficient, effective and timely coordination of planning, prioritisation, delivery and operation of infrastructure, as is necessary for the economic, social and environmental benefit of the state. These goals are certainly worthy, but the opposition has serious concerns about whether this government bill achieves that.

There are three main issues with this bill: responsibility, unprecedented powers and transparency. Firstly, on the issue of responsibility, while the rhetoric is about transparency, the reality is that this body will give cover to the government when it wants to avoid responsibility for decisions. The legislation gives the board—that is, people who are not elected, who are not accountable to the community—the ability to set out a framework for 20 years of infrastructure spending of taxpayers' money. Under the current bill, where is the opportunity for local communities to provide input about infrastructure? Where is the ability for communities to expand on what it is that is important to them? Where is the ability for parliament to have some oversight of what is recommended?

Secondly, on the issue of unprecedented powers, it is noted that this body will have the ability to go into private companies' details and seek—in fact, require—information in regard to their structure, their finances and their cost of doing business. This is something that is unprecedented in terms of a board. I will go into this further in terms of amendments that will be moved in the future.

The third issue is about transparency. There are a number of areas where there is no opportunity for this parliament to see why these decisions have been made, what recommendations have been made by Infrastructure SA and what feedback has been provided. In fact, we will not know whether or not the government is following the advice of Infrastructure SA. Again, that is one of the amendments that we will be moving.

As I said, the goals of this bill are worthy, but in fact the Premier has already made a mockery of his Infrastructure SA policy. In opposition, the now Premier announced that South Australia must have an independent committee to assess all major infrastructure projects, but then, when he committed to GlobeLink, a controversial and potentially unviable multibillion dollar project, he told us it will avoid the scrutiny of his new committee. When it comes to the Liberal's views on infrastructure, contradiction is nothing new.

In opposition, the Premier previously stated that infrastructure investment was a 'false economy' before changing his position several years later, claiming 'infrastructure creates jobs'. During the election campaign, the only new infrastructure project committed to was to spend $37 million digging up the North Terrace/King William Street intersection to put in a right-hand turn. Of course, there are a number of contradictions there.

The Premier had promised the project would be completed in the first 12 months, but the infrastructure minister has had to since backtrack on that promise, with no indication of when that project will even start. It follows delay after delay on the North Terrace tram extension project, with no date set for the extension's opening, even after the minister promised the 29 July opening date was 'set in stone'.

Considering the contradictions, mismanagement and broken promises of the Marshall Liberal government, it is unsurprising that they want to outsource the planning and decision-making of infrastructure projects. Planning and decision-making is and should be a function of the government. Trying to avoid responsibility for decision-making is one of the potential outcomes of this bill.

The Infrastructure SA Bill seeks to establish Infrastructure SA, its membership, its objects and functions. Its objects include to promote such efficient, effective and timely coordination, planning, prioritisation, delivery and operation of infrastructure as is necessary for the economic, social or environmental benefit of the state and to promote the adoption and use of policies, practices, information and analysis to support sound decision-making in relation to infrastructure. The bill also establishes the Infrastructure SA board to consist of seven members, including four nominated by the minister and appointed by the Governor, the chief executives of DPC, DTF and DPTI. Of the four nominated members, the minister may appoint a chair and a deputy.

Similar to independent infrastructure bodies created in other states, the bill requires Infrastructure SA to prepare an infrastructure strategy. In South Australia's case, it will be for the next 20 years and must be reviewed at least once every five years. The bill also requires Infrastructure SA to prepare a statement of capital intentions, identifying which major infrastructure projects should be undertaken as a priority within the next five years.

The bill also allows for Infrastructure SA to conduct additional infrastructure strategies, statements or plans on its own initiatives or at the request of the minister. The bill requires Infrastructure SA to deliver an annual report to the minister, which must be provided to parliament within 12 sitting days after it is received.

The bill also provides Infrastructure SA with the powers that I referred to: to require a person to provide information and material, such as a business case, and to assist in the performance of its functions, and failing to do so would incur a maximum penalty of $20,000. The bill provides Infrastructure SA with powers to disclose confidential information if Infrastructure SA believes the public benefit outweighs any detrimental impact on the person required to make the disclosure.

As I mentioned, there are three particular concerns that the opposition has and, as a result, we will be moving amendments to this bill in order to overcome them. Those issues are: trying to transfer responsibility, unprecedented powers with regard to private businesses and a lack of transparency. We will do so, obviously, during the committee stage.

The Hon. J.A. DARLEY (15:48): I rise very briefly to indicate my support for this bill. The bill will establish Infrastructure South Australia, which will be responsible for identifying the government's infrastructure priorities through an infrastructure strategy. I have often said that a whole-of-government approach is needed for this state, and this is especially true for major infrastructure projects.

It is important that the left hand knows what the right hand is doing rather than having departments operate within a silo mentality. In some cases, I have witnessed departments not even having a whole-of-department approach let alone a whole-of-government approach. Having a body such as Infrastructure South Australia will provide clarity for the direction the state is heading and its priorities.

The Hon. M.C. PARNELL (15:49): The Greens support the second reading of this bill. The bill creates a new statutory body, Infrastructure SA. This body will have the responsibility to advise the government on all matters to do with public and private infrastructure. The new body will be responsible for preparing a 20-year state infrastructure strategy and a statement of capital intentions. It is important to realise that this new body will not actually build anything itself but it will be involved in advising government and it will be involved in putting in South Australia's bids to Infrastructure Australia to get national funding for state projects.

No-one can doubt the importance of getting infrastructure decisions right, whether it is physical infrastructure or social infrastructure, it is what holds our communities together. However, I think it is also fair to say that over many years, possibly forever, there has been suspicion around how infrastructure decisions are made. I mean, who has not been at the water cooler, in the front bar or at the barbecue where the conversation turns to, 'Why on earth did they build that?', or, 'Why did they build this project in preference to this other one which is far more important?' People will hear about the cost-benefit analysis of a certain project that has been put forward and they will ridicule it because it will make no sense to them.

We all appreciate how important infrastructure is but it is an area that is surrounded by a great deal of suspicion. I guess when it comes to suspicion probably the main situation is around election time when the question is posed: why did that community get a swimming pool? The answer is often, 'What? That marginal seat that may decide the fate of the government?'

It seems to me that if we have a body of people who are appropriately chosen, that are representative of different sectors of society, that make independent assessments and provide independent advice to government, then perhaps—just perhaps—there may be a little less pork-barrelling. It may be a little bit more difficult for the government to justify the unnecessary project in the marginal seat if it does not cut the mustard with Infrastructure SA. I am not going to state my

expectations any higher than that. We will leave it at hope—hope that better infrastructure decisions will be made and there will be less pork-barrelling.

The Hon. John Darley in his contribution talked about government agencies talking to each other. Again, in the front bar, around the water cooler or at the barbecue who has not heard the story of the gas people coming to dig up the road, they patch it up and a week later the water people are back and they dig up the same patch of road, and then maybe a couple of weeks after that the electricity authorities are in and digging up the same patch of road? It might be a cliché but, like most clichés, it is borne out of experience. It is what happens. So having an overarching body properly resourced that can actually look at these issues and make recommendations then perhaps—just perhaps—we might prevent some of those things from happening.

We know when it comes to advisory bodies that it is the same as with computer programs: rubbish in, rubbish out. We need to get the best possible advice, and that brings us to the bill, it brings us to the composition of Infrastructure SA and it brings us to the job of work that Infrastructure SA has in preparing this 20-year state infrastructure strategy. What struck me when reading the bill was not just that the composition as expressed in the bill does not guarantee that all of the relevant interests, especially community interests and local government interests, will be represented—that is not at all clear.

However, when it comes to this main job of work that I think Infrastructure SA has, writing the 20-year plan, when you have a look at the things that the plan must contain and the processes that Infrastructure SA has to go through, it is completely inadequate in terms of consultation with stakeholders. The words are very simple: it just says in the bill:

(1) The 20-year State Infrastructure Strategy must…

(d) consider relevant information provided by the public, private and not-for-profit sectors...

It does not actually oblige them to ask anyone what they think. It does not oblige them to be proactive in their communication with all these different sectors of society. It is only if someone happens to find out what is going on, and they happen to lodge a submission, that they have to take that into account. That is a pretty poor way of doing things. In some ways it harks back to the old methods of simply 'stick it in the *Government Gazette*, put a little classified ad up the back of the paper and hope that no-one responds but, if they do, give them lip service.' We have to do much better than that.

I notice that the Hon. Clare Scriven, on behalf of the Labor Party, has filed a number of amendments that go to some of these issues. They certainly go to public consultation, accountability, transparency and openness, and to which documents get published and how they are published. The Greens are very attracted to many of these. There are others we are not so sure about, and there are a few I still have question marks next to, and I will listen to the debate in committee very carefully.

On that question of public consultation, both the Labor Party amendments and the filed Greens' amendments seek to achieve more certainty in terms of public involvement in the preparation of the infrastructure plan. The Labor amendments take a fairly traditional approach in terms of a requirement to advertise and call for submissions.

The Greens' approach might raise a few eyebrows, but basically I have taken one of the biggest pieces of legislation that we have on our statute books—the Planning, Development and Infrastructure Act—and had a look at the process in that. That act was the one we debated over—I cannot remember—was it 50 hours? It took us up until Christmas. We were told that if we did not pass it quickly we would be sitting on Christmas Day, if people cast their minds back to the previous parliament. That bill is about infrastructure—it is now an act of parliament—and it seems there is a provision in that act on how to engage the community. It is called the Community Engagement Charter.

That document has now been endorsed by the government. It seems to me that, if that is the guiding document for consultation with the community over planning, and that infrastructure is really a subset of planning, then that is a guiding document for this project as well. We will have that debate, I guess, when we get into committee. What I am pleased about is that, whether it is the Greens' amendment or the Labor Party amendment, I would be very surprised if this Legislative Council does

not insist on the government incorporating better communication and accountability measures in the bill, and we will see when we get into committee which of the different models has favour.

I am pleased that members of this council are taking this bill seriously, as seen through the amendments. I am looking forward to the committee stage, but certainly as a matter of principle the Greens are strongly supportive of having independent advice to government on infrastructure so that we can perhaps avoid some of the shocking pork-barrelling that has gone on in previous years and some of the appalling infrastructure decisions that do not hold up to any level of scrutiny at all. If we can improve on that situation, then the state will be better off as a result.

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

PUBLIC INTEREST DISCLOSURE BILL

Second Reading

Adjourned debate on second reading.

(Continued from 5 June 2018.)

The Hon. K.J. MAHER (Leader of the Opposition) (15:58): I rise today to indicate that I am the lead speaker for this bill and to advise that Labor is supportive of the changes being implemented through the Public Interest Disclosure Bill 2018. We will, however, propose one amendment, which I believe was filed some time ago, and I will expand on that shortly.

This bill repeals the Whistleblowers Protection Act 1993 and establishes a new protection scheme for whistleblowers. The scheme regulates the disclosure of environmental and health information and public administration information in two different ways. The environmental and health information is required to relate to a substantial risk to the environment or public health, while public administration information is only required to raise a potential issue of corruption, misconduct or maladministration.

The Attorney-General's Department has provided advice that the bill is identical to legislation that the former Labor government introduced through the former attorney-general, the member for Enfield, John Rau, with the exception of the addition of clause 6, which allows a disclosure to be made to a journalist or a member of parliament but only after an appropriate disclosure as contemplated in the regime has been made. As the bill is currently drafted, a member of the public is only protected by this legislation for disclosures made about public health and environment information but not at all in relation to public administration information.

I flag that the Labor opposition has an amendment to the bill. We think there is some benefit in providing a member of the public who may be aware of public administration information that raises a potential issue of corruption, misconduct or maladministration with protection under this scheme. Let's say, for example, you work in a business that supplies a product to government and become aware of kickbacks or inflated prices. If you make a disclosure about that, as a member of the public, it may be reasonable that you are covered by this scheme, notwithstanding you are not a public sector employee.

Amendments are being filed to effect this change and I look forward to the chamber debating these issues and hearing from the government about why that one amendment should or should not be proceeded with. Once again, I reiterate the opposition's support for the changes being made and look forward to the committee stage of the bill.

The Hon. J.A. DARLEY (16:01): I rise in support of this bill, which is the same as the bill which was presented to parliament last year before the election. The bill reforms the Whistleblowers Protection Act and allows people to make disclosures in the public interest without fear of reprisal by providing immunity for those who make disclosures in line with the act, and also provides protections against victimisation for making a disclosure.

Disclosures can be made to a responsible officer who has an obligation to advise the person making the disclosure whether the matter will be investigated or not. If not, reasons why not must be provided. If action is taken with regard to the disclosure, the responsible officer must make efforts to keep the person making the disclosure updated on the action or outcome of the action taken.

Importantly, the bill outlines that a person who has made a disclosure in line with the bill can then approach a journalist or a member of parliament if they have not been notified within 30 days of disclosure, or if they have not received an update on action being taken within 120 days.

Each government agency and council will have a disclosure policy which would outline who the responsible officer is, how disclosures can be made, and obligations under the bill. The opposition's amendments are in relation to extending the protections under the bill to all persons, not just public servants who make a disclosure on public administration matters. I understand the government has indicated that such protections are unnecessary, as members of the public will not require protections if they are disclosing information relating to public administration, as the scope for retribution for the disclosure would be minimal.

I also question whether the protections will include those public servants who are directly affected by the disclosure, and a clear answer has not been provided. At this stage, I reserve my position on these amendments. I indicate my support for the bill overall as I believe it is important that people are given the confidence to speak out when they see something wrong, and can do so in the knowledge that they will not be victimised because they are doing the right thing. These often involve very delicate and sensitive matters, and I hope that by improving these provisions, it will encourage more people to speak out.

The Hon. M.C. PARNELL (16:03): As other speakers have said, we have seen this bill before. This bill before us now is very similar. The Greens supported the last bill and will be supporting this bill as well. We have already agitated debates around appropriate disclosure, including reference to journalists and to members of parliament, so we will not need to reagitate that, I do not think.

The Labor opposition has introduced a new concept that we will need to have a think about and that raises a question about whether there are people who need the protection of this law who are not currently protected, in particular people who are not in a general sense public servants. We will hear what the opposition has to say when we get into committee, but I think my concerns are similar to those expressed by the Hon. John Darley: we are not sure what level of protection these people might need. If we go back to the origins of whistleblowers' protection legislation, the original harm to be overcome was people who were not just ostracised in the workplace but were bullied and sacked and ultimately paid a heavy price for having reported wrongdoing.

Whistleblowers' protection legislation came in in all states and territories and, it is probably fair to say, with limited success. Certainly, it is far more difficult for a big government agency to sack someone who has been a whistleblower and has made appropriate disclosure, but I have seen, in various reviews of this legislation in various states and territories, that there are some things it is pretty hard to legislate for. It is hard to make people be nice to you in the tearoom. It is hard to stop people turning their back on you at the water cooler. There are still consequences of blowing the whistle and not being a team player and not letting some of these indiscretions or illegalities go through to the wicketkeeper.

There is a price to be paid, but our job as legislators is to put in place a regime that protects these people as best we can. I am not sure whether people outside of the Public Service need that level of protection. Generally, they are not facing the sack because they do not work for the Public Service. They are going to make their disclosures to ICAC or to the police or wherever they go. We will hear the debate, but the Greens will need some convincing in relation to that.

Certainly, whilst this bill does what it does, we know that there are still some notorious cases out there of people who have blown the whistle and paid the price. Many of us have been appalled at what is happening at the commonwealth level, where you have someone who basically blew the whistle on illegal spying that our country undertook on one of the poorest countries in the world, East Timor. When that came to light, the response of the government, even today, is to prosecute these people for drawing the public's attention to the appalling and illegal conduct of Australian authorities. How remarkable.

We have to get to a point where whistleblowers' protection legislation reaches much wider. I am not suggesting a state law is going to impact on national security personnel, but I think this debate is a broader one that we as a nation need to have at the state level, at the federal level and even

internationally, where one of the world's most famous whistleblowers, I think, has just been denied a visa to come to Australia, as a person of poor character whom we should not be hearing from. The disclosures that that person—

The Hon. I.K. Hunter: She got around that one. Technology.

The Hon. M.C. PARNELL: As the Hon. Ian Hunter interjects, technology is a way around. You do not physically have to be in a country to have your voice heard, but it is still an interesting case study in how we treat whistleblowers at all levels of government. With those brief words, the Greens will be supporting the legislation and we look forward to hearing from the Labor Party about why they feel it needs to be extended in the way that they have proposed in amendments. We look forward to the committee stage.

Debate adjourned on motion of Hon. I. Pnevmatikos.

OFFICE FOR THE AGEING (ADULT SAFEGUARDING) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 20 June 2018.)

The Hon. C. BONAROS (16:09): I rise to speak in support of the Office for the Ageing (Adult Safeguarding) Amendment Bill 2018. The bill, as we know, establishes a new adult safeguarding unit, which will be located in the office for ageing well, the department previously known as the Office for the Ageing. Part 2 of the bill provides for the name change, with the impetus for the change being a commitment by government to combat ageism and an acknowledgement that as Australians we are living longer and staying healthy for longer.

The fact that we are living longer should be a cause for celebration. For example, the proportion of older Australians participating in the workforce doubled between 2000 and 2015, from 6 per cent to 13 per cent. The knowledge and expertise that older Australians possess and share with others cannot be overestimated. We are living in an ageing community, where older people make up a considerable proportion of Australia's population.

According to the Australian Institute of Health and Welfare, in 2016 over one in seven people were aged 65 and over (that is around 3.7 million Australians, or 15 per cent of the population). That figure is expected to rise by some 23 per cent by 2055. Supporting our ageing population is therefore a major challenge facing our state and the federal government.

As Australia faces the inescapable demographic destiny of an ageing population, the increased risk of elder abuse is also an inescapable reality for many of our older Australians, which is why preventing elder abuse in an ageing world is everybody's business. Elder abuse is usually perpetrated by those in a relationship of trust and, sadly, we know that in many cases of elder abuse it is often the older person's own children, intimate partners and/or carers who perpetrate the abuse.

There are many personal stories of heartache and frustration involving older Australians, of families torn apart by elder abuse and families who live with the painful knowledge that their loved ones suffered in the final chapters of their lives. It is clear that action must be taken and power returned to our older Australians.

Elder abuse takes so many insidious forms. Psychological and emotional abuse appear to be the most common types, but it can also be verbal abuse, name-calling, bullying and harassment. It also includes treating an older person like a child, repeatedly telling them that they have dementia, threatening to withdraw affection, threatening to put them in a nursing home and preventing them from seeing friends and family.

Financial abuse is also a common element in elder abuse and includes stealing money or goods and abusing power of attorney arrangements. Of course, physical abuse, sexual abuse and neglect are also prevalent and represent the darker elements of elder abuse. Common risk factors for abuse include disability, poor physical health, depression and social isolation, all of which require a whole-of-government approach to combat.

The new adult safeguarding unit, which forms the basis of the legislation and which will respond to complaints about elder abuse, is set out in section 15 of the bill, and a key focus of the unit will be on the prevention of abuse through raising awareness and community education. I am keen to hear from the minister about the form that awareness and education will ultimately take. The unit will also receive reports of alleged or suspected abuse and will be responsible for assessing and investigating these reports and, according to the minister's second reading explanation:

> …either referring them on to appropriate persons or bodies, or working in collaboration with other agencies to coordinate a multiagency and multidisciplinary approach to responding to concerns in a way that puts the rights of the vulnerable adult at the centre.

A number of powers have been provided to the unit, including a range of coercive information gathering powers to enable it to investigate reports of abuse. In addition, part 4 of the bill provides for the voluntary reporting, but mandatory response, to a report of abuse or suspected abuse of a vulnerable adult. Of course, mandatory reporting in aged-care facilities is already in place for certain specific offences, as provided in the commonwealth Aged Care Act 1997, to help protect aged-care residents.

However, in relation to the bill, the government is of the view that mandatory reporting is not an appropriate approach to responding to adults with decision-making capabilities. I and SA-Best remain concerned about the nuanced way perpetrators of elder abuse can operate and the fear they can instil in their victims. While we have not moved amendments to the bill at this stage, I am keen to hear from the minister as to whether he would consider a mandatory reporting scheme in relation to serious physical or sexual abuse or neglect.

All abuse is, of course, serious, but a mandatory reporting scheme could focus on abuse at the higher end of the spectrum. A person's adult child who steals small amounts of money from a wealthy parent may be committing abuse, but the abuse might not be serious. Any mandatory scheme must, of course, be balanced with the rights of older people to make autonomous decisions about their personal situation. That is really where we run into some differences of opinion, I suppose, in relation to mandatory schemes, but it is one that I am very willing to discuss further with the minister.

Finally, the safeguarding provisions will apply to vulnerable adults aged 65 years or older, or 50 years or older for Aboriginal or Torres Strait Islanders, for the first three years of operation of the legislation. The bill also includes an independent review of the operation of the legislation within three years, and I support the review and look forward to that report in due course.

In closing, older persons should be able to live with dignity and security and be free of exploitation, physical, psychological, sexual or mental abuse. SA-Best trusts that the bill is a step in the right direction and I certainly look forward to further discussions with the government, and the minister in particular, regarding the concerns just outlined. With that, we support the second reading of the bill.

Debate adjourned on motion of Hon. I. Pnevmatikos.

LOCAL GOVERNMENT (RATE OVERSIGHT) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 July 2018.)

The Hon. I. PNEVMATIKOS (16:17): Today, I rise to speak on the Local Government (Rate Oversight) Amendment Bill 2018, which seeks to amend the Local Government Act 1999. I have been following this matter very closely and understand that local communities are calling for more transparency, accountability and efficiency from local government. They are concerned about the level of waste and rorts that appear to occur, whilst their rates continue to increase.

This is a serious matter and requires an extensive amount of consultation, which is why I have personally consulted with the community, including unions and employee organisations, engaged with local governments and associated organisations, met with employees from local government, and attended forums that discussed all perspectives on this matter. I have researched

the matter enough to appreciate that there are serious concerns in our community that require real solutions.

The Liberal government's objective of a rate capping system barely scratches the surface of the fundamental concerns being raised in our communities. It is merely another example of misguided propaganda to sell a quick message without needing to be substantive. Who wants to pay more rates? This messaging was not open-ended, it did not invoke consultation, it merely exists to attract a momentum of support for the Liberal Party to push their agenda.

There was no discussion on what makes a community or what is important to our communities, and certainly did not invoke a discussion on the role a government should play to ensure that the services that make our communities vibrant are supported. There were no disclaimers that, by placing a cap, communities could very well experience a reduction in services, reduced investment in infrastructure and backlogs in crucial maintenance, as has been the case in neighbouring states that have this type of system.

The member for Schubert stated that this very bill is in line with the government's commitment to be transparent and independent in their programs and interactions with the community. Based on what we have seen so far, I would not describe this bill as transparent at all. We still have not been advised what the cap will be. In fact, at no stage throughout this debate has any rate or figure been suggested by the government.

I have read the Liberal Party's plan 'Capping your council rates' and I find it very telling that New South Wales was used as a contrast against South Australia. New South Wales was selected as it has had rate capping since 1977 and allegedly has the lowest council rates in the nation. Presumably this is attributable to the magic of a rate cap system. It is important to note that, based on ABS data between 2006 and 2016, South Australia had the second lowest increase in council rates in the country. We are not the poorest scoring state when analysing local rates.

What was neglected in the plan was that rate capping has not worked in New South Wales. It has proven to be both unnecessary and redundant, creating poorer outcomes for our communities. New South Wales is facing significant issues about infrastructure, and renewal backlogs. Forty-one years of rate capping has severely hampered the ability of councils in New South Wales to function and operate in terms of programs and services.

I rely on views expressed by Ms Linda Scott, president of the New South Wales Local Government Association, and Mayor David Clark, deputy president of the Municipal Association of Victoria, for both the New South Wales and Victorian experience of rate capping. The reality is rate capping has not worked. You were all welcome to hear this too, had you attended the Local Government Association's special meeting on this issue back in July at the Adelaide Town Hall. Some of my colleagues were there.

Rate capping is a real threat and will affect the most marginalised people in our community. In severe cases the overseas experience has led to privatisation of programs and services. If you knocked on anyone's door in the local community and asked if they would support having to pay a fee for access to their local library or any other services and programs provided by their local council, there would be an outcry.

I cannot stress this enough: this is an important issue and one the community feels strongly about. They want to see less waste, less secrecy and rorting, an end to extravagant perks and unnecessary travel interstate and overseas. People in the community want to see a vibrant, responsive and effective local council that services the interests and needs of the local community.

It is not acceptable to run an unsubstantive scare campaign for political gain just because you have a sharp slogan. This bill simply does not provide a definitive rate cap but merely adds another bureaucratic process by shifting the oversight of the rating system from ratepayers to an unelected administration, ESCOSA, the same regulators for our water rates and previously for our electricity.

It does nothing to tackle the core problems of council waste, secrecy and rorting. Proper engagement on the issue would have saved us all time to get to the point we have now reached. There are effective measures that can be implemented to protect ratepayers from cost-of-living

increases, tackle local government rorts and waste, reduce council costs and hold local government to account. All of the reasons above are why I will not support this bill. I strongly encourage the government to come to the table to progress a real solution for this matter. SA-Best and the Greens are already here and we are working collaboratively to get the job done.

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

Resolutions

CRIME AND PUBLIC INTEGRITY POLICY COMMITTEE

The House of Assembly agreed to the Legislative Council's resolution.

Bills

NATIONAL REDRESS SCHEME FOR INSTITUTIONAL CHILD SEXUAL ABUSE (COMMONWEALTH POWERS) BILL

Introduction and First Reading

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

Second Reading

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (16:26): I move:

That this bill be now read a second time.

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

Leave granted.

Mr President, the Government is pleased to introduce the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. This bill reflects the commitment made by the South Australian Government in May this year to participate in the National Redress Scheme for Survivors of Institutional Child Sexual Abuse. Its passage will enable and support the full implementation of the National Redress Scheme in South Australia, and the consistent operation of that Scheme around the country.

Before I deal with details of the Bill, it's important for me to remind the Council of the work of the Royal Commission into Institutional Responses to Child Sexual Abuse, ('the Commission').

The Commission heard from thousands of survivors across Australia. Their stories opened our eyes to the prevalence of institutional child sexual abuse, the failure of institutions to respond and the lifelong impact it brings to bear. The findings and recommendations of the Commission are powerful and far-reaching. Joining the National Redress Scheme is one of a number of significant steps our Government is already taking to protect children from institutional sexual abuse, to hold perpetrators to account and to provide support and justice for survivors.

In the course of its inquiry, the Commission found that for many survivors, existing civil litigation systems and past and current redress processes have not provided justice. It heard that the very nature and impact of institutional child sexual abuse can work against survivors' ability to seek damages under existing avenues. The long-term impacts of child sexual abuse make it difficult for survivors to hold institutions to account through the legal system, and many are at risk of being retraumatised when they attempt to do so.

Another issue that arose in the private sessions before the Commission was the time it can take for survivors to disclose child sexual abuse. On average, the Commission found that it took survivors 23.9 years to disclose the abuse they suffered. This Government's recent reforms to the *Limitation of Actions Act* to remove the existing limitation periods for initiating claims for child sexual abuse will assist those who disclose their abuse many years after it occurred.

However, the Commission also found that civil litigation is not an effective means for all survivors to obtain adequate redress for the abuse they have suffered. Society's failure to protect children across a number of generations created a clear need to establish way survivors could access appropriate redress for past abuse. To this end, one of the Commission's key recommendations was that the Commonwealth Government establish a single national redress scheme for survivors of institutional child sexual abuse.

The South Australian government has been working closely with the Commonwealth and other State and Territory governments to develop a scheme as recommended by the Commission.

The National Redress Scheme will operate for 10 years. The purpose of the scheme is to recognise and alleviate the impact of past institutional child sexual abuse and related abuse. The scheme will be operated by the Commonwealth Government.

All other States and Territories have indicated their commitment to join the scheme, as have the majority of the large faith-based institutions along with other large non-government institutions involved in providing services for children such as the Scouts and the YMCA. It is estimated that over 90% of the survivors of institutional child sexual abuse will be covered by the scheme.

Redress under the scheme includes three core elements, as recommended by the Commission:

The *first element* is a monetary payment which will be up to $150,000. A monetary payment is a tangible means of recognising the wrongs that survivors have suffered.

The *second element* is access to counselling and psychological support. The Commission heard a great deal about the long-term psychological and mental health effects of child sexual abuse. There was no doubt that many survivors will need counselling and psychological care from time to time throughout their lives.

The *third element* is a direct personal response from the participating institution or institutions responsible. Many survivors who gave evidence before the Commission described the importance of receiving an apology from the institution responsible for their abuse. An apology includes acknowledgement of the abuse, its impacts, and the steps taken to prevent it from happening again. Of course, some survivors may not want further contact or engagement with the institution. For this reason, the principles guiding the provision of direct personal responses state that engagement between a survivor and a participating institution should occur only the survivor wishes it.

An intergovernmental agreement has been drafted to be signed by States and Territories participating in the scheme, as well as by the Commonwealth. The South Australian Premier signed the intergovernmental agreement on 6 June 2018.

I now turn to the detail of the bill. To be clear, the bill does not establish the National Redress Scheme—that has already occurred with the enactment by the Commonwealth Parliament of the *National Redress Scheme for Institutional Child Sexual Abuse Act 2018*.

What this bill does is provide the necessary legislative support from the South Australian Parliament to secure the comprehensive application of the scheme in this State. This is not something that the Commonwealth can achieve acting alone, given the limits on its legislative powers under the Commonwealth Constitution. This bill 'tops up' those powers to the extent necessary using the mechanisms provided for in section 51 (xxxvii) of the Commonwealth Constitution.

Clause 4 of the Bill adopts the text of the Commonwealth's National Redress Act and is an acknowledgment from the State Parliament that it supports the application of that Act. Later, I will briefly explain the content and operation of the National Redress Act.

Clause 5 of the Bill also includes an amendment reference to enable the Commonwealth to amend the National Redress Act subject to some limitations.

The first limitation set out in clause 7 is to ensure that the Commonwealth cannot make any amendments to the National Redress Act that would prevent or limit the establishment or operation of a State redress mechanism. The term 'State redress mechanism' includes a scheme established by a government or non-government entity for or in respect of individuals who have suffered institutional child sexual abuse.

The purpose of this limitation is to ensure that State mechanisms such as the South Australian Victims of Crime Scheme are not inadvertently affected by any changes made to the National Redress Act. 'State redress mechanism' also includes the jurisdiction of a court to grant compensation or support to victims of crime, including crime relating to institutional child sexual abuse.

This limitation prevents any changes to the National Redress Act that would impinge on the jurisdiction of courts in this regard. Clause 7 (3) of the bill identifies certain matters where the limitation does not apply. This is to protect provisions in the National Redress Act that address court proceedings that relate to the scheme. This includes the release of civil liability of institutions or officials in connection with the operation of the scheme; the disclosure or use of evidence or other information provided or obtained in connection with the scheme; and the making, enforcement or protection of payments in connection with the operation of the scheme.

The second limitation, in clause 8 of the bill, is to prevent the Commonwealth from making any amendments to the National Redress Act that would remove or override a provision that requires the agreement of the State. This includes the requirement that a State agree to a State institution being declared by the Commonwealth Minister to be a 'participating institution' in the National Redress Scheme. States must also agree to assuming responsibility for a defunct institution and to two or more State institutions forming a participating group for the purpose of the scheme. Clause 11 of the bill provides that either regulations or ministerial directions may determine how the agreement of the State is to be given, withdrawn or evidenced.

In addition to the limitations applied to the amendment reference, the intergovernmental agreement includes important safeguards to ensure that participating States and Territories are consulted on and have voting powers to approve or oppose proposed changes to the National Redress Scheme. The ability to terminate the text and/or the amendment reference is provided in clause 9 of the bill. A reference can be terminated on a day fixed by the Governor by proclamation.

Returning to the Commonwealth legislation which is adopted by this bill, the National Redress Act provides the legislative basis for entitlement, participation, offers and acceptance, provision of redress, funding liability, funder of last resort and other administrative matters. The Commonwealth Government has undertaken significant consultation and negotiation with stakeholders to develop the National Redress Scheme as reflected in its legislation.

The National Redress Act was explained in detail when it was introduced in the Commonwealth Parliament, and has been the subject of scrutiny and report by two Senate Committee processes. I will therefore be somewhat brief in my account of the key elements.

The National Redress Act provides that abuse within the scope of the scheme is sexual and related non-sexual abuse that occurred before the start of the scheme, when the person was a child and in a participating State or Territory.

A person is eligible for redress if they have been sexually abused as a child within the scope of the scheme, the abuse is of a kind for which the redress payment worked out would be more than nil, one or more participating institutions is responsible for the abuse and at the time of the application, the person is an Australian citizen or permanent resident.

For the purposes of the scheme, a participating institution is deemed to be responsible for the abuse of a child if the abuse occurred in circumstances where the participating institution is primarily or equally responsible for the abuser having contact with the child. Various circumstances are relevant to determining that question— for example, whether the institution was responsible for the day-to-day care of the child when the abuse occurred or whether the abuser was an official of the institution when the abuse occurred. Participating institutions that are determined to be responsible for the abuse are liable for the costs of providing redress. Those institutions are also liable for contributing to the administration of the scheme.

If an application for redress identifies a participating institution as being involved in the abuse or if the scheme operator has reasonable grounds to believe a participating institution may be responsible, they must request that the institution provide any information that may be relevant.

If the operator considers there is a reasonable likelihood, as defined in the National Redress Act, that the person is eligible for redress, they must approve the application. After approving an application, the scheme operator must determine the amount of the redress payment and the share of costs attributable to each liable institution. The process for working out the amounts, including the application of an assessment framework, is prescribed. This includes deducting any relevant prior payments—for example one that may have been received through the South Australian *ex gratia* scheme established following our Children in State Care Inquiry. A determination made by the redress scheme is an administrative decision, not a finding of law or fact.

A person who has applied for redress may apply for internal review of a determination. The original determination must be reviewed in those circumstances by an independent decision-maker. If a person is entitled to redress and wishes to access the counselling and psychological component, they will be referred to the participating jurisdiction where they live. In South Australia, counselling and psychological services will be enabled by the provision of an additional payment to the applicant to support their access to services of their choosing. If a person wishes to be given a direct personal response, the participating institution must take reasonable steps to give one. Guiding principles are included in the National Redress Act and a direct personal response framework sets out the arrangements under which institutions will provide direct personal responses. If a person accepts the offer of redress, they must release particular institutions from all civil liability for the abuse. The abuser is not released from liability. This is consistent with the royal commission's recommendations.

All Commonwealth institutions are automatically participating in the National Redress Scheme. State, Territory and non-government institutions must agree to participate. States and Territories must also agree to State or Territory institutions participating in the scheme. A State institution includes State departments and other bodies established under State law.

Once this bill commences, non-government institutions in our State, including churches, charities, independent schools and other organisations, are able to participate in the National Redress Scheme. I strongly encourage these institutions to join so that survivors have access to redress.

Some institutions where child sexual abuse has occurred may no longer exist. To ensure that survivors are not deprived of access to the scheme simply for this reason, the National Redress Act provides that a 'defunct' institution can participate in the scheme if it has a representative that acts on its behalf and assumes its obligations and liabilities under the scheme.

Participating government institutions may be the funder of last resort for a non-government institution that no longer exists and is not participating in the scheme. This applies only where the government institution is equally responsible for the abuse and has agreed to be the funder of last resort.

While the introduction and passage of this bill is an important step in making the National Redress Scheme available to all South Australian survivors, there is still work to be done to prepare the administrative facilities and services necessary to ensure the efficient processing of applications and facilitation of redress, in all its forms, for eligible applicants.

We are getting on with this task and expect that the scheme will be fully operational in South Australia, in the sense of redress payments being able to be made, in early 2019. Applicants are able to apply from now, and at any time within the 10 year life of the Scheme, and will be supported in completing their applications, including with legal advice, by independent Redress Support Services. I would encourage all potential applicants to keep an eye on the National Redress Scheme website hosted by the Federal Department for Social Services to keep fully informed about the scheme as it rolls out around the country.

Mr President, I take this opportunity to acknowledge the survivors of institutional child sexual abuse, their families and the organisations that represent them. Whether as children or adults, the reality is that for many years survivors were not listened to, were not believed or were not acknowledged. I thank them for their resilience and their determination to ensure that we all learn from the mistakes of the past, and to acknowledge the harm and suffering experienced by the many thousands of children who have been sexually abused in institutions where they should have been safe.

I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

These clauses are formal.

3—Interpretation

This clause defines terms used in the measure.

Part 2—Adoption and referral

4—Adoption of the relevant version of the National Redress Act

This clause provides that the National Redress Act is adopted within the meaning of section 51(xxxvii) of the Constitution of the Commonwealth (the *adoption*).

5—Amendment reference

This clause refers to the Commonwealth Parliament a power to make laws with respect to a redress scheme for institutional child sexual abuse by the making of express amendments to the National Redress Act (except as provided by clauses 7 and 8) (the *amendment reference*).

6—Amendment of National Redress Act

This clause makes it clear that the National Redress Act may also be expressly amended, or have its operation otherwise affected, by provisions of Commonwealth Acts made pursuant to other powers of the Commonwealth or by instruments made or issued under such other Commonwealth Acts or under the National Redress Act.

7—State redress mechanisms

This clause defines a State redress mechanism and provides that the amendment reference does not include the matter of making a law to the extent that that law would operate to prevent or limit the power to establish, or to prevent or limit the operation of, any State redress mechanism.

8—Requirements for agreement of the State

The amendment reference does not include the matter of making a law to the extent that that law would substantively remove or override a provision of the National Redress Act that requires the agreement of the State.

9—Termination of adoption or amendment reference

A proclamation may fix a day on which the adoption and the amendment reference are to terminate or on which the amendment reference is to terminate or, if the amendment reference has already terminated, on which the adoption is to terminate. Such a proclamation may be revoked (before the day so fixed) by further proclamation.

10—Effect of termination of amendment reference before adoption

This provision clarifies which laws continue to have effect in a case where the amendment reference terminates before the adoption does.

Part 3—Miscellaneous

11—How agreement of the State is given, withdrawn and evidenced

The regulations, or Ministerial directions, may make provision in relation to the manner in which the agreement of the State is to be given or withdrawn and may be evidenced for the purposes of the measure and the National Redress Scheme.

12—Information sharing

This clause provides for the giving of information by a participating State institution to the Operator, or for the giving of information by a State agency to another State agency so that it can assist a participating State institution to comply with a request for information from the Operator, for the purposes of the National Redress Scheme. Information may be provided under the provision despite other laws of the State, however regulations (and the rules under the Commonwealth Act) may preserve the operation of confidentiality provisions in other laws where appropriate.

13—Regulations

This clause is a regulation making power.

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

CHILDREN AND YOUNG PEOPLE (SAFETY) (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

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

NATIONAL GAS (SOUTH AUSTRALIA) (CAPACITY TRADING AND AUCTIONS) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (16:28): I move:

That this bill be now read a second time.

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

Leave granted.

Over the last five years, the east coast gas market has undergone a significant transformation, with a number of structural changes occurring on both the demand and supply sides of the market. The most significant of these changes has been the development of the Liquefied Natural Gas export industry in Queensland, which has resulted in unprecedented shifts in supply and demand and changes in the pattern of gas flows and use of transportation infrastructure across the east coast.

In response to these changes, the COAG Energy Council asked the Australian Energy Market Commission in 2015 to conduct a review of the design, function and role of the facilitated gas markets and gas transportation arrangements in the east coast. At the same time, the Australian Competition and Consumer Commission was asked to review the state of competition in the east coast market. These two reviews were completed in the first half of 2016 and recommended a range of reforms across the gas supply chain.

In August 2015, the COAG Energy Council responded to these recommendations by agreeing to implement 15 reform measures across four priority areas being gas supply, market operation, gas transportation and market transparency. The Energy Council also established the Gas Market Reform Group, led by Independent Chair, Dr. Michael Vertigan AC, and accorded it responsibility for progressing a number of the reforms, including the design and implementation of the capacity trading reform package.

This package of reforms is intended to foster the development of a more liquid secondary market for transportation capacity and, in so doing, improve the efficiency with which capacity is allocated and used on gas transportation facilities operating under the contract carriage model. The reforms are expected to achieve this objective by improving the incentive transportation users have to sell any spare capacity they may have and limiting the ability of transportation service providers to price short-term capacity products above the levels that would prevail in a workably competitive market. The reforms will also reduce search and transaction costs and the information asymmetries faced by market participants.

Greater liquidity in the secondary transportation capacity market is expected to facilitate more trade in gas and support the development of a more robust reference price for gas. This will, in turn, provide better signals for gas use and investments in exploration, production, transportation and storage facilities, which is in the long-term interests of consumers.

The Gas Market Reform Group's work on this package of reforms was carried out in 2017 and the first half of 2018. This work culminated in the development of the legislative and regulatory instruments required to give effect to the capacity trading reforms, which the COAG Energy Council agreed to implement on 29 June 2018. It is intended that the capacity trading platform and day ahead auction will commence on 1 March 2019 and the harmonised gas day times will commence on 1 October 2019.

The regulatory package included an Amendment Bill, changes to the National Gas (South Australia) Regulations, an initial set of National Gas Rules and the initial Operational Transportation Services Code.

The COAG Energy Council has agreed that the reform package will initially apply in the Australian Capital Territory, New South Wales, Queensland, South Australia, Tasmania and Victoria (outside the Declared Transmission System).

The COAG Energy Council has also agreed, at the request of the Northern Territory Government, to implement a derogation in the Regulations that will delay the application of the day-ahead auction to transportation facilities located wholly or partly in the Northern Territory. Further, all other aspects of the capacity trading reform package in the Northern Territory will apply once the Northern Gas Pipeline is commissioned.

In keeping with the COAG Energy Council's decision, the *National Gas (South Australia) (Capacity Trading and Auctions) Amendment Bill 2018* will amend the National Gas Law, set out in the schedule to the *National Gas (South Australia) Act 2008*.

The Amendment Bill provides for the South Australian Minister to make the initial National Gas Rules that will implement these reforms and to make the initial Operational Transportation Service Code. Once the initial National Gas Rules and Operational Transportation Service Code have been made, the Minister will have no power to make any further Rules or Code.

The Bill provides for the Australian Energy Market Operator to be responsible for operating and administering the functions of the capacity auction. The Australian Energy Market Operator will make the Capacity Transfer and Auction Procedures.

The Australian Energy Market Commission's scope of its rule making functions will be expanded to include facilitating capacity trades, the capacity auction and the standard market timetable.

The Australian Energy Regulator will have its monitoring and enforcement roles under the National Gas Law, National Gas Rules and procedures and to also be responsible for making and amending the Operational Transportation Service Code. The Australian Energy Regulator will also be tasked with considering and then subsequently granting exemptions from obligations including to register transportation facilities.

The Bill provides for a reporting framework for secondary capacity trades and other transparency measures designed to facilitate capacity trades and the auction.

The Australian Energy Market Operator will be required to publish information on the secondary trades entered into through the exchange on the Natural Gas Services Bulletin Board. Transportation users that enter into trades outside the exchange will also be required to publish information on their trades on the Bulletin Board. The publication of this information will provide greater transparency in the market and aid the price discovery process.

It is intended that the initial set of National Gas Rules will provide for a capacity trading platform that will form part of the Gas Supply Hub trading exchange and provide an anonymous exchange mechanism that transportation users can use to trade commonly sought transportation products and a listing service for other more bespoke transportation products. The platform is expected to facilitate more secondary capacity trading by making capacity products more fungible, reducing search and transaction costs and making it easier for transportation users to value and compare offers.

The auction product will be a less firm product than the capacity sold on the capacity trading platform as it will need to allow for nominations and adjustments by firm capacity holders that occur after the auction is conducted. The platform and auction will allow transportation users to coordinate trades across one or more pipelines or compressors and procure gas and other gas services.

The auction is intended to provide transportation users with an incentive to sell any spare capacity they may have prior to nomination cut-off time, by allowing transportation service providers to retain the auction proceeds and negating any competitive advantage that may otherwise arise if users hoard capacity. The auction is also intended to limit the ability of transportation service providers to price short-term capacity products above the levels that would prevail in a workably competitive market, by setting the reserve price at zero. The auction is therefore a key element of the reform package.

The Operational Transportation Service Code will govern the development of standard operational transportation service agreements. These agreements will establish the standard contract between transportation service providers and transportation users for capacity procured through the platform and auction.

Under the initial set of National Gas Rules, it is intended that the Operational Transportation Service Code will be subject to a hybrid governance model. Under this governance model, an Industry Panel, which will be chaired by the Australian Energy Market Operator will consider amendments to the Code and provide recommendations to the

Australian Energy Regulator. Amendments recommended by the Industry Panel will only take effect if approved by the Australian Energy Regulator

It is intended that the initial set of National Gas Rules will provide that the Australian Energy Market Operator will be required by the National Gas Rules to publish a range of information on the auction on the Natural Gas Services Bulletin Board as well as secondary trades entered into through the exchange on the Natural Gas Services Bulletin Board. The publication of this information will provide greater transparency in the market and aid the price discovery process.

It is intended that the initial set of National Gas Rules will provide for the day ahead auction of contracted but un-nominated transportation capacity to occur on a daily basis on non-exempt transportation facilities shortly after nomination cut off time. The auction will have a reserve price of zero and the proceeds of the auction will be retained by the transportation service provider.

It is intended that the initial set of National Gas Rules will specify the standard market timetable will provide for a common gas day start time, nomination cut off time and auction service nomination cut off time across the east coast.

I commend this Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *National Gas Law*

4—Amendment of section 2—Definitions

Definitions are inserted for the purposes of the measure.

5—Insertion of section 8AA

Section 8AA is inserted:

8AA—Meaning of transportation service provider

Section 8AA provides that if AEMO controls or operates (without at the same time owning) a compression service facility or another facility of a type prescribed by the Regulations for the purposes of paragraph (b) of the definition of transportation facility in section 2 of the *National Gas Law*, AEMO is not for that reason to be taken to be a transportation service provider for the purposes of the Law

6—Amendment of section 10—Things done by 1 service provider to be treated as being done by all of service provider group

Section 10 sets out where things done by 1 service provider are to be treated as being done by all of a service provider group. The section is amended for the purposes of the measure.

7—Amendment of section 27—Functions and powers of the AER

The functions and powers of AER are amended to reflect the AER's functions and powers under the measure.

8—Amendment of section 74—Subject matter for National Gas Rules

The list of matters that may be the subject of Rules is expanded for the purposes of the measure.

9—Insertion of sections 83B to 83D

New sections 83B to 83D are inserted:

83B—Standard market timetable

The Rules may provide for a standard market timetable.

83C—Use of the standard market timetable

A person required by the Rules to use the standard market timetable must do so in accordance with the Rules.

83D—False or misleading statements

Certain persons must not make a false or misleading representation concerning the effect of a requirement for the person to use the standard market timetable on the price for the supply of goods or services.

10—Amendment of section 91A—AEMO's statutory functions

The statutory functions of AEMO are amended to reflect the AEMO's functions under the measure.

11—Insertion of Chapter 2 Part 6 Divisions 2C to 2E

Chapter 2 Part 6 Divisions 2C to 2E are inserted:

Division 2C—Capacity auctions for transportation services

91BRM—AEMO's capacity auction functions

AEMO's capacity auction functions are provided for, namely, functions of establishing, operating and administering 1 or more capacity auctions, making and administering capacity auction agreements and Procedures governing the operation and administration of a capacity auction.

91BRN—Capacity auctions not to constitute a regulated gas market

A capacity auction is not a regulated gas market.

Division 2D—Capacity Transfer and Auction Procedures

91BRO—Making of Capacity Transfer and Auction Procedures

AEMO may make Capacity Transfer and Auction Procedures (in accordance with the Rules).

91BRP—Nature of Capacity Transfer and Auction Procedures

This section provides that Capacity Transfer and Auction Procedures are a form of statutory instrument and sets out the nature and scope of Capacity Transfer and Auction Procedures.

91BRQ—Compliance with Capacity Transfer and Auction Procedures

AEMO and certain (specified) persons are required to comply with Capacity Transfer and Auction Procedures.

Division 2E—Registration in relation to transportation facility

91BRR—Registration obligation

A transportation service provider for a transportation facility must register the transportation facility as a transportation service provider for that transportation facility.

91BRS—Exemptions from obligation to register

AER is authorised to exempt a transportation service provider from the obligation to register.

91BRT—Certificates of registration and exemption from registration

The CEO of AEMO (in relation to registration) and the AER (in relation to exemption) are authorised to issue certificates of registration and exemption from registration for evidentiary purposes.

12—Insertion of Chapter 2 Part 6 Division 6 Subdivisions 3 and 4

Chapter 2 Part 6 Division 6 Subdivisions 3 and 4 are inserted:

Subdivision 3—Capacity auction information

91FEE—Obligation to give information to AEMO

This section provides that the Capacity Transfer and Auction Procedures or the Rules may require a person who has information that relates to and is necessary for the operation and administration of a capacity auction by AEMO or the performance of any other capacity auction function of AEMO to give AEMO the information for use by AEMO for the operation and administration of a capacity auction or performance of that other function.

91FEF—Person cannot rely on duty of confidence to avoid compliance with obligation

A person must not refuse to comply with the requirement to give information to AEMO on the ground of any duty of confidence.

91FEG—Giving to AEMO false and misleading information

A person must not give capacity auction information to AEMO that the person knows is false or misleading in a material particular.

91FEH—Immunity of persons giving information to AEMO

Provision is made limiting the civil monetary liability of persons giving information to AEMO. Certain aspects of the liability of such persons may be prescribed by the regulations.

Subdivision 4—Information used for a capacity auction

91FEI—Giving false and misleading information used for capacity auctions

A person must not give to a transportation service provider information that relates to and is necessary for the operation and administration of a capacity auction by AEMO or the performance of any other capacity auction function of AEMO that the person knows is false or misleading in a material particular.

13—Amendment of section 91GG—Disclosure of protected information for safety, proper operation of the market etc

This amendment is consequential.

14—Amendment of section 91H—Obligations under Rules or Procedures to make payments

The amendment to the definition of *Registered participant* is consequential.

15—Amendment of section 218—AEMO's obligation to maintain Bulletin Board

16—Amendment of section 219—AEMO's other functions as operator of Natural Gas Services Bulletin Board

17—Amendment of section 223—Obligation to give information to AEMO about natural gas and natural gas services

These amendments are consequential.

18—Insertion of section 223A

Section 223A is inserted:

223A—Obligation to give information to AEMO about secondary capacity transactions

Certain (specified) persons who have information in relation to secondary capacity transactions must give AEMO the information if the person is required to do so under the Rules.

19—Amendment of section 224—Person cannot rely on duty of confidence to avoid compliance with obligation

This amendment is consequential.

20—Insertion of Chapter 7A

Chapter 7A is inserted:

Chapter 7A—Access to operational transportation services

Part 1—Standard terms for operational transportation services

228B—Transportation service provider to publish standard OTSA

Requirements relating to the publication of a standard OTSA by a transportation service provider for a transportation facility are provided for.

228C—Formation of contracts on standard terms

Provision is made in relation to the standard OTSA governing the formation of contracts between a transportation service provider for a transportation facility and another person on request of the person.

228D—Exemptions from obligations under section 228B or 228C

The AER may exempt a transportation service provider for a transportation facility from the obligations in the preceding provisions.

228E—Requirements relating to standard OTSA

The Rules may make provision setting out requirements relating to a standard OTSA.

228F—Service provider may enter into agreements different from a standard OTSA

The measure does not prevent a transportation service provider from entering into an operational transportation service agreement with a transportation facility user or a prospective transportation facility user that is different to a standard OTSA.

Part 2—Operational Transportation Service Code

228G—Operational Transportation Service Code

The AER is responsible for amending the Operational Transportation Service Code from time to time (the initial Operational Transportation Service Code is made by the South Australian Minister and is then amended by the AER under this section).

228H—Nature of the Operational Transportation Service Code

The provision sets out the nature and scope of the Operational Transportation Service Code. In general terms, the Code is made under the Rules and specifies the content of, or requirements for the content of, a standard OTSA, including the transportation services that may be provided under a standard OTSA and the terms and conditions applicable to the use of those transportation services.

Part 3—Other matters relating to access to operational transportation services

228I—Service requirements may be specified in the Rules

The Rules may provide for service requirements relating to access to operational transportation services.

228J—When operational transfer must be offered

A requirement is imposed for a transportation facility user to provide reasons for any difference between terms on which the user offers to grant to another person a right to use transportation capacity (without arranging for its transfer to the other person) and terms on which the user will arrange for a transfer of the transportation capacity to the person for use under an operational transportation service agreement.

228K—Preventing or hindering access to operational transportation services

Provision is made in relation to preventing or hindering access to operational transportation services.

228L—Transportation service provider providing operational transportation services must not price discriminate

A transportation service provider must not engage in price discrimination when providing operational transportation services.

21—Insertion of section 294DA

Section 294DA is inserted:

294DA—South Australian Minister to make initial Rules relating to the capacity reforms

The South Australian Minister may make initial Rules and an initial Operational Transportation Service Code for the purposes of the measure.

22—Amendment of section 322—Service provider may enter into agreement for access different from applicable access arrangement

This amendment is consequential.

23—Amendment of Schedule 1—Subject matter for the National Gas Rules

The subject matter for the National Gas Rules is amended for the purposes of the measure.

24—Amendment of Schedule 3—Savings and transitionals

Transitional provisions are inserted for the purposes of the measure:

Part 15—Transitional provisions relating to capacity trading and auctions and harmonisation amendments

90—Immunity from liability—implementation or use of standard market timetable

91—Immunity from liability—supply of capacity through capacity auctions

92—Immunity for giving effect to the auction priority principles

93—Transitional regulations

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

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Introduction and First Reading

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

Second Reading

The Hon. D.W. RIDGWAY (Minister for Trade, Tourism and Investment) (16:30): I move:

That this bill be now read a second time.

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

Leave granted.

Mr President, the Bill I introduce today makes miscellaneous amendments to various Acts committed to the Attorney-General. It addresses a number of minor or technical issues that have been identified in legislation.

In broad terms, this Bill does the following:

- Allows for additional time for a prosecution to be commenced where an enforcement determination is revoked by a court under the *Fines Enforcement and Debt Recovery Act 2017*, on the basis that the alleged offender did not have a reasonable opportunity to elect to be prosecuted;
- Ensures that non-Government bodies cannot refer a civil debt to the Fines Unit for recovery by them unless they are bodies prescribed by regulations;
- Removes a redundant provision relating to extended trading hours authorisations in the *Liquor Licensing Act 1997* due to reforms in the *Liquor Licensing (Liquor Review) Amendment Act 2017*;
- Provides that, under the *South Australian Civil and Administrative Tribunal Act 2013*, an application for internal review of a decision of the SACAT, other than a decision made by a registrar, is to be made with leave of a legally qualified member of SACAT, as recommended by the recent statutory review of SACAT;
- Prescribes, to ensure greater consistency and simplicity, the 'reviewer under Schedule 4 of the *Independent Commissioner Against Corruption Act 2012*', as the review agency for the Independent Commissioner Against Corruption in the *Surveillance Devices Act 2016* and the *Telecommunications (Interception) Act 2012*;
- Importantly, ensures that the Youth Training Centre Review Board must furnish an annual report to the Minister; and
- Finally, deals with an operational anomaly regarding the interaction between the *Young Offenders Act 1993* and the *Correctional Services Act 1982*, concerning parole arrangements for young people who are sentenced as adults.

Turning to the substance of the Bill, Part 2 makes two amendments to the *Fines Enforcement and Debt Recovery Act 2017*. The first addresses a minor oversight in relation to processes following a successful appeal of an enforcement determination.

On non-payment of an expiation fee, the Chief Recovery Officer can make an enforcement determination against an alleged offender. The alleged offender can apply to the Chief Recovery Officer on a number of grounds under section 22 to have the enforcement determination revoked. One of those grounds is that the alleged offender did not have a reasonable opportunity to elect to be prosecuted for the relevant offence. Pursuant to section 22(13), if the Chief Recovery Officer agrees to revoke the enforcement determination on that ground, the prosecutor will have 6 months to commence a prosecution for the offence. This ensures that if the limitation period has already passed, the prosecutor is not prevented from prosecuting the offender.

If the Chief Recovery Officer decides not to revoke the enforcement determination, the alleged offender has an appeal right to the Magistrates Court or the Youth Court under section 23. If the application is successful and the court revokes the enforcement determination, there is currently no equivalent provision in section 23 to extend the time limit for a prosecution to commence. The Bill amends section 23 so that, if the Court revokes the enforcement determination on the ground that the alleged offender did not have a reasonable opportunity to elect to be prosecuted, the prosecutor will have 6 months to commence a prosecution in the same manner as under section 22(13).

The Bill also amends the definition of a 'public authority' in section 48(1) of the *Fines Enforcement and Debt Recovery Act*. Part 8 of that Act, which is yet to commence, introduced a new mechanism for a 'public authority' to refer a civil debt owed to the authority to the Chief Recovery Officer to be recovered in the same manner as a fine.

It is evident from the Second Reading Speech given on behalf of the former Government in the Legislative Council on 28 September 2017 that the original legislative intention was for this to apply to Government bodies.

The definition of 'public authority' currently extends to any incorporated or unincorporated body established for a public purpose by or under an Act. This is likely to capture a broad range of non-Government bodies. The Bill limits the scope of the definition consistent with the original policy intention of the legislation.

Part 3 of the Bill amends the *Liquor Licensing Act 1997* by repealing section 44 of that Act. The Liquor Licensing (Liquor Review) Amendment Bill 2017, which amended the *Liquor Licensing Act*, passed the Parliament in 2017. One of the reforms enabled the actual hours of trade to be nominated by the licensee at the time of application, removing the need for licensees to apply for extended trading hours authorisations. Extended trading hours authorisations are dealt with in section 44 of the *Liquor Licensing Act*. A clause to delete section 44 was originally

introduced in the Liquor Licensing (Liquor Review) Amendment Bill 2017 but was inadvertently deleted through an in-House amendment. This Bill will cause section 44 to be deleted following the commencement of the relevant parts of the *Liquor Licensing (Liquor Review) Amendment Act 2017*.

Part 4 of the Bill makes a minor amendment to the *South Australian Civil and Administrative Tribunal Act 2013*. Section 70 of the *South Australian Civil and Administrative Tribunal Act* currently provides that an application for internal review of a decision of the South Australian Civil and Administrative Tribunal constituted by a registrar may only be heard with leave of a Presidential member. Section 225 of the *Statutes Amendment (SACAT No 2) Act 2017* amended section 70 so that leave is required for all applications for internal review, not just for a review of a decision made by a registrar. The Tribunal currently has just one Presidential member, who simply does not have the capacity to hear leave applications for all applications for internal review. As a result, the commencement of section 225 has been deferred. The Bill retains the existing requirement for leave of a Presidential member in reviews of a decision made by a registrar. It further provides that in any other case, leave may be granted by a legally qualified member of Tribunal, as was recommended by the Hon David Bleby QC in his Independent Statutory Review of the SACAT.

Parts 5 and 6 of the Bill amends the *Surveillance Devices Act 2016* and the *Telecommunications (Interception) Act 2012*. I will deal with these together.

The *Surveillance Devices Act* and the *Telecommunications (Interception) Act* prescribe functions to a 'review agency' to review the compliance of SA Police and the Independent Commissioner Against Corruption (the ICAC) with the relevant legislative requirements. Under each of these Acts, the review agency for the ICAC is 'a person who is independent of the Commissioner and is appointed by the Governor as the review agency'. The Honourable Kevin Duggan AM, QC has been appointed by the Governor as the review agency until 4 March 2020.

For simplicity and greater consistency between legislation, the Bill transfers the review agency function for the ICAC to 'the reviewer under Schedule 4 of the *Independent Commissioner Against Corruption Act 2012*'. The reviewer under Schedule 4 must necessarily be a person who is independent of the Commissioner and is well placed to perform this additional function. As a result of the amendment, the *Surveillance Devices Act* and the *Telecommunications (Interception) Act* will prescribe the same authority as the review agency for the ICAC and SA Police.

A further amendment is made to the *Surveillance Devices Act* to correct a minor drafting error. The Bill amends section 31 of the *Surveillance Devices Act*, which mistakenly refers to the 'chief investigating officer' of an investigating agency rather than the 'chief officer'.

Part 7 of the Bill makes three amendments to the *Young Offenders Act 1993*.

The Bill introduces annual reporting requirements for the Training Centre Review Board. The Training Centre Review Board is established under the *Young Offenders Act* to review the progress and circumstances of youths sentenced to detention in a training centre and to hear and determine matters relating to such youths. The Bill requires the Training Centre Review Board to report to the Minister not later than 31 October in each year, and for the Minister to table a copy of the report in each House of Parliament. The reporting requirements are modelled on the existing reporting requirements of the Parole Board under the *Correctional Services Act 1982*, and are intended to increase transparency.

Mr President, a further amendment is made to ss 36(4)(b) and s 63B of the *Young Offenders Act* to address an operational issue relating to the interaction between the *Young Offenders Act* and the *Correctional Services Act* regarding parole arrangements for young people who are sentenced as adults. The Youth Justice Division of the Department for Human Services supervises young persons on parole until they reach 18 years of age, but Part 6 Division 3 of the *Correctional Services Act* applies with modification in respect of their supervision if the young person is sentenced as an adult or is serving a non-parole period.

Despite the modifications there is currently no provision in the *Young Offenders Act* to transfer power and functions of the Chief Executive of the Department for Correctional Services to the Chief Executive of the Department for Human Services. This limits the ability for the Department for Human Services to report directly to the Training Centre Review Board in relation to progress reports, recommended parole conditions and reporting non-compliance with supervision requirements for young people being considered for, or granted release, on parole.

The Bill amends ss 36(4)(b) and s 63B of the *Young Offenders Act* to provide that where Part 6 Division 3 of the *Correctional Services Act* applies, references to the Chief Executive of the Department for Correctional Services will be taken to mean the Chief Executive of the Department for Human Services.

Finally, the Bill corrects a minor drafting error in section 43 of the *Young Offenders Act*, which mistakenly refers to the 'presiding member' rather than the 'designated member'.

Mr President, I commend the Bill to Members.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Fines Enforcement and Debt Recovery Act 2017*

4—Amendment of section 23—Review by Court of refusal to revoke enforcement determination

This clause amends section 23 of the principal Act to enable the commencement of a prosecution in circumstances where the Court has reversed a decision of the Chief Recovery Officer to refuse an application for revocation of an enforcement determination made on the ground that the alleged offender did not have a reasonable opportunity to elect to be prosecuted for an offence to which the expiation notice relates. The amendment authorises commencement of a prosecution within 6 months of the day on which the Court's decision is made.

5—Amendment of section 48—Interpretation

This clause amends section 48 of the principal Act to delete paragraph (b)(i) and (ii) of the definition of *public authority*.

Part 3—Amendment of *Liquor Licensing Act 1997*

6—Repeal of section 44

This clause deletes section 44 of the principal Act.

7—Transitional provision

This clause provides for transitional arrangements that are consequential on the deletion of section 44 of the principal Act.

Part 4—Amendment of *South Australian Civil and Administrative Tribunal Act 2013*

8—Amendment of section 70—Internal reviews

This clause amends section 70 of the principal Act to provide for applications for review to be by leave of a Presidential member in the case of a decision of the Tribunal as constituted by a registrar or other member of the staff of the Tribunal or by leave of a legally qualified member in the case of a decision of the Tribunal in the exercise of its original jurisdiction.

Part 5—Amendment of *Surveillance Devices Act 2016*

9—Amendment of section 3—Interpretation

This clause substitutes paragraph (b) of the definition of *review agency*.

10—Amendment of section 31—Control by investigating agencies of certain records, information and material

This clause deletes the first occurring reference to 'investigating' in section 31 of the principal Act.

Part 6—Amendment of *Telecommunications (Interception) Act 2012*

11—Amendment of section 2—Interpretation

This clause substitutes paragraph (b) of the definition of *review agency*.

Part 7—Amendment of *Young Offenders Act 1993*

12—Amendment of section 36—Detention of youth sentenced as adult

In applying the *Correctional Services Act 1982* in the circumstances referred to in section 36(4)(b) of the principal Act, a reference in the *Correctional Services Act 1982* to the CE will be taken to be a reference to the Chief Executive (within the meaning of the principal Act).

13—Insertion of section 40

This clause inserts section 40 into the principal Act.

40—Reports by Training Centre Review Board

Proposed section 40 imposes a requirement on the Training Centre Review Board to report to the Minister annually.

14—Amendment of section 43—Special procedures for terror suspects

This clause amends section 43 of the principal Act to substitute the reference to 'presiding member' with a reference to 'designated member'.

15—Amendment of section 63B—Application of Correctional Services Act 1982 to youth with non-parole period

In applying the *Correctional Services Act 1982* in the circumstances referred to in section 63B of the principal Act, a reference in the *Correctional Services Act 1982* to the CE will be taken to be a reference to the Chief Executive (within the meaning of the principal Act).

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

At 16:31 the council adjourned until Tuesday 18 September 2018 at 14:15.

Answers to Questions

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

In reply to **the Hon. I. PNEVMATIKOS** (31 July 2018).

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

That a letter was signed and posted on 28 June 2018 to TAFE SA advising that the TAFE SA's Women's Leadership Course funding was extended for 2018-19 through the Multicultural Affairs, Celebrating Diversity Grant Program.