LEGISLATIVE COUNCIL

Tuesday, 18 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

ANSWERS TABLED

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

PAPERS

The following papers were laid on the table:

By the President—

Annual Report on the Administration of the Joint Parliamentary Service 2017-18

By the Treasurer (Hon. R.I. Lucas)—

Reports, 2017-18
- Evidence Act 1929—Suppression Orders
- Terrorism (Preventative Detention) Act 2005—Preventative Detention Orders

Regulations under the following Acts—
- Liquor Licensing Act 1997—Minors and Other Matters
- Security and Investigation Industry Act 1995—Liquor Review

Distribution Lessor Corporation Charter dated 11 September 2018
Generation Lessor Corporation Charter dated 11 September 2018
Transmission Lessor Corporation Charter dated 11 September 2018

By the Treasurer (Hon. R.I. Lucas) on behalf of the Minister for Trade, Tourism and Investment (Hon. D.W. Ridgway)—

Corporation By-laws—
- City of Burnside—
  - No. 1—Permits and Penalties
  - No. 2—Moveable Signs
  - No. 3—Local Government Land
  - No. 4—Roads
  - No. 5—Dogs
  - No. 6—Waste Management
  - No. 7—Lodging Houses

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

Regulations under the following Acts—
- Disability Inclusion Act 2018—Transitional Arrangements—General

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

Witness Protection Act 1996—Report, 2017-18

Ministerial Statement

ISLAMIC STATE STUDENT CONVICTION

The Hon. R.I. LUCAS (Treasurer) (14:18): I table a copy of a ministerial statement relating to the conviction of a South Australian student for membership of Islamic State made earlier today in another place by the Attorney-General.

STRAWBERRY INDUSTRY

The Hon. R.I. LUCAS (Treasurer) (14:18): I table a copy of a ministerial statement relating to a statement of support for the South Australian strawberry industry made earlier today in another place by the Minister for Primary Industries and Regional Development.

Question Time

HOSPITAL OVERCROWDING

The Hon. K.J. MAHER (Leader of the Opposition) (14:24): My question is to the Minister for Health and Wellbeing. Will the minister urgently meet with the Australian Nursing and Midwifery Federation after it today called for an immediate crisis meeting as 'Nursing staff reach crisis point over the government's failure to address overcrowding six months on from the election'? How significant a role has the recent staffing cuts he has been responsible for played in the problems that we are now facing?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:25): I would indicate that I am always happy to meet with the ANMF. That is what I did last week and I am happy to meet with them again to talk about any issues that they would like to discuss with me.

There is no doubt that the hospital network is under stress, but I think we need to appreciate two of the key factors that are leading to that. This is the first year that the hospital network has had to cope without the Repat. That means that we have about 100 less beds available in the network.

The Hon. T.J. Stephens interjecting:

The Hon. S.G. WADE: One of my honourable colleagues who is being disorderly and interjecting is talking about the value of planning. Let me tell you about the value of planning: planning a hospital over 10 years, costing $2.4 billion—about $640 million more than you expected—and then opening it with serious design flaws. Serious design flaws are impacting exactly on the issue that the federation raises.

We've got a so-called state-of-the-art hospital where two of the resuscitation rooms are too small. How do you have emergency clinicians trying to deliver emergency care to critical patients and they can't even fit in the room?

Also one of the key problems with the design of the emergency department is that it lacks flex capacity. One thing you could say about the old Royal Adelaide Hospital is that it had plenty of opportunity to flex. When you had a surge in presentations, the emergency department was able to manage the presentations without immediately leading to ramping. One of the problems with an emergency department which doesn't have the capacity to flex is that it immediately pushes through to ambulance ramping.

The problem of the serious design flaws with the hospital is a key driver in the government's decision to engage a logistics adviser, Checkley Group, who is as we speak looking at design and capital work options to improve the flow in the hospital. It defies logic to suggest that a design of a hospital doesn't impact on patient flow. Clinicians tell us that the design of the Royal Adelaide Hospital is having a major impact on the flow of patients within the hospital. That is why we have engaged Checkley Group, the logistics adviser, to work at making sure the hospital flows.

In terms of initiatives the government has taken in the six months up till now, picking up on a suggestion of the Ambulance Employees Association, we opened a discharge lounge with a 12-person base. It gives an opportunity for people who are ready for discharge, who have finished their medical care, to wait in a supervised environment before they are discharged.

We have also added four mental health beds and we are actively recruiting to employ more. In this winter period, 40 additional beds have been added to CALHN, so there are a number of initiatives that have already been taken and more that will be taken. We will continue to work with the federation and with other employee organisations, and our employees, to make sure that we make the best of our hospital network, including a major hospital with major design flaws.

HOSPITAL OVERCROWDING

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): A supplementary arising from the answer: was the minister aware that the ANMF had called for a crisis meeting over the issue of overcrowding in hospitals?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:28): I have seen a letter that I received this morning.

HOSPITAL OVERCROWDING

The Hon. K.J. MAHER (Leader of the Opposition) (14:28): Supplementary arising from the original answer: what steps has the minister's office taken to have the crisis meeting with the Australian Nursing and Midwifery Federation?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29): My understanding is that my acting chief of staff has spoken to the head of the federation. In terms of what arrangements have been made for a meeting, I will inquire.

HOSPITAL OVERCROWDING

The Hon. K.J. MAHER (Leader of the Opposition) (14:29): Final supplementary, arising from the original answer: the minister talked about various reasons why he thinks he's got a crisis on his hands, but what impact does the minister think the 880 staff to be cut from SA Health will have on this in the future?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:29): The fact of the matter is that the former government, in so many ways, mismanaged the health system.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: What the people of South Australia are faced with is a hospital that doesn't work and a health system that can't be afforded. The fact of the matter is that we will need to improve the operation of the hospital, and we will also have to improve the sustainability of it.

HEALTH CONSUMERS ALLIANCE

The Hon. C.M. SCRIVEN (14:30): My question is to the Minister for Health and Wellbeing. Why is the government silencing the independent voice of patients in our health system through its removal of all funding to the Health Consumers Alliance?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:30): Through you, Mr President, I—

Members interjecting:

The PRESIDENT: Order! I can't hear the minister.

The Hon. S.G. WADE: The government is withdrawing central funding from the Health Consumers Alliance. The fact of the matter is that the Health Consumers Alliance already receives project funding from local health networks, and the government believes that, as we devolve management of health services to the regions, it also makes sense to devolve consumer engagement to the regions.

Statewide collaboration in relation to consumer engagement will be driven by the networks. Health Consumers Alliance has expertise in this area and, I believe, is well placed to undertake funded project work for local health networks. The alliance is a membership organisation and yet less than 1 per cent of its income comes from its membership fees. I do not believe it is healthy for

a consumer advocacy body to be so reliant on centralised funding. I trust that the changes will promote accountability and strengthen the consumer voice.

HEALTH CONSUMERS ALLIANCE

The Hon. C.M. SCRIVEN (14:31): Supplementary: why does the minister think that South Australia should be the only state in the country without an independent voice of patients and consumers that is funded by government?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:31): I fundamentally disagree with the member's negative anticipation of what will happen under the new model. I suspect, and I hope, that the Health Consumers Alliance will take up the opportunity to redraw their business model to make sure that they're responding to the needs of consumers right across the health networks in South Australia. My view is that, if they do so, they've got a bright future in front of them.

HEALTH CONSUMERS ALLIANCE

The Hon. R.P. WORTLEY (14:32): Will the local health networks make up the funding that you have cut from this association?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:32): Isn't this great? Ten years ago, the Labor Party decided they would abolish boards and centralise power, and the reason why they did that is clearly because they don't understand devolution.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: The Hon. Russell Wortley wants me to devolve power to the networks and then tell them how to spend their money. Is that devolution? They just don't get it. They are centralised to their core, and I believe that leads to a lack of an independent voice. I believe that the consumer voice will be stronger through these changes, not weaker.

HEALTH CONSUMERS ALLIANCE

The Hon. C.M. SCRIVEN (14:33): Supplementary: given that the minister has referred to regional health boards and there being consumer voices coming from that, what does he expect to be the gap in time between the operational nature of the Health Consumers Alliance—their ability to continue—and the establishment of the regional health boards, and how does he think that people will be able to be funded to have a voice that is coordinated in the meantime?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:33): There will be no gap. The Health Consumers Alliance funding goes to the beginning of the next financial year. I have met with the Health Consumers Alliance and encouraged them to engage the chairs of the local health network boards who have already been appointed because, from 1 July 2019, they will be operating, and they have a statutory duty under our legislation to engage consumers. The Health Consumers Alliance is well placed to play a role in that service.

HEALTH CONSUMERS ALLIANCE

The Hon. R.P. WORTLEY (14:34): Once again, will you fund the local health networks to allow them to engage with the association?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:34): I don't know who the honourable member is listening to, because what I just said is that they have a statutory duty to engage with the consumers. It is their choice as to how they do it, and I believe that Health Consumers Alliance will be a stronger voice by more effectively engaging with a range of networks.

HEALTH CONSUMERS ALLIANCE

The Hon. C.M. SCRIVEN (14:34): Can I clarify that the minister is saying that the Health Consumers Alliance will be a stronger voice because it has no funding?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:34): I believe that devolution of management to the regions will strengthen health management. I also believe that devolving consumer engagement closer to the grassroots will strengthen consumer engagement.

AMBULANCE SERVICES

The Hon. E.S. BOURKE (14:35): My question is to the Minister for Health and Wellbeing. Will the minister rule out additional risks to patient safety as a result of the government's privatisation of ambulance services between Modbury and Lyell McEwin hospitals, and will a degree-qualified paramedic be present during these transfers?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:35): Inter-hospital transfers between Modbury and Lyell McEwin hospitals are yet another price that the people of South Australia are paying for the botched Transforming Health savings program. When former treasurer Koutsantonis wanted to have a response to a federal budget, what did they say? 'Okay, we've got a budget savings program. What will we do? We'll close three hospitals. We'll downgrade three emergency departments.' I would put it to you humbly, members—

The PRESIDENT: Through me, minister.

The Hon. S.G. WADE: —our budget is much more responsible, much more measured. We're not saying, 'Let's do the quick and easy slash—

The Hon. I.K. HUNTER: Point of order: despite you having reminded the minister just then to direct his comments through you, he is wilfully ignoring the President of this chamber.

The PRESIDENT: Thank you for your concern, the Hon. Mr Hunter. Minister.

The Hon. S.G. WADE: Thank you, Mr President. I assure you it was not wilful, and I shall keep doing it.

The PRESIDENT: Get on with the answer, minister.

The Hon. S.G. WADE: Thanks for the opportunity, the Hon. Mr Hunter, to gather my thoughts, and I might just restate them. What we have here are the long-term consequences of the former Labor government's response to how to make our health system sustainable. Faced by federal budget cuts, treasurer Koutsantonis—I think it was; they come and go—suggested that the best way to make ends meet was to close three hospitals and downgrade three emergency departments. One of them was the Modbury Hospital. They suggested that there would only be one or two transfers a day. I won't be held accountable for this—I will try to check it—but my recollection is that it was about ten times that.

I am happy to take that on notice to give advice to the house on how much greater the hospital transfers were from Modbury to Lyell McEwin than were predicted by the former Labor government. The fact of the matter is they got so many stats wrong; this was just yet another example. What this government is faced with is a very large bill to transfer patients from Lyell McEwin to Modbury, and from Modbury to Lyell McEwin. I should say it's the health network. The health network came up with a strategy to have a more affordable transport service between Modbury and Lyell McEwin and back again by giving patient transport an appropriate level, which may not necessarily be a full ambulance service.

We think it makes sense to look to another provider if we can provide an appropriate service at a lower cost. This service will be focused on patients not requiring full ambulance service transport. If a patient going between the hospitals needs the level of care provided by an ambulance, they will get it. SA Health already uses private providers to transport patients, and they did so under the former Labor government. They use them in SALHN, they use them in NALHN, they use them in the country and they use them in SAS itself, so it is completely hypocritical for the Labor opposition to come in here and tell us that you need to have a fully state government-run, private patient transport system. We will continue to look at opportunities to more effectively use taxpayers' money to deliver the health services that South Australians need.

AMBULANCE SERVICES

The Hon. K.J. MAHER (Leader of the Opposition) (14:39): A supplementary arising from the original answer: does the minister really expect anyone to believe that it is a decision of a particular health network and not his decision to make this change, and does he still hold, as he was quoted there, that he is not accountable for what goes on in his own portfolio?

The PRESIDENT: The first part of the question was appropriate arising out of the original answer. The second part of the question is out of order.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:39): What was the first bit?

The Hon. K.J. MAHER: You said it was the local health network's decision to do this. It is nothing to do with you. Hands off, is it?

The Hon. S.G. WADE: I take the honourable member's point. I certainly made all of the budget proposals that went forward to the Treasurer and I will be held accountable for them. That is why I am addressing the house now.

The PRESIDENT: Do you have a supplementary, the Hon. Ms Bourke?

The Hon. E.S. BOURKE: Yes.

The PRESIDENT: Then I'll come to you, the Hon. Ms Franks.

AMBULANCE SERVICES

The Hon. E.S. BOURKE (14:40): Has the government received advice from the Ambulance Employees Association that over 80 per cent of patients required to be transferred between those hospitals need medical supervision from trained ambulance staff?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:40): Well, the bottom line is, if 80 per cent of patients need a full ambulance transfer, 80 per cent of patients will get a full ambulance transfer.

HEALTH CONSUMERS ALLIANCE

The Hon. T.A. FRANKS (14:40): Supplementary: will the Minister for Health and Wellbeing ensure that any government funding going to the local health networks is reliant on their use of the consumer health alliance service?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:40): I can't see how that is supplementary to the question. That was related to a previous question.

The PRESIDENT: That is the minister's answer. The Hon. Mr Dawkins.

STRAWBERRY INDUSTRY

The Hon. J.S.L. DAWKINS (14:40): My question is to the Minister for Health and Wellbeing. Will the minister—

Members interjecting:

The PRESIDENT: Order! Let the member answer.

The Hon. J.S.L. DAWKINS: I'll talk over the top of you. Will the minister update the council on the emerging national incident involving needles found in strawberries, and actions undertaken by the department and others to investigate and protect the public?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:41): I thank the honourable member for the question. As the honourable member has noted, this is an emerging national incident. On 12 September 2018, Queensland Health and Queensland Police Service announced three incidents of needles being found in two brands of strawberries from one producer in Queensland. Subsequently, similar incidents were reported implicating another Queensland brand, Donnybrook Berries. Similar incidents have now been reported in multiple states. It is not clear at this stage if these are unrelated, accidental contamination, copycat or false reports.

On Friday 14 September 2018, SA Health was made aware that Donnybrook Berries strawberries were available to the South Australian market through Coles, Woolworths, IGA and Aldi stores. As a result, a precautionary media release from SA Health was distributed alerting the South Australian public to the incident and reminding consumers to either return the product or cut up their strawberries before consuming them. SA Health continues to work with SAPOL and nationally with Food Standards Australia New Zealand and state food regulators to investigate any cases of contamination.

The actions of those responsible are abhorrent. Their actions not only have the potential for severe health consequences for individuals, but they have the potential to have a catastrophic impact on growers, their employees, and local markets that are dependent on the industry. It is important to stress that to date, South Australian-produced strawberries have not been implicated. South Australian-produced strawberries are expected to enter the market in October 2018.

I encourage all consumers to be vigilant but not to boycott the fruit. South Australian growers have spent millions of dollars getting their crop into the ground, and if they can't sell the products it will have a catastrophic impact on the industry. The industry plays an integral part in our state economy. In 2016-17, South Australia produced around 6,000 tons of strawberry with a farmgate value of around $42 million. South Australian consumers should continue to support the strawberry industry but at the same time, they should exercise caution and cut up all their fruit before consuming it.

STRAWBERRY INDUSTRY

The Hon. T.T. NGO (14:43): A quick supplementary: is the government considering giving a reward to find out who is doing this?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:43): I thank the honourable member for the suggestion. I will certainly pass that suggestion on to my honourable member in the other place who is responsible for police services.

STRAWBERRY INDUSTRY

The Hon. J.E. HANSON (14:44): Supplementary arising from the original answer: should catastrophic market outcomes occur, will the government be providing industry assistance to those affected by something way beyond their control?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:44): Again, I thank the honourable member for his question. I will pass it on to the relevant minister in the other place.

GENE TECHNOLOGY

The Hon. M.C. PARNELL (14:44): I seek leave to make a brief explanation before asking a question of the Minister for Health and Wellbeing about the regulation of new genetic modification techniques.

Leave granted.

The Hon. M.C. PARNELL: Debate about the regulation of new genetic modification techniques, often referred to as gene editing, has been happening around the world. One of these techniques is known as CRISPR (Clustered Regularly Interspaced Short Palindromic Repeats), which works by cutting the DNA of a cell and when the cell repairs the damage some of the DNA letters get changed at that spot. This then creates new varieties of plants or animals. However, recent research has found that this technique is not as precise as it has claimed to be and can result in large deletions and rearrangement of DNA.

In July this year, the European Court of Justice ruled that these new techniques are GMOs, that they pose similar risks to the older GM techniques and that they must be assessed for safety and regulated in the same way. This means that the EU will require GM traceability for imported foods. Because of the risks, over 60 international scientists have signed a statement, calling for these techniques to be strictly regulated as GMOs.

The Australian government has been considering its position on these new GM techniques and whether or not they should be regulated here. My understanding is that the South Australian health minister is on the Legislative and Governance Forum on Gene Technology and that the forum has been asked to approve draft changes to the gene technology regulations that would effectively deregulate a number of new GM techniques, including one of the CRISPR uses. My questions of the minister are:

1. What is the Marshall Liberal government's position on these proposed changes?

2. Will you follow the example of the European Union's highest court and ensure that these new GM techniques are regulated in Australia in the same way as older GM techniques are regulated?

3. Since a number of our key export markets have a zero tolerance for the presence of unapproved GMOs, has the South Australian government conducted any modelling on the likely market impacts if these new GM techniques are deregulated?

4. Since there will be no requirement for traceability if these techniques are deregulated, has the South Australian government considered the likely impacts on the South Australian GM crops moratorium?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:46): I thank the honourable member for his question, and a detailed one at that. What I can confirm is that I believe I am a member of the long-named forum he suggested and, in fact, I think I am attending a meeting of the forum next month. In terms of the detail of the honourable member's question, I am sure that I will be briefed on that issue leading into the forum. I am happy to take on notice and note the fact that he and the house would like an update on what the government's position on that issue is.

One thing that I am committed to is strong state and national co-operation in areas like this. To the extent that your question was inviting me to be an outlier and engage Europe with a unilateral agreement, I am afraid I am far too timid for that. I will continue to work with other Australian jurisdictions for a unified national response.

ABORIGINAL HEALTH

The Hon. J.E. HANSON (14:47): My question is to the Minister for Health and Wellbeing. Can the minister state what the Marshall Liberal government is doing to respond to the Aboriginal Health Council's concerns that the government's cuts to sexual health funding may trigger increased syphilis outbreaks in remote South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:48): The South Australian government will engage with the Aboriginal Health Council and other service providers in this area in terms of programs going forward. The fact of the matter is that as well as core funding—stable, ongoing funding—there will always be investments in relation to significant events. Certainly, outbreaks like the syphilis outbreaks do need to be monitored and the response needs to be resourced. My department will be meeting with service providers to make sure that we target effectively the resources being put into public health.

ABORIGINAL HEALTH

The Hon. J.E. HANSON (14:48): Supplementary arising from the original answer: how does a cut of $1.2 million constitute 'stable, ongoing funding'?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:49): The fact of the matter is that a government that is being financially responsible needs to ensure the health system is sustainable. That will involve reprioritisation and making sure that the services we deliver are contemporary and effective. In terms of the funding to the Aboriginal health program and the outbreak funding, that will be managed not just within the standard programs but also within the contingency funds for outbreaks as they emerge.

ABORIGINAL HEALTH

The Hon. J.E. HANSON (14:49): A supplementary arising from the original answer. Should the outbreaks deepen, is the government prepared to provide additional funding to treat those outbreaks should they become worse?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:50): As I have already indicated to the honourable member, we don't wait from budget to budget to respond to need. The health department will continue to work with health providers to respond to health issues as they arise.

DOMESTIC AND FAMILY VIOLENCE

The Hon. J.S. LEE (14:50): My question is directed to the Minister for Human Services about the government's engagement process for domestic violence stakeholders. Can the minister please update the chamber on how the government is progressing in its election commitment to host domestic violence stakeholder round tables with communities around South Australia?

The Hon. J.M.A. LENSINK (Minister for Human Services) (14:50): I thank the honourable member for her question and for her ongoing interest in this issue. Of course, we are very pleased that $11.9 million was provided in the budget in a commitment to our election promises, probably one of the largest injections of funding for domestic and family violence services in some 10 or 20 years. That funding has been highly welcomed within the sector.

On the Friday just past the Assistant Minister for Family and Domestic Violence Prevention, Ms Carolyn Power, and I attended Mount Gambier for a further round table in the regions. This was the second of the regional round tables, and we are due to do two more, one in Whyalla and one in Port Lincoln in October and November, I think. Stakeholders included Centacare, the Australian Migrant Resource Centre, the Department for Correctional Services, the Southern Community Justice Centre, the Women's and Children's Health Network, SAPOL, Education, the South-East Regional Community Health Service, the Limestone Coast Community Justice Centre, the South Australian Housing Authority, the University of South Australia, Pangula Mannamurna, the Limestone Coast Family Violence Action Group, the City of Mount Gambier, and the Limestone Coast Community Services Round Table.

The round table was facilitated by Selina Green of ABC radio in the South-East. We had three sessions, which focused on different sections of the policy and the funding, on infrastructure and support, service response and protection. We had one particular session that was devoted to the safety hubs, something initiated by the Women's Safety Services located at Mile End under the leadership of Maria Hagias, in particular, and a range of those service providers. There are now four metropolitan services that have been amalgamated together with a range of other service providers, including CALD services, the crisis line, and so forth. That provides a collegiate response for service providers to manage a range of issues that may potentially arise for people fleeing domestic violence.

We are very interested in how safety hubs may be applied in two regional areas. There are several models that may work. One is that where there is no FTE—there may be a range of 0.3s, 0.2s, etc.—in a particular region, they may be co-located within a particular service under one roof, and that would enable them to provide greater outreach. We are also interested in looking at community leaders who may be located within smaller districts and provide services in that way. We also talked about the disclosure scheme, which is, I think, of great interest to people—that starts on 2 October—and all the other particular services and aspects within the budget I have spoken about before.

The regions really appreciate the fact that we've been going out on the ground, meeting with them face-to-face and spending time discussing how the services may be shaped by them with their particular input. Every region is different and, as we often do as a Liberal government, we have the hashtag #regionsmatter which we are very sincere about—

An honourable member: Oh yeah.

The Hon. J.M.A. LENSINK: Well, the South-East are no fans of the Labor Party, let me tell you, after the way they have been treated with the forests and a whole range of issues. They are absolutely delighted.

An honourable member interjecting:

The Hon. J.M.A. LENSINK: The truth hurts, doesn't it? They are absolutely delighted that there has been a change of government which is genuinely listening to people, spending time with people in the regions and helping to shape these issues going forward. I'm really pleased with how these consultations have been going and I'm looking forward to the other two that we will be doing later on this year.

DROUGHT ASSISTANCE

The Hon. J.A. DARLEY (14:55): My question is to the Leader of the Government, representing the Minister for Primary Industries and Regional Development. Can the minister advise what assistance South Australian farmers affected by drought will be provided following the Dry Conditions Working Group meeting on 23 August 2018?

The Hon. R.I. LUCAS (Treasurer) (14:55): I'm happy to take the honourable member's question on notice and bring back a reply.

HIV SERVICES

The Hon. I. PNEVMATIKOS (14:55): My question is to the Minister for Health and Wellbeing. Why won't the government continue the HIV Cheltenham Place service which saves the government twice as much money as it costs through reduced emergency department visits?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:55): I thank the honourable member for her question. The response to HIV continues but the epidemic has changed and services need to evolve, too. In the early stages of the epidemic the majority of clients of Cheltenham Place were gay men. Now, people living with HIV are a much broader group, including people from high-prevalence religiously conservative countries. Increasingly, a centre-based respite service is less relevant, and I note that a number of other jurisdictions have moved away from such services. I also note that under the former government the Cheltenham Place service was reduced from a seven-day-a-week respite service to a three-day-a-week service.

The client group has complex needs, in particular mental health and drug and alcohol issues, and it is the view of SA Health that these issues can more effectively be addressed by specialist mainstream services. SA Health is committed to working with Centacare to ensure that clients are transitioned to appropriate care.

HIV SERVICES

The Hon. I.K. HUNTER (14:57): A supplementary: the minister advised that other jurisdictions had moved away from similar community-based care systems. Can he advise which states have moved away?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): The service that comes to mind straight away is not actually an Australian one. I understand that Toronto has, the Canadian service, one of the pioneers. In terms of the details of what has happened in other states, I will take the honourable member's question on notice.

HIV SERVICES

The Hon. I. PNEVMATIKOS (14:57): A supplementary arising from the original answer: did the government consult any South Australians with HIV before cutting funding to HIV programs in the budget?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:57): Again, I will take that on notice. The fact of the matter is these program changes are developed within the public health branches. My understanding is that there would be—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Pnevmatikos cannot hear the response to her own question. Minister.

The Hon. S.G. WADE: There would be ongoing discussions with service providers about the services that are needed going forward, and SA Health, I'm sure, has engaged the sector on the services they need going forward.

HIV SERVICES

The Hon. I. PNEVMATIKOS (14:58): A supplementary: does the minister think it is fair that the government has cut $400,000 from HIV services whilst at the same time increasing the health minister's office budget by the exact same sum?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (14:58): I do not—

Members interjecting:

The PRESIDENT: Order! I can't hear the minister.

The Hon. S.G. WADE: I do not accept the premise of the member's question.

Members interjecting:

The PRESIDENT: Order!

The Hon. S.G. WADE: I will refer to the paper and if needs be—

Members interjecting:

The PRESIDENT: Order! I cannot hear the minister.

The Hon. S.G. WADE: —bring back a response.

The PRESIDENT: Do you have any more, minister? No? Well, you drowned out the answer to your own disadvantage. The Hon. Mr Stephens.

COMMERCIAL RENTAL MARKETS

The Hon. T.J. STEPHENS (14:59): I seek leave to make a brief explanation before asking the Treasurer a question regarding commercial rental markets.

Leave granted.

The Hon. T.J. STEPHENS: *The Australian* published an article by Michael Owen today, highlighting the fact that the commercial rental market in Melbourne was spiking. He cited that interstate cities had an opportunity to seize on this rise as an opportunity to attract business investment away from Victoria. In this article he lists Adelaide, with proposed cuts to land tax rates, as having the potential to benefit from this. My question is: can the Treasurer outline what other incentives the government has in place to attract organisations from interstate?

The Hon. R.I. LUCAS (Treasurer) (15:00): I thank the honourable member for his question. I think Mr Owen's story refers to a recent post-budget presentation that I did, and then a panel session that followed afterwards. I think the gentleman's name might have been Mr Borger from Charter Hall. A range of questions was asked about this particular issue. I was interested in the response from the gentleman from Charter Hall. I guess he alerted other state jurisdictions to the potential for further investment in their states given what he characterised as the overheated nature of the Melbourne property market. In particular, I think he might have referred to the Docklands precinct in Melbourne and indicated that other state jurisdictions should be looking at attracting companies like their own to invest in South Australia.

With due respect, I think that Charter Hall are already very significant investors in South Australia. I forget the exact quantum of the level of their investment in Adelaide and in South Australia, but they have invested in the past and are investing at the moment in terms of the Adelaide property market. They are not just talking the talk, they are walking the walk in investment terms and are investing in Adelaide.

We welcome that from a new government's viewpoint. As we supported the former government's changes, it would be churlish for me to say that maybe they came a long time after the GST deal of 2000-01, but the reduction over three years—and I think the final tranche we have approved from 1 July this year, which has removed stamp duty on commercial property transactions—we see is a competitive advantage for South Australia in terms of attracting investment.

The government's announcements in this budget, in terms of trying to be more competitive with other jurisdictions in terms of land tax—in particular, on commercial properties but on all properties, investment properties—are important to potential investment attraction. Because we don't have the funding, as we are trying to clean up the mess left to us by the former Labor government, to make those changes immediately, this budget envisages those land tax changes occurring from July 2020 onwards. They involve both an increase in the threshold but, more importantly, in terms of

commercial investment, reductions in the top rate of land tax for aggregate property values above just over $1 million.

Our current land tax rate is 3.7 per cent and we are proposing to reduce that to 2.9 per cent. Many of the other states have land tax at that particular value, in and around somewhere between 1.5 per cent and 2 per cent or the low 2 per cents. We are still, even with the reductions we are proposing, uncompetitive and that is why many commercial property investors have been investing, not unreasonably from their viewpoint in terms of their shareholders, in the western suburbs of Sydney and in parts of Melbourne up until recently in terms of their commercial property investment. I think what was important, in terms of what the gentleman from Charter Hall was saying, is that, even though the land tax rates are attractive in Melbourne, maybe other factors in that market will see commercial property investors look at other state jurisdictions like South Australia.

In terms of what we need to do, we obviously need to do more of what this government is seeking to do in terms of the culture shift, in terms of the direction of the budget; that is, to try to create jobs in South Australia, to try to create economic growth through having a nationally and internationally competitive cost base for our small and medium-sized businesses in South Australia, so more of the same in terms of removing payroll tax for all small businesses in South Australia, something which the Labor Party campaigned against prior to the last election, much to I think their cost amongst the small business community here in South Australia.

So, it is those sorts of policy changes—removing red tape and deregulating—the government's decision, which the Labor Party tried to prevent. The establishment of a productivity commission—a sensible, rational, productivity commission in South Australia—is all about seeking to reduce red tape and regulation in South Australia and trying to encourage an investment climate in South Australia that encourages the people, like the gentleman from Charter Hall and others, to say, 'There's a new government in town. There's a new approach to running the state. There's a new approach to business investment and attraction. Perhaps some people in the other states need to open their eyes and have a look at Adelaide and South Australia as a potential investment market for the future.'

WIND FARMS

The Hon. C. BONAROS (15:05): I seek leave to make a brief explanation before asking a question of the Treasurer representing the Minister For Planning.

Leave granted.

The Hon. C. BONAROS: French company Neoen currently has a development application before the state government that includes a proposal to build a significant wind farm near Crystal Brook, a Mid North township recognised as the southern-most point of our world-renowned Flinders Ranges. Each of the 26 wind turbines would stand 240 metres high—the highest ever built in the state and double that of many of the existing turbines in South Australia.

Each turbine will have an output of just under five megawatts, again around double that of most existing wind farm developments. The proposed wind farm is situated only three kilometres from Crystal Brook township, and a lot closer to nearby rural living properties. Current laws permit a wind farm to be built one kilometre from a property without the owners' consent, and two kilometres from a town. However, the Liberals have a long-standing policy to protect residents by banning new wind turbines near the properties without their consent. I quote the Hon. David Ridgway in a letter sent to his constituents in relation to a select committee on wind farms that was established at his request, where he said:

> Liberals believe wind farms must not be approved on sites where they create negative economic and social impacts. We will protect residents by banning new wind turbines being built closer than two kilometres from an existing dwelling without the home owners' consent, and five kilometres from any town or settlement.

My questions to the minister are:

1. Will he ensure that his government's policy is enacted as a matter of urgency before any new wind turbines, including Neoen's proposed project at Crystal Brook, are approved or constructed?

2. Will he take immediate action to halt, delay or suspend Neoen's development application pending its policy coming into force?

3. When is that expected to occur?

4. Does the minister have concerns that a wind farm being built so close to our world-renowned Flinders Ranges might negativity impact its global reputation and appeal?

The Hon. R.I. LUCAS (Treasurer) (15:07): I will take the honourable member's question on notice and bring back a reply.

SHINE SA

The Hon. R.P. WORTLEY (15:08): My question is to the Minister for Health and Wellbeing. Has the government been informed by SHine SA that it will have no choice but to remove front-line health services due to the funding cuts, which will increase pressure on emergency departments? Another round of funding cuts to the most vulnerable.

The PRESIDENT: We don't need the commentary, the Hon. Mr Wortley.

The Hon. R.P. Wortley: The most vulnerable.

The PRESIDENT: We do not need the commentary. The question was fine.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:08): In terms of what communication we have had from SHine SA since the budget, I will take it on notice because I need to check with my department. I think it is important again to appreciate that services evolve over time. SHine SA provides a comprehensive sexual health service for vulnerable members of the South Australian community at high risk of sexually transmissible infections.

It is our view that SHine SA will continue to provide clinical services through billing under the Medicare Benefits Schedule. SHine SA has increasingly used Medicare billing in recent years to the point where their reliance on funding from SA Health for their core program has declined from around 80 per cent in 2013-14 to around 60 per cent in 2016-17. The funding change reflects the fact that SHine SA is increasingly utilising Medicare funding, and it is our view that there is further capacity to do so.

THINKER IN RESIDENCE

The Hon. D.G.E. HOOD (15:09): My question is to the Minister for Human Services. Can the minister advise about the current situation with the Thinker in Residence, Dr Guy Turnbull?

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:09): I thank the honourable member for his question. Honourable members may recall that the Thinker in Residence program, which was established under the previous government and which they then cut, has been taken up by the Don Dunstan Foundation. Their most recent Thinker in Residence is a gentleman by the name of Dr Guy Turnbull, who has come to Adelaide with extensive experience of employee mutuals having founded an incredibly successful employee-owned cooperative in the UK: Care and Share Associates (CASA).

I had the privilege of meeting Dr Turnbull last week. As I said, he founded CASA in 2004 and grew it from a start-up pioneering social franchise to a £17 million turnover per year employee-owned social enterprise. Dr Turnbull has also worked across the UK as a social economy consultant specialising in business planning, social franchising and strategic planning. He created RED (Rapid Enterprise Development) workshops—an innovative training approach to social enterprise development with people with a disability.

In 2016, Dr Turnbull won the Outstanding Contribution to Social Care category in the Great British Care Awards. He was also the UK national finalist in Ernst and Young's prestigious global competition, Entrepreneur of the Year. In 2017, Dr Turnbull received an honorary fellowship from Social Enterprise UK.

The cooperative sector is an autonomous association of persons united voluntarily to meet their common economic, social and cultural needs and aspirations through jointly owned and democratically controlled enterprises. From 1 October, there will be a new cooperative in South

Australia. The Department of Human Services is launching Kudos, which is Australia's first public sector mutual for Child and Youth Services (CYS), to transition this service to the non-government sector while retaining the highly skilled workforce.

Dr Turnbull has been engaged to consult on the CYS mutual project. He has spoken to the board and staff about founding a mutual enterprise and shared his tips for success. I wish Dr Turnbull well in his time in South Australia and look forward to receiving more information about his activities here and the learnings we can take from him.

TRAMLINE EXTENSION

The Hon. T.A. FRANKS (15:12): I seek leave to make a brief explanation before addressing a question to the Treasurer with regard to the cuts, privatisations and closures of his budget.

Leave granted.

The Hon. T.A. FRANKS: As the Treasurer is well aware, in his budget a centrepiece is $37 million so that a tram may turn right on North Terrace outside Parliament House. Did he, in his abandonment of the salami approach of small slices and identification of large cuts that could be made, for even one minute consider perhaps not turning the tram right outside this place so that his budget need not turn the entire state right?

The Hon. R.I. LUCAS (Treasurer) (15:13): This government was elected on two or three mantras. One of those was to clean up the financial mess we inherited. The second and critically important was that, even though we knew we were going to inherit a financial mess, we wouldn't use that as an excuse to break the election promises we made to the people of South Australia.

I instanced in the budget speech that too often in the past, Labor and Liberal governments, state and federal governments, had used the excuse of, 'Shock horror, black hole financial mess', and then proceeded to break every election promise that they made. As I indicated in the budget speech and various other presentations since then, we have certainly said, 'Shock horror, black hole, look at the extent of the financial mess,' but we have not used it as an excuse to break our election promises. And that's the big difference. We have kept our election promises. One of the election promises we took to the election—indeed, proudly enunciated by the Premier on a number of occasions on behalf of the party—was that particular commitment in relation to the tram.

So I am sure that if the government had broken its election promises we would have been roundly criticised during question time: 'You promised you would do this, and now you're breaking that particular promise.' What we're saying is that, even though we inherited a financial mess, even though it's much worse than even we could have contemplated, we won't use it as an excuse to break our election promises. We will keep our election promises, whether it's payroll tax, whether it's land tax, whether it's ESL bills, whether it be trams, whether it be hospital projects or school projects. We will keep those particular promises. The Labor Party, the opposition, can squeal—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —and squeak as much as they like, but we're not going to be diverted from keeping our election promises. We made the election promise in relation to the tram. In this particular budget, we proudly stand by the fact that we're keeping the election promise in relation to the tram project.

TRAMLINE EXTENSION

The Hon. R.P. WORTLEY (15:16): Has any minister in the government been advised by the department or anyone else that turning right off King William onto North Terrace will cause significant traffic congestion?

The PRESIDENT: Mr Wortley, I'm not sure that arises, but the Treasurer seems very keen to answer it.

The Hon. K.J. Maher: It's a broken promise, Mr President.

The PRESIDENT: It's a very loose association.

The Hon. K.J. Maher: It's broken promise number 19, Mr President.

The PRESIDENT: I don't require your advice, Leader of the Opposition. Treasurer.

The Hon. R.I. LUCAS (Treasurer) (15:16): I suspect the only person who might have got advice in relation to the tram project would be the Minister for Transport, so I am happy to take the question on notice for the Minister for Transport as to what advice he might have received in relation to the tram project and the turning right—again, another project where we're having to try to clean up the mess of the former government.

Bear in mind that it was the former government who spent an extra $10 million prior to the election to try to ensure that the tram project up and down North Terrace would be completed before March so that the premier and the former minister could actually open the project and have the trams running down. The former government were the ones who spent $10 million of taxpayers' money to deliver it before March 2018. We would love to know what happened to that $10 million because we are still trying to clean up that government's mess.

STATE BUDGET

The Hon. T.A. FRANKS (15:17): Supplementary: does the Treasurer accept that unannounced cuts, closures and service withdrawals are indeed broken promises to the electorate of South Australia?

The Hon. R.I. LUCAS (Treasurer) (15:17): No, I don't, because we said quite clearly in our policy costing document that the savings task that the former Labor government had left in the forward estimates, going up to $715 million by 2021-22, would have to be delivered, whether it was by a re-elected Labor government or a new Liberal government. So I don't accept what the honourable member has said. The former Labor government left in the forward estimates $715 million a year of savings tasks that had to be achieved.

We clearly said prior to the election, openly, transparently and honestly, that we would have to deliver on the forward estimates. It was the former Labor government who refused to provide, through the Parliamentary Budget Office, through questions in the house or through Budget and Finance, the exact quantum of the savings that they had assumed in their forward estimates. Indeed, I was advised that the information was provided to the former treasurer—and, I think, possibly the former premier—to provide to the opposition in the period leading up to the election, but the former treasurer refused to provide that information to the opposition.

We established that straight after the election. I made a ministerial statement prior to the budget and put it on the public record, which said that the former Labor government locked into the forward estimates $250 million worth of savings this year, up to $715 million of savings in 2021-22. So, no, I won't accept the premise of the honourable member's question. These cuts that are being delivered are the former Labor government's cuts, and we are the ones having to do it.

Members interjecting:

The PRESIDENT: The Hon. Mr Ngo.

Members interjecting:

The PRESIDENT: The Hon. Mr Ngo, you have the call.

Members interjecting:

The PRESIDENT: Show some respect, Labor benchers, for your own member. The Hon. Mr Ngo.

SA PATHOLOGY

The Hon. T.T. NGO (15:19): Thank you, Mr President. My question is to the Minister for Health and Wellbeing. Will the minister rule out that complex blood tests and specimens will have to be flown interstate if the government privatises SA Pathology?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:20): My first response to the honourable member is to point out that there is a whole series of complex tests that are currently

not able to be done within SA Pathology; they are already done in the private sector. The second thing I want to do is to challenge the presumption in the member's question that we have announced a privatisation of SA Pathology. That is palpably not true.

Members interjecting:

The PRESIDENT: Order! If you want to ask those questions, you can ask them another time.

The Hon. S.G. WADE: What we have said is that SA Pathology will undergo an external review to identify opportunities that provide—

The Hon. C.M. SCRIVEN: Point of order. I think maybe the minister misheard. The question did say, 'if the government privatises SA Pathology'. Will he rule out those tests going interstate?

The Hon. S.G. WADE: If that is the case, it is a hypothetical question, which I have no intention of answering.

PREMATURE BABIES

The Hon. T.J. STEPHENS (15:21): My question is to the Minister for Health and Wellbeing. Can the minister update the house on services and support for premature babies in South Australia?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:21): I thank the honourable member for his question. Last week, it was my privilege to launch an exciting initiative for South Australian mothers and babies. South Australia's most vulnerable babies from across the state will now have access to pasteurised donor breastmilk through a new partnership between SA Health and the Australian Red Cross Blood Service. This initiative will see our community's smallest babies having access to pasteurised milk delivered straight to the neonatal nursery. Supporting families and their babies at such a critical time will strengthen our community as a whole.

The Marshall Liberal government is committed to ensuring that South Australian babies get the best possible start in life. The Women's and Children's Hospital and the Flinders Medical Centre will become the first neonatal nurseries in the country to utilise the milk bank by the Australian Red Cross Blood Service, providing pasteurised donor breastmilk to preterm babies in their care.

The milk bank will mean neonatal nurseries will be able to order pasteurised breastmilk on demand, just as they currently do for blood. The milk bank will screen donors, collect, process and test the donated breastmilk, then track and distribute this precious resource. The Red Cross advised me that this is a unique model in Australia, that the services that do exist in Australia are institution-based.

I believe that the program that has been developed between SA Health and Red Cross—and I understand a similar program has been established in New South Wales—gives us the opportunity not only to have milk supplied within individual hospitals but also to share across the network and, perhaps even more importantly, to tap into the extraordinary expertise within the Red Cross.

The Red Cross is able to apply leading-edge research, skills and expertise to human milk banking to potentially improve the health outcomes of so many at-risk babies. They not only have the expertise, they also have the trust. The people of South Australia, and the people of Australia, rely on the Red Cross and trust the Red Cross to ensure that donated products are safe.

I look forward to seeing this service grow. When I was present at the launch, it was particularly impressive how excited the clinicians were and the opportunities that they saw to give preterm babies a better chance in life. There was already talk about trying to expand the reach of the milk bank into Lyell McEwin. I look forward to the lives that will be saved through this initiative and seeing the service grow and spread.

PREMATURE BABIES

The Hon. C.M. SCRIVEN (15:24): How many babies will benefit from this initiative?

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:24): Those details I am happy to take on notice, but it is somewhat unclear because at this stage—in the initial stages, the

donations will not be taken from beyond the hospital. I am advised that only inpatients will have an opportunity to donate and this, of course, is a benefit for the mothers themselves. One of the nurses who I was speaking to at the hospital was talking about her conversation with a young mother who herself had a preterm baby, and how excited she was that the donations that she was now able to make would improve the opportunity for a preterm baby.

The fact of the matter is, and I am not a medical practitioner or a scientist, but I was advised that the composition of human breastmilk is almost targeted for preterm babies. My understanding is that, even if it does go to community-based donations, donors won't be able to be more than 12 months from the birth of their child, because of the unique chemistry of the breastmilk. So this is a wonderful opportunity to give women who have the capacity to donate milk to support other young lives. Whether or not their child was a preterm baby or not, I think it is a win-win, and a great opportunity for South Australian preterm babies.

PREMATURE BABIES

The Hon. I.K. HUNTER (15:26): How does the minister justify his argument that he has just given the chamber, that centralised service provision by Red Cross for a milk bank is of great benefit whilst other jurisdictions have institutional-based services, which is exactly opposite to his arguments today in the chamber when it comes to a centralised funding model for Community Health Association and SHine SA? Rather, we should decentralise these services, he says, because that's a great idea to fund them through health networks. Two diametrically opposed arguments.

The PRESIDENT: Hon. Mr Hunter, you've asked your question. Minister.

Members interjecting:

The PRESIDENT: Minister.

The Hon. S.G. WADE (Minister for Health and Wellbeing) (15:26): I thank the honourable member for his question. I'm more than happy to stand up for preterm babies. In terms of horses for courses, the blood service has been a huge success through a coordinated national response. At this stage, the milk bank, as I understand it, is only going to be a state-based response, but New South Wales is starting this milk bank service in the near future so there may well be opportunities to share across the states. The fact of the matter is that we will develop service networks that are relevant to the health service involved. When it comes to blood donations and milk bank donations, I'm more than happy to support preterm babies right across the state, even right across the nation.

Members interjecting:

The PRESIDENT: Order!

The Hon. I.K. Hunter interjecting:

The PRESIDENT: Order! The Hon. Mr Hunter, we've finished question time now.

Bills

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL (MISCELLANEOUS) AMENDMENT BILL

Introduction and First Reading

The Hon. R.I. LUCAS (Treasurer) (15:28): Obtained leave and introduced a bill for an act to amend the South Australian Employment Tribunal Act 2014. Read a first time.

Second Reading

The Hon. R.I. LUCAS (Treasurer) (15:29): I move:

That this bill be now read a second time.

The legislative amendments contained in the South Australian Employment Tribunal (Miscellaneous) Amendment Bill 2018 relate to the exercise of the jurisdiction of the South Australian Employment Tribunal to hear federal diversity jurisdiction matters and, secondly, to award compensation when convicting a person for a criminal offence.

The bill addresses the constitutional issue raised in the recent High Court decision of Burns v Corbett [2018] HCA 15. That decision applies to prevent bodies that are not courts of the state from exercising federal judicial power in relation to federal diversity matters, namely those in which the commonwealth, or a person suing or being sued on behalf of the commonwealth, is a party; or between states, between residents of different states, or between a state and a resident of another state.

It follows from the High Court decision that the South Australian Employment Tribunal can only exercise jurisdiction to decide matters involving federal diversity issues if the tribunal is a court of the state. However, the South Australian Employment Court is established under the South Australian Employment Tribunal Act 2014 as a part of the South Australian Employment Tribunal. The South Australian Employment Court is a court of the state and hence is capable of exercising federal diversity jurisdiction. The bill ensures that jurisdiction in relation to federal diversity matters is directly vested in the South Australian Employment Court.

The bill defines federal diversity jurisdiction by reference to sections 75(iii) and (iv) of the Australian constitution. These provisions are clear and self-explanatory and do not need further elaboration in the bill. An example of when the jurisdiction might arise in the South Australian Employment Tribunal is if an injured worker, or a disputant in industrial relations or other employment-related matters, were to move interstate to live with supporting family members.

This constitutional issue also arose in respect of the South Australian Civil and Administrative Tribunal (SACAT), in response to which parliament passed the Statutes Amendment (SACAT Federal Diversity Jurisdiction) Act 2018. However, that act and the present bill deal with the issue in a different way in view of the different characteristics of SACAT and the South Australian Employment Tribunal. The bill contains a number of consequential provisions, including to mitigate the risk of constitutional invalidity by not permitting the non-judicial supplementary panel members appointed to the South Australian Employment Tribunal to sit as part of the South Australian Employment Court in proceedings that involve federal diversity matters.

Some of the acts that confer jurisdiction on the South Australian Employment Tribunal enable the president to elect to constitute the tribunal with a judicial member and supplementary panel members to provide the South Australian Employment Tribunal with special industry or subject-matter expertise. These are the Equal Opportunity Act 1984, Education Act 1972, Technical and Further Education Act 1975, Fire and Emergency Services Act 2005, Public Sector Act 2009 and the Work Health and Safety Act 2012.

The bill also reinstates the monetary limit on compensation that could be awarded by a magistrate against a person convicted of a criminal offence, including an employment-related offence, formerly known as 'industrial offences'. Prior to 1 July 2017, the judiciary of the Magistrates Court were limited by legislation to ordering no more than $20,000 by way of compensation against defendants, including those convicted of industrial offences.

This monetary limit was inadvertently removed on 1 July 2017 when the jurisdiction over employment-related criminal offences was transferred from the Magistrates Court to the South Australian Employment Tribunal, where they are now dealt with by magistrates who are members of the South Australian Employment Tribunal rather than members of the Magistrates Court. The bill restores the limit as it applies to the South Australian Employment Tribunal's magistrates but allows larger awards of compensation to be made by the South Australian Employment Tribunal's judges. I commend the bill to members and seek leave to have the detailed explanation of clauses inserted into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Amendment provisions

These clauses are formal. The intention is for the measure to come into operation on the day on which it is assented to by the Governor.

Part 2—Amendment of *South Australian Employment Tribunal Act 2014*

3—Amendment of section 4—Relevant Acts prevail

This clause makes a consequential amendment to make sure that a relevant Act cannot override the provisions of proposed section 6AB.

4—Amendment of section 6A—Conferral of jurisdiction—criminal matters

This clause inserts proposed subsections (6a) and (7).

Proposed subsection (6a) provides that a magistrate of the South Australian Employment Court may not award by way of compensation under section 124 of the *Sentencing Act 2017* more than $20,000 (or if a greater amount is prescribed under section 124(6)(c) of that Act—the prescribed amount).

The proposed changes to existing subsection (7) provide that if a magistrate of the South Australian Employment Court is of the opinion in any particular case that an award of compensation should be made that exceeds the limit applying under proposed subsection (6a), the magistrate may remand the defendant to appear for sentence before a judge of the South Australian Employment Court.

5—Insertion of section 6AB

This clause inserts proposed section 6AB.

6AB—Diversity proceedings

Proposed section 6AB provides that where a determination of a matter within the jurisdiction of the South Australian Employment Tribunal (SAET), or that would otherwise be within the jurisdiction of SAET, involves the exercise of federal diversity jurisdiction, the matter is to be dealt with by the Tribunal sitting as the South Australian Employment Court (the Employment Court). Federal diversity jurisdiction is defined to mean jurisdiction of a kind referred to in section 75(iii) and (iv) of the Commonwealth Constitution, whereby the High Court has jurisdiction over matters in which the Commonwealth is a party, or over matters arising between the States, residents of different States or between States and residents of another State. This clause refers to such proceedings before the Employment Court as *diversity proceedings*.

If, in a matter before the Tribunal not sitting as the Employment Court, the Tribunal is of the opinion that the determination of the matter involves, or may involve, the exercise of federal diversity jurisdiction, then the Tribunal must refer the proceedings to the Employment Court for determination. (This clause also refers to such proceedings as *diversity proceedings*). The matter may be remitted to SAET if the Employment Court is of the opinion that the matter does not involve the exercise of federal diversity jurisdiction.

In determining diversity proceedings the Employment Court may not be constituted of supplementary panel members. The Employment Court has the same jurisdiction, powers and functions in relation to the proceedings that the Tribunal (other than in Court Session) would have had if it could exercise federal diversity jurisdiction. The usual practices and procedures that apply to the Tribunal other than in Court Session will apply to the Employment Court unless, and to the extent, the Court determines otherwise.

The proposed clause also makes provision for the enforcement of purported orders (including monetary orders) of SAET, whether made before or after the commencement of the clause, that are invalid because determination of the proceedings that gave rise to the order involved the exercise of federal diversity jurisdiction. It also provides for proceedings in relation to the variation or revocation of such orders by the Employment Court (which are to be treated as 'diversity proceedings'). The clause also provides for immunity in relation to actions or purported actions taken pursuant to, or in relation to the enforcement of, a purported order or monetary order in good faith.

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

INFRASTRUCTURE SA BILL

Second Reading

Adjourned debate on second reading.

(Continued from 6 September 2018.)

The Hon. F. PANGALLO (15:34): I rise to speak in support in principle of the government's Infrastructure SA Bill. This is an important piece of legislation that, if passed and put into practice assiduously, can deliver economic, environmental and social benefits to our state through major projects worth $50 million and more.

The Treasurer has already announced significant infrastructure spending in his budget. I would envision an ISA would play a key role in the rollout of future projects in our state, which spends

about $1 billion per year, and would be separate to those projects of the national body, Infrastructure Australia.

In getting the framework together for this proposed statutory authority, I note the government sought the quality advice and input of key industry and infrastructure experts in Brendan Lyon, who spent a decade as chief executive of Infrastructure Partnerships Australia, and former chairs of the federal body Infrastructure Australia Sir Rod Eddington and Mark Birrell.

Infrastructure SA will be comprised of a board drawn from private and public sectors. The government promises independence, with four members with industry experience and qualifications plus three ex officio members, chief executives of the Department of the Premier and Cabinet, Treasury and Finance, and the Department of Planning, Transport and Infrastructure. It will be the board's responsibility to map out a 20-year strategy along with ongoing plans for the government to consider, with the wish list coming under review every five years.

Taxpayers will at last have a clear sight of what will happen and how their money is going to be spent, something we have not had in the past. ISA, we are assured by the Premier, will scrutinise and evaluate each proposal to make sure it stacks up. Of course, it does need to be independent of government interference. What we do not want is a body that is going to heel when their master whistles. They need to act without fear or favour.

Pork-barrelling can be a tantalising temptation for any government when elections are near, as it was with the last government. Labor recklessly promised billions in infrastructure projects where no independent business case or economic modelling had been presented. A prime example of this was the announcement of a deepwater port in Whyalla to sandbag Labor's weakened grip on the seat of Giles, which they eventually won but only after an extremely dirty contest.

It was a vacuous promise, because marine engineers have ridiculed the idea as being uneconomic, running into billions of dollars, because that stretch of the gulf was not suitable and would require massive dredging works. It would also have compromised the viability of the new deepwater port and rail line further south on Eyre Peninsula at Cape Hardy being developed by Iron Road Ltd.

Hell would need to freeze over before a Liberal won the seat of Giles, but this government has at least followed through on building a $100-million school in Whyalla. However, I am rather perplexed by the spend when the Treasurer says he needed to find savings. I was in Whyalla only last week, and the Steel City has three perfectly good high schools, one of which recently had a multimillion-dollar refit.

Only proper long-term planning, scrutiny and forensic economic and evidence-based analysis of projects will avoid white elephants like the mothballed $1.8 billion desalination plant and the ridiculous $2.4 billion spend on the new Royal Adelaide Hospital, which is not fit for purpose and which will end up costing taxpayers close to $12 billion when it gets handed over in 29 years. The O-Bahn tunnel at $175 million just was not necessary, and I do not understand why $35 million needs to be wasted on a right-hand tram turn into North Terrace that engineers warn is fraught with such insurmountable challenges that it may not be worth it. A lesson here is Sydney's diabolical light rail project in George Street—over budget, behind schedule and a killer for businesses.

Cities are the major beneficiaries of major projects spends, but what about our regional communities? They are slowly dwindling, with figures showing a worrying decline in the population of all the state's major regional hubs. This needs to be reversed. Australia desperately needs a national population policy. Most new arrivals, 85 per cent of them, choose to settle in either Melbourne or Sydney. Smaller cities like Adelaide must attract a greater share. One solution put forward by the Prime Minister is a new visa category requiring skilled migrants to live in regional centres in the smaller states for up to five years. But the conundrum is they need to be able to find work.

Here is where a body like Infrastructure SA has value, by identifying projects that will generate ongoing employment in regional centres. Our economy is changing. Australia has had a great run for the past 25 years. Now, we are in a transition phase, going from resources to service and knowledge-based industries with energy, telecommunications, water and transport being the

four main infrastructure and sectors. Nationally, we have the much-vaunted NBN which is the country's biggest ever infrastructure project. The jury is out on that.

On the east coast, the emphasis is on road and rail public transport and freight systems connecting cities to regions. Victoria has just announced an ambitious $50 billion rail project. The federal government and Infrastructure Australia have recognised the need for a national freight and supply chain strategy that drives efficiency so that Australia remains economically competitive and arrests a loss of market share in the Asia region. Apart from a couple of big road projects and the Tarcoola rail line, South Australia is not getting much at all.

When it came to vision, many past state governments were myopic and made many foolish errors. We ripped up a perfectly good suburban tram network. Now, when more people are choosing to drive their cars to work instead of using public transport, we are putting light rail back at a huge cost. Our rail and road networks are in urgent need of upgrades. Scandalously, much of our country rail network was sold off for one dollar to an American company that shows little interest in our economic welfare.

On recent road trips to the Mid North, Eyre Peninsula and the Riverland, I saw rail lines in bad states of repair which could and should be used to transport the in-demand freight of our primary producers to ports and markets. The company, Genesee & Wyoming Australia, has welched on the deal in which they had to ensure those rail lines were maintained to such a standard that they could be utilised within two or three weeks. This breach of contract and faith should not be tolerated and the government should exercise its right to reclaim them at a time when other states are optimising their rail networks.

In the Riverland, mayors from Berri to Renmark and Loxton expressed their frustration with major highways and bridges in danger of collapse, needing vital upgrades to cope with the increased demands of heavy freight movement using B-triple trucks. Infrastructure is a nation builder and a driver to jobs and prosperity. Many of you may recall that in July, I floated a big picture idea of a bridge from Cape Jervis to Kangaroo Island that might be considered by a body like ISA, or IA for that matter, in a decade or two or three.

Part of my thinking then was to highlight the high cost of the monopoly ferry service to this untapped and greatly under-resourced tourism mecca. It was met with equal shares of mirth, the usual uninformed media cynicism and, I must say, enthusiasm, some from unexpected quarters who saw the enormous economic benefits an infrastructure project like that could present. The proposal attracted international attention from the highly respected engineering sector as well as cashed up foreign investors prepared to build it at the estimated cost of around $3 billion. With some will, it could easily progress from pipedream to a reality one day soon.

This brings us to how these major South Australian projects can be funded and financed. The Treasurer might enlighten us on that down the track; meanwhile Infrastructure Australia's current chair, Julianne Alroe, says the current federal model needs robust, incentive-based funding reform. She suggests five areas modelled by Infrastructure Australia that aim to drive efficiency, accessibility and affordability of infrastructure services for all Australians. They are: road-user charging; urban water sector reform; reform of the electricity market—and this one for the Treasurer and his government to heed—reforming land tax; and lastly, franchising public transport services.

According to Dr Alroe these reforms are well suited to an incentive approach because they can deliver cross-jurisdictional benefits and enhance national efficiency and productivity. She points out the potential benefits for these five reforms alone are substantial, with modelling showing that introducing incentive payments could boost GDP by $66 billion by 2047, representing almost 2 per cent of GDP by that time. This approach could also deliver $19 billion ongoing increase in national tax revenue, additional funding which could be reinvested in new and improved infrastructure. So, there are distinct advantages in doing things right, whether at national or state level.

I look forward to the committee stage. I note that the Labor opposition has put up a raft of amendments, many are quite ponderous and unnecessary, and there are three amendments proposed by the Hon. Mark Parnell to consider. I do hope sensibility prevails and that this bill does

not go the same way as the productivity commission bill, when the government folded its hand, left the table and did its own thing. I commend this bill to the house.

The Hon. D.G.E. HOOD (15:47): I rise to speak in support of this bill which seeks to deliver one of the Marshall Liberal government's key election promises that will be fundamental in delivering a stronger and more vibrant economy for South Australia. With numerous other measures in place to promote further investment and greater business activity in this state, including a reduction in various taxes and levies, support for apprenticeships and traineeships, and the trial of a new temporary visa to attract entrepreneurs, it is vital that the necessary infrastructure is in place to support and facilitate the anticipated growth in enterprise and population.

South Australians deserve a forward-thinking state government that sets in motion long-term systemic plans that go beyond its current term of office, and the Marshall Liberal government is taking this very approach, prioritising people before popular politics through the introduction of this legislation. This bill provides for the establishment of Infrastructure SA, an independent body that will be charged with providing advice to the state government to promote the efficient, effective and timely coordination, planning, prioritisation, delivery and operational impact of infrastructure in South Australia. The Marshall Liberal government acknowledges that investment decisions on infrastructure projects should be based on sound expert advice, as opposed to short-term political gain and electoral cycles, as we have witnessed in the past.

One of the agency's principal responsibilities will be to devise a 20-year state infrastructure strategy to be reviewed at least once every five years, which will assess our existing infrastructure, current relevant state government strategies, information provided by the public, private and not-for-profit sectors, trends, present and future needs and objectives.

The board will comprise four independent members with appropriate skills and experience, in addition to the appointment of the chief executive officers of the Department of Premier and Cabinet, Treasury and Finance, and Planning, Transport and Infrastructure as ex officio members. It is expected that this strategic and complementary combination of expertise will ensure a more transparent process of identifying infrastructure priorities and the prudent allocation of taxpayers' money, justified and supported by the projected social, economic and environmental benefits that will ensue.

Infrastructure SA will initially be commissioned to investigate 10 major projects nominated by the state government, some of which include the following:

- completion of the north-south corridor through metropolitan Adelaide;
- a GlobeLink upgrade to boost our export capacity;
- a grain and minerals port on Eyre Peninsula;
- an underground rail link in the CBD between the northern and southern train lines;
- an extension of tram services in the CBD;
- the removal of level crossings to reduce traffic congestion and enhance productivity in appropriate places;
- the completion of the electrification of the Gawler rail line; and
- development on the LeFevre Peninsula to accommodate the naval shipbuilding program at Osborne.

It will also be directed to evaluate major non-transport infrastructure initiatives, including opportunities for additional affordable housing, increasing the capacity of our prisons and improving court infrastructure, with the adoption of new technologies and even satellite courts.

The agency will have scope to investigate other possible projects at its own discretion for consideration, which will actively be encouraged by our state government. I am sure members would agree that this particular capability is imperative, and ensuring Infrastructure SA is able to function as a truly independent body is critical. Our government is also placing this agency in a position to

work closely with its federal counterpart, Infrastructure Australia, in managing proposals requiring federal government funding.

Due to the previous state Labor government's haste, oversights and budget blowouts concerning projects, such as the desalination plant at Port Stanvac and the new Royal Adelaide Hospital—not to mention its failure to improve our infrastructure to secure our state's baseload power supply—it is evident that a fresh approach is required to foster greater accountability and community participation in the government of the day's decision-making processes.

We are certainly not the only state to acknowledge the need for an independent agency, not unlike the one being proposed here, with Infrastructure Victoria and Infrastructure New South Wales both in operation for very similar purposes to our proposal. It would certainly be neglectful for our state government to fail to acknowledge what is regarded as best practice in the two cities within our nation that boast the largest populations and the biggest, most dynamic economies.

The establishment of Infrastructure SA is long overdue in my view. State governments simply cannot afford to continue responding to the needs of the community with ad hoc building projects and maintenance that is undertaken primarily to garner the favour of voters in strategic areas within marginal seats. As the Premier mentioned in the other place, this initiative demonstrates an appreciation of the fact that our hospitals, schools, recreational facilities, roads, railways, ports and utilities are owned and operated by various tiers of government, as well as the private sector, all of whom deserve input into where time, money and energy is invested.

I wait with interest to see how this new body plans and provides for South Australians in an effort to revitalise our state's economy, whilst preparing for our anticipated and much-needed population growth. No state government will ever be immune to having its own biases or pet projects, and I am pleased that the Marshall Liberal government is taking steps towards welcoming scrutiny surrounding state planning, to prevent the mismanagement of our limited capital and embracing pragmatism in catering to our state's evolving socioeconomic environment. I am very pleased to commend the bill to the house.

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

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

Second Reading

The Hon. J.M.A. LENSINK (Minister for Human Services) (15:54): I move:

That this bill be now read a second time.

I am pleased to introduce this bill to the Legislative Council, which amends the Children and Young People (Safety) Act 2017. The bill comes to the parliament at this time because since the act has commenced in its first phase, in February this year, there have been a number of real-world circumstances that prompted clarification to some sections.

The bill makes minor consequential, corrective and transitional amendments to the Children and Young People (Safety) Act 2017 and Children's Protection Law Reform (Transitional Amendments and Related Amendments) Act 2017.

These amendments are necessary for enabling the proper operation of the Children and Young People (Safety) Act 2017 when it fully commences on 22 October 2018. These include:

- correcting a reference to the Marriage Act 1961 at section 18 of the Children and Young People (Safety) Act 2017;
- providing for a regulation-making power to describe the circumstances in which a reunification assessment is not required under section 50(4) of the Children and Young People (Safety) Act 2017;
- clarifying that the information disclosure provisions at section 142 of the Children and Young People (Safety) Act 2017 also apply to information gathered under the Children's Protection Act 1993;

- clarifying that where a child is removed pursuant to section 41 of the Children and Young People (Safety) Act 2017 and cannot be returned home or into the care of another person, the child will remain in the chief executive's custody until the end of the fifth business day following the day on which the child was removed;
- amending section 92 to enable the status quo to be maintained for long-term guardians who are currently responsible for determining contact arrangements for children in their care;
- amending section 95 to broaden the scope of people who may apply to the contact arrangements review panel;
- amending section 161 to allow the chief executive to refer money received on behalf of children and young people to the Public Trustee to administer until the child or young person attains 18 years of age;
- amending schedule 1 of the Children and Young People (Safety) Act 2017 to allow for the staged repeal of the Children's Protection Act 1993. This is necessary to ensure that the current regime for screening people who work with children in South Australia as set out in the Children's Protection Act 1993 can continue until the commencement of the Child Safety (Prohibited Persons) Act 2016;
- providing transitional arrangements for custody and guardianship orders made pursuant to section 38 of the Children's Protection Act 1993; and
- providing transitional arrangements concerning the management of children's money.

These technical and transitional amendments will ensure a smooth transition from the Children's Protection Act 1993 to the Children and Young People (Safety) Act 2017 from 22 October 2018.

Minister Sanderson has provided her commitment to review the Children and Young People (Safety) Act 2017 once it has been in operation for 12 months. As a member of the cabinet government I also make that commitment in this place. This is expected to be started in October 2019. We are therefore not seeking to make any substantive policy changes to the act at this time. These amendments are simply about enabling the operational intent of the act to be realised.

I note that an amendment has been filed on behalf of the Labor Party. The Minister for Child Protection has received advice from both the South Australian Council of Social Service (SACOSS) and The Law Society of South Australia advising that neither organisation is supportive of that amendment.

I would also like to address the time frames, and deadline of 22 October 2018. Many staff on the frontline of child protection have been preparing and training for the commencement of phase 2 of the act, which is set to commence on this specific date of 22 October. Delay to this commencement would prolong the full implementation of the Children and Young People (Safety) Act 2017.

It is therefore the hope of the government that this bill goes through without amendments so as to avoid any further unintentional consequences. I commend the bill to the house and seek leave to have the explanation of clauses inserted into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Children and Young People (Safety) Act 2017*

4—Amendment of section 18—Meaning of at risk

This clause corrects a typographical error in the reference to the *Marriage Act 1961* of the Commonwealth.

5—Amendment of section 43—Custody of removed child or young person

This clause inserts a new subsection (2) into section 43 of the principal Act. That new subsection clarifies that the Chief Executive (CE) may exercise powers under the Act in respect of children and young people delivered into the care of another person as if the CE had custody of them.

6—Amendment of section 50—When application can be made for Court orders

This clause amends section 50 of the principal Act to enable the regulations to exclude the need for the CE to assess whether a reunification is likely in specified circumstances when applying for prescribed Court orders.

7—Amendment of section 59—Onus on objector to prove order should not be made

This clause amends section 59 of the principal Act to allow the regulations to exclude certain kinds of application from the circumstances in which the onus of proving a matter is reversed.

8—Amendment of section 90—Long-term care plan to be prepared

This clause repeals section 90(3) of the principal Act, which is to be relocated as section 91(2a).

9—Amendment of section 91—Chief Executive to apply to Court for order to place child or young person under long-term guardianship

This clause inserts new section 91(2a) into the principal Act, and is simply a relocation of what was previously section 90(3).

10—Amendment of section 92—Application of Part

This clause inserts new section 92(2) into the principal Act. The proposed subsection excludes the specified children and young people from being the subject of contact arrangements determined by the CE.

11—Amendment of section 95—Review by Contact Arrangements Review Panel

This clause replaces section 91(1) of the principal Act to extend the persons who may seek review of a determination of the Chief Executive in respect of contact arrangements.

12—Amendment of section 121—Interpretation

This clause makes a consequential amendment of section 121 of the principal Act to reflect the replacement of the *Children's Protection Act 1993* by *Children and Young People (Safety) Act 2017*.

13—Amendment of section 142—Disclosure of information

This clause makes consequential amendments to section 142 of the principal Act to reflect the replacement of the *Children's Protection Act 1993* by *Children and Young People (Safety) Act 2017*.

14—Amendment of section 161—Payment of money to Chief Executive on behalf of child or young person

This clause substitutes subsections (2), (3) and (4) of section 161 of the principal Act to reflect a shift in who holds money on behalf of children and young people in care to the Public Trustee.

15—Amendment of Schedule 1—Repeal and related amendment

This clause amends clause 2 of Schedule 1 of the principal Act to enable the specified provisions to be repealed before the complete repeal of the *Children's Protection Act 1993*.

Schedule 1—Related amendments and transitional provisions etc

Part 1—Amendment of *Children's Protections Law Reform (Transitional Arrangements and Related Amendments) Act 2017*

1—Amendment of section 12—Transitional provisions—foster parents

This clause amends section 12 of the principal Act to make clear that approved carers under the *Children and Young People (Safety) Act 2017* are exempt from the specified provisions of the *Child Safety (Prohibited Persons) Act 2016*. This reflects the earlier commencement of the *Children and Young People (Safety) Act 2017*.

2—Amendment of section 13—Transitional provisions—licensed foster care agencies

This clause amends section 13 of the principal Act to make clear that licensed foster care agencies under the *Children and Young People (Safety) Act 2017* are exempt from the specified provisions of the *Child Safety (Prohibited Persons) Act 2016*. This reflects the earlier commencement of the *Children and Young People (Safety) Act 2017*.

3—Amendment of section 14—Transitional provisions—licensed children's residential facilities

This clause amends section 13 of the principal Act to make clear that the holder of a license to maintain children's residential facilities under the *Children and Young People (Safety) Act 2017* is exempt from the specified provisions of the *Child Safety (Prohibited Persons) Act 2016*. This reflects the earlier commencement of the *Children and Young People (Safety) Act 2017*.

4—Insertion of section 23A

This clause inserts a new section 23A into the principal Act, continuing the placement of a child or young person by the Minister under the *Children's Protection Act 1993* as a placement of the child or young person under section 77 or 84 of the *Children and Young People (Safety) Act 2017* (as the case requires).

5—Insertion of section 26A

This clause provides that proceedings commenced under the *Children's Protection Act 1993* but not determined before the specified date will continue as proceedings commenced under Chapter 6 of the *Children and Young People (Safety) Act 2017*.

6—Insertion of sections 31A and 31B

This clause inserts new sections 31A and 31B into the principal Act as follows:

31A—Certain orders under section 38 of repealed Act to continue as orders under *Children and Young People (Safety) Act 2017*

This section continues the specified orders of the Court under the *Children's Protection Act 1993* as orders made by the Court under section 53 of the *Children and Young People (Safety) Act 2017*.

31B—Certain orders under repealed Act to continue as interim orders under *Children and Young People (Safety) Act 2017*

This section continues the specified orders of the Court under the *Children's Protection Act 1993* as interim orders made by the Court under section 53 of the *Children and Young People (Safety) Act 2017*.

Part 2—Transitional provisions etc

7—Moneys held on behalf of child or young person

This clause provides that certain money received by the CE prior to the commencement of this measure and held on behalf of a child or young person will be taken to have been received, and must be dealt with, under section 161 of the *Children and Young People (Safety) Act 2017*, as amended by this measure.

The PRESIDENT: Minister, to allow the Hon. Ms Franks to speak without any doubt, can you move contingent notice of motion No. 1?

The Hon. J.M.A. LENSINK: I move:

Contingent notice of motion No. 1.

Motion carried.

The PRESIDENT: By way of explanation, you cannot normally follow on after a second reading, but it has been on the *Notice Paper*, so there was some doubt. The Hon. Ms Franks now has the call.

The Hon. T.A. FRANKS (15:59): I thank you, Mr President, for accommodating what I find are quite extraordinary provisions where we are faced with a bill that needs to be rushed through in, lo and behold, child protection because, of course, we again have not bothered to get the basics right. I rise on behalf of the Greens to speak to the Children and Young People (Safety) (Miscellaneous) Amendment Bill 2018, introduced in the other place by the Minister for Child Protection and introduced in this place today by her counterpart. This bill:

- corrects references to the Marriage Act 1961;
- provides for regulation-making powers to describe the circumstances in which a unification assessment is not required;
- clarifies that the information disclosure provisions at section 142 of the Children and Young People (Safety) Act 2017 also apply to information gathered under the Children's Protection Act 1993;

- clarifies that, where a child is removed under the act and cannot be returned home or into the care of another person, the child will remain in the chief executive's custody until the end of the fifth business day following the day on which the child was removed;
- amends section 92 to enable the status quo to be maintained for long-term guardians who are currently responsible for determining contact arrangements for children in their care;
- amends section 95 to broaden the scope of people who may apply to the contact arrangements review panel;
- amends section 161 to allow the chief executive to refer money received on behalf of a child or young person to the Public Trustee to administer until the child or young person is 18;
- amends schedule 1 of the Children and Young People (Safety) Act 2017 to allow for the staged repeal of the Children's Protection Act 1993;
- provides transitional arrangements for custody and guardianship orders made pursuant to section 38 of the Children's Protection Act 1993; and
- provides transitional arrangements concerning the management of those children's moneys.

I note that, on receipt of this bill in this place today, as yet there is no Law Society advice on this bill. Perhaps it is in preparation. Perhaps it was requested, and it has taken them a long time to prepare. Certainly, while the Law Society has provided 35 pieces of advice of use for parliamentarians since the 17 March state election poll, there is no advice on the Law Society website with relation to this bill. This is an incredibly disappointing situation because, yet again, a government has brought a child protection bill into this place without proper consultation.

I remind the minister in the other place of her words when she passed the predecessor of this bill with amendments made by this council. She particularly wanted to thank for their hard work the Law Society of South Australia, the Australian Medical Association, the South Australian Council of Social Service, the Child and Family Welfare Association of South Australia, the Council for the Care of Children, the Youth Affairs Council of South Australia, the Child Protection Reform Movement and Connecting Foster Carers, who had spent many hours deeply involved with this piece of legislation, which, as she stated at the time in the other place, had been ongoing for some months. The now minister, then shadow, noted at the time that:

> It is an important piece of legislation, so it was worth testing and trying to make as many amendments as was possible.

She noted:

> …the opposition did feel, and still feels, very strongly that the best interests of the child should be the paramount consideration, in line with the United Nations Convention on the Rights of the Child and also in line with the majority of stakeholders' views…

She noted that it was lost by one vote in the Legislative Council, and went on to say:

> It was very close. It was a good debate and lots of points of view were put across, but we are in opposition and we have to accept these things.

She went on to also note:

> However, we—

meaning the then opposition, now government—

> have come to a position on the bill. I call on the government—

the then Labor government—

> to urgently bring before parliament the amended Families and Community Services Act outlining its early intervention and prevention initiatives, as was promised to the stakeholder group. That does form a very important part of the prevention and intervention. The bill we have now is really at the critical end where the child is removed, but we have

too many children being removed and more work needs to be done with the families to stop the children being removed and allowing them to stay safely with their families.

What has changed? Of course, the government is now the opposition, and the opposition is now the government, but what has remained the same is a lack of consultation when it comes to these very important pieces of child protection legislation. Certainly, on behalf of the Greens, I commenced contacting those very stakeholders, whom clearly the minister is very familiar with and has the contact details for, because in opposition she did not hesitate to get in touch with them. I note the words of Ross Womersley, the CEO of SACOSS, who stated this in this past week:

> We are disappointed that the government has not taken the opportunity to fix some of the issues they supported in opposition and committed to prior to the election, for example the paramountcy of 'safety' versus 'best interests' among other issues.
>
> The Minister has argued that she wants the current legislation to be embedded for at least 12 months before then looking to make any changes. In contrast we advocated for making needed amendments immediately so poor practices did not become embedded. I think there is some expectation that tabling additional (even if needed) amendments forward at this time would result in unacceptable delays…
>
> Since the governments election we have also been disappointed to find that they have not proceeded and in fact have seemingly deferred any consultation regarding a prevention and early intervention Bill to complement the Safety Act. We are concerned that this is just the first step in not proceeding to bring a Bill forward at all despite the promises pre-election.

I am not as disappointed or surprised, perhaps, as SACOSS, and I do expect the government to make commitments and to ensure that they have not abandoned that early intervention bill. The Greens will be seeking evidence and assurances of that in this debate. I note that the Liberal government, when in opposition, had some very persuasive arguments. In fact, they noted at the time:

> We also have the Nyland findings that have influenced the thinking of the Liberal Party and have a golden thread of best interests through them. For the benefit of members of the chamber, the Liberal Party has had a considered journey coming to this point. We understand that any drafting of a bill like this will have significant implications, but I think any formulation will present the department with some difficulties. However, we feel that ours is the best option going forward, in respect of the protection of children in this state.

Mr President, those were fine words, and they were your words. Sadly, at the moment, you are not in the Liberal party room to deliver those particular words, but there is another member whose words at the time were:

> …I remind the chamber that this government has an appalling record in both legislation and action of protecting children from harm. I would also respectfully suggest to the minister that the vagueness of this meaning of 'harm' is no more vague than 'best interests', but at least the United Nations has said, 'Let's focus on the best interests of the child.'…The Layton report has said, 'Let's focus on the child protection review.' I respectfully suggest the government is misquoting the Coroner in suggesting that he demurs from them. Let me take the opportunity to read in another quote from section 21.5 of the Coroner's report:
>
> It must be a standard approach for workers to always act in the child's best interest…
>
> The Coroner did not say, 'always to protect the child from harm'. The fact of the matter is, children face some potential benefits which must be protected in the context of administering these acts.
>
> Again, on this issue of the vagueness of the provision, it is the first that I have heard that somehow 'the best interests' was a vague phrase that should not be used. With all due respect to the rebuttal of the minister [the then minister], I did not reference the Family Law Act. I could actually reference a whole series of state acts. The legislation in relation to the Guardian for Children and Young People relates to 'best interests'. This is not a vague notion which is the subject of opposition hallucinations; it is a well-established principle in international, national and state law. I believe that it is much better informed than what the minister suggests is clear, which is the phrase 'to ensure that the children are protected from harm'.

Those were the words of the Hon. Stephen Wade, now the Minister for Health and Wellbeing, who is indeed in the party room of the Liberal government that has brought this bill before us. This bill, of course, does not seek to ensure the best interests of the child are paramount, and the Greens will be moving an amendment to that effect and having that debate because if the minister expects us to let the Liberal opposition, when they enter government, forget the work that they did and the promises they made to stakeholders before the election, then they have another thing coming.

I also note that the Labor opposition has moved an amendment, and has sought Law Society advice. Indeed, I have pieces of correspondence from not only the Law Society but Uniting

Communities and others. We will get into an investigation of that reunification clause, but I also note that this was presented in the other place as a rats and mice bill, somehow a technical bill, and yet the subject of that particular reunification clause has proved itself to be less than simply a technicality, and certainly something that will have grave implications if we do not get it right.

This is a lost opportunity to ensure that the bill that we move forward with this year is the best bill it could be. By not even seeking Law Society advice, I find that the minister has let this parliament down, has let herself down, and has let potentially the children of this state down. The Greens stand today ready to debate this. We will not hold it up unnecessarily, but we will ring alarm bells that we still do not have an early intervention bill before this place. We will ring alarm bells that this bill came before us without even the basics of Law Society advice.

We already got it badly wrong and we have a fix-up bill before us because there were so many errors the last time this particular piece of legislation was rushed through this place. Why are we not learning from the mistakes of the past and correcting them? This bill, I believe, does put the cart before the horse. Early intervention is key, and it is an absolute indictment that we still do not have an early intervention bill before this place. With those few words, the Greens will support the second reading of the bill. We do look forward to a robust committee stage.

I echo the questions that I forwarded to the minister's office last night, who has been consulted with regard to the drafting of the bill before us. When were the Law Society contacted about it and what is their advice on the bill? What stakeholders have provided feedback on the bill? Where is the early intervention bill and has consultation proceeded on that? Is there a draft? With regard to the proposed regulations for the reunification assessments, can all members of parliament have a copy of those? I understand that the shadow minister was provided a copy that was quickly whisked away before she could actually leave with it in her hands, so that is just not good enough in this place as a process.

Yet again, we are being asked to rush through a bill, and I would be a lot more comfortable if there was actually clear evidence that the stakeholders had had a say and that we were not, yet again, setting up something without even the basics of Law Society advice to ensure that we are not setting up a system to fail. We have to get it right with child protection and, sadly, the minister's own words here in opposition have not been reflected by the actions of the government.

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

LIMITATION OF ACTIONS (CHILD ABUSE) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 2 August 2018.)

The Hon. R.I. LUCAS (Treasurer) (16:14): I thank honourable members for their contribution on this bill. This has been a longstanding Liberal Party policy and also one championed by the Hon. John Darley. We have seen the need for the limitation period for child sexual offences to go beyond the 21-year age limit and ensure that appropriate redress and compensation is granted.

Beyond this bill, this government has fully funded the National Redress Scheme for Institutional Child Sexual Abuse over the next 10 years. On behalf of the government, we note the amendments that have been filed by the Hon. Mr Maher on this bill. On behalf of the government, I will speak to those amendments in more detail during the committee stages but would like to state to the council the government are supportive of the second package of amendments I understand are to be moved by the honourable member.

Bill read a second time.

Committee Stage

In committee.

Clause 1.

The Hon. K.J. MAHER: I might indicate, just for the benefit of members, there was a suite of five amendments under [Maher-1], which will not be proceeded with, and, in lieu, the second suite, [Maher-2] amendments 1 to 5. In speaking to the very first amendment, Amendment No 1 [Maher-2], it might be useful to set out what the amendments do. The first one is on clause 1 but the rest are on clause 4, and I think it would be of benefit to speak to what the amendments do in totality. I do not propose, unless there are specific questions, to speak to the amendments again.

Currently, the act talks about child sexual abuse. The first suite of amendments that I will not proceed with sought to broaden it to include abuse and neglect. After some very helpful discussions with the government, what we have done instead is delete the word 'sexual' from' child sexual abuse', so in the act the term is 'child abuse' rather than 'child sexual abuse'.

The deletion of the word 'sexual' is in amendments 1 to 4 of [Maher-2]. In amendment No. 5 [Maher-2], it defines what that abuse is defined as. The abuse outlined in amendment No. 5 [Maher-2] includes sexual abuse, serious physical abuse or psychological abuse related to sexual abuse or serious physical abuse. In the first amendment we delete the word 'sexual' from 'child sexual abuse' to read just 'child abuse', and the next three amendments also do exactly the same thing in different parts of the bill. The fifth amendment then defines what is meant by abuse and includes those three elements.

The Hon. R.I. LUCAS: I rise on behalf of the government to indicate, as I said in the second reading, that the government intends to support the package of amendments. As the Leader of the Opposition has done, I intend to address my comments to the package of amendments—all five amendments. We also thank the Leader of the Opposition for the co-operative nature, as I understand it, of discussions between the Attorney's very capable staff and the Leader of the Opposition in relation to this alternative package of amendments.

I am as advised as follows. The government supports these amendments. The bill removes the limitations of actions for civil claims arising from child sexual abuse. This change is one of the key recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse. The bill has been developed in recognition of the fact that limitation periods, which have an important role in the justice system, are incompatible with what we now know about sexual abuse and disclosure by its survivors. For example, we know that many survivors of sexual abuse are unable to disclose their experiences until well into adulthood. Analysis of evidence given at the royal commission revealed that, on average, it took survivors 22 years to disclose their sexual abuse.

Sexual abuse can take many forms, but it often involves psychological manipulation or grooming to establish the child's trust and prevent them from disclosing the offending. A child may be manipulated into thinking the abuse is their fault or that they will be blamed if they reveal what is happening. For some it may take years before they realise the gravity of what was done to them and what action they may take.

Even then, victims often feel embarrassed or ashamed to talk about their experiences, and seeking legal advice may not be their first priority. The royal commission recognises that it makes little sense to talk of a victim sleeping on their rights if they do not know they may have a claim or they may face substantial psychological barriers in disclosing the essential elements of the claim.

The amendments moved by the Hon. Mr Maher propose to expand the scope of the bill beyond claims resulting from child sexual abuse. In particular, they expand its scope to include other forms of child abuse including:

(a) sexual abuse;

(b) serious physical abuse; and

(c) psychological abuse related to sexual abuse or serious physical abuse.

Although the inquiries of the royal commission were limited to the experience of people affected by institutional sexual abuse, it is evident that some of its findings have wider application. The government has recognised that the barriers faced by victims in overcoming the time bar for civil claims is not limited to those who suffered abuse while under the care of public or private institutions. That is why this bill applies to all victims who were sexually abused as a child, regardless of the context in which that abuse took place.

Similarly, these amendments recognise that victims of serious physical abuse may experience some of the same barriers to redress as those who have suffered sexual abuse. It further recognises that perpetrators of serious physical abuse or sexual abuse often inflict psychological abuse on their victims. The government supports the amendments, which seek to remove the barrier currently imposed by the Limitation of Actions Act for a broader range of survivors of child abuse.

The Hon. C. BONAROS: I rise to indicate SA-Best support for this package of amendments, as described by the Hon. Kyam Maher, which broaden the scope of abuse to include serious physical abuse, psychological abuse related to sexual abuse or serious physical abuse in addition to sexual abuse. I am pleased the government has seen fit to support this measure, which will now have multipartisan support. This should send a clear message that this parliament will not tolerate barriers to redress when it comes to serious abuse against children.

As we know, in the past limitation periods have often served as insurmountable barriers for survivors of sexual abuse pursuing civil litigation. As I have said in this place before, and as the Treasurer has just alluded to, it can take victims many years, in most cases at least 23 years, to tell someone about the abuse they have sustained. We also know that there are a number of facts that influence how and to whom a victim is likely to disclose the nature of the abuse they have sustained, if at all. Allowing these artificial barriers to exist simply prolongs the suffering of those victims who finally reach a point in their life when they are ready to deal with the pain they have suffered. As we know, the consequences of sexual abuse are, more often than not, lifelong.

Given the nature of the offending we are talking about it makes perfect sense to extend the definition to serious physical abuse and psychological abuse. In fact, this is in line with recent changes to the New South Wales' legislation and the Law Society's recommendations to this bill. The reality is that one would be hard pressed to point to a case of sexual abuse that did not contain some element of serious physical or psychological abuse. Of course, victims will still need to make out their case and meet the requisite standard of proof, and the changes under this bill do nothing to detract from that legal requirement.

In closing I would like to acknowledge and thank, on our behalf anyway, the work of CLAN for its ongoing advocacy and leadership in this vital area of legislative reform. These are very sensible amendments that have been proposed and, on behalf of SA-Best, I am pleased to indicate our unequivocal support.

The Hon. M.C. PARNELL: I will add my voice to what I believe will be a unanimous decision of this council to support these amendments. I congratulate the Hon. Kyam Maher for bringing them forward and also for sensibly negotiating with the government, because I think it is fair to say that the first lot of amendments probably went a little bit too far; I think they effectively removed the statute of limitations for just about anything to do with children, and I do not think that was the intent of the bill. However, the current amendments, which I think are going to have unanimous support, are a sensible extension.

As the Hon. Connie Bonaros said, the Law Society drew our attention to the situation in New South Wales where they had modified the definition of 'child abuse' to incorporate the matters that are in the opposition amendments—that is, sexual abuse, serious physical abuse, or psychological abuse that is related to sexual abuse or serious physical abuse. I think they are sensible amendments. For all the reasons that other members have said, and the Treasurer in his contribution, we know from the evidence of the royal commission that it can take decades for people to come forward with their experiences, so having an artificial statute of limitations that prevents people from getting justice is not acceptable. It is artificial, and I am glad that this bill will be removing that barrier.

The Hon. J.A. DARLEY: For the record, I indicate that I will be supporting the opposition's package of five amendments.

The Hon. K.J. MAHER: I want to place on the record appreciation for the member for Badcoe, Jayne Stinson, in another place, the shadow minister for child protection. As much as I would like to be congratulated for the great work in negotiation that I do, I must say the member for Badcoe is the lead on this as the shadow minister for child protection. She has done a great job working with the good folk in the Attorney-General's office to make this a reality.

The CHAIR: To assist the progress of the committee, it will be my plan to ask the Leader of the Opposition to move amendment No. 1. Before I ask him to do that, does any member wish to speak on any particular clause at this point in time? I thank the honourable members. I ask the Leader of the Opposition to move amendment No. 1.

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

Amendment No 1 [Maher–2]—

Page 2, line 4—Delete '*Sexual*'

Amendment carried; clause as amended passed.

Clauses 2 and 3 passed.

Clause 4.

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

Amendment No 2 [Maher–2]—

Page 2, line 14 [clause 4, heading to inserted Part 1A]—Delete 'sexual'

Amendment No 3 [Maher–2]—

Page 2, line 15 [clause 4, heading to inserted section 3A]—Delete 'sexual'

Amendment No 4 [Maher–2]—

Page 2, line 17 [clause 4, inserted section 3A(1)]—Delete 'sexual'

Amendment No 5 [Maher–2]—

Page 3, after line 20 [clause 4, inserted section 3A]—After inserted subsection (4) insert:

(5) In this section—

abuse includes any of the following:

(a) sexual abuse;

(b) serious physical abuse;

(c) psychological abuse related to sexual abuse or serious physical abuse.

Amendments carried; clause as amended passed.

Schedule and title passed.

Bill reported with amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (16:28): I move:

That this bill be now read a third time.

Bill read a third time and passed.

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

Second Reading

Adjourned debate on second reading.

(Continued from 6 September 2018.)

The Hon. K.J. MAHER (Leader of the Opposition) (16:30): I rise today to indicate Labor's support for this bill and to indicate that I will be the lead speaker. This is an incredibly important issue and one that has bipartisan support. Indeed, I am quite sure that it has support right across the entire political divide. We will not be moving or trying to move any amendments to this bill. We have had extensive briefings and understand that doing so would delay it and could interfere with the operation of what is a national scheme.

In the lead-up to the 2018 election, premier Weatherill indicated that South Australia would opt into the National Redress Scheme. The Labor opposition is proud to continue to honour that commitment. That is not to say that we do not have concerns or questions about the operation of the scheme but we will be supporting the bill unamended.

This legislation has very broad political support and it will pass through this chamber without amendment. I hope it will provide a small measure of comfort to survivors of abuse. Nothing we can do or say can undo the things that have occurred but we can take steps towards making them right. This bill is a step in that process.

The National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018 is state referral legislation that allows the National Redress Scheme to operate in South Australia. I mentioned earlier that, although we support this bill, we have some concerns about the operation of the scheme. My colleague, the member for Badcoe in the other place, raised a number of these concerns. They broadly fall under the following headings of concern about the operation of the national scheme:

- time to accept an offer;
- government as a funder of last resort;
- indexation rate of earlier payments;
- criminal history of abuse survivors;
- limits of eligibility;
- access to counselling;
- counselling; and
- access to legal advice.

I know that in the other place the Attorney-General complained about these matters being raised. I think that is disappointing. I think it is important that we look at and raise concerns, if there are any, about how the scheme is proposed to be operated nationally, which also applies here in South Australia. I cannot think why the Attorney-General would not want to have anything like this on the record.

During the committee stage, I foreshadow that a number of us are likely to have questions on some of those topics, in terms of how the national scheme will operate, and I foreshadow that it might be appropriate at clause 1 that many of those concerns be agitated as this is legislation to refer powers rather than legislation that establishes the operation of the scheme. With that foreshadowing about raising some concerns, particularly at clause 1, I commend the bill to the chamber.

The Hon. I. PNEVMATIKOS (16:32): Today I rise to speak in support of the establishment of a National Redress Scheme and the announcement of a national apology. I would like to start by formally acknowledging that the abuse happened. I am sorry that it occurred and I apologise for past indiscretions and digressions on this matter. I stand here today to avow that I will do what I can to ensure that there is adequate compensation for survivors, because I believe in justice.

The Redress Scheme is about establishing a culture change throughout our society, government, community and in our law enforcement and judicial systems. It is about changing the culture in how we treat our responsibilities to those who are most vulnerable in our society, and take responsibility for the failings that have occurred in the past and preventing them from occurring in the future.

It is estimated that around 20,000 survivors were subjected to sexual abuse in state and territory institutions in Australia. This has occurred in more than 4,000 institutions. Many of the injuries are severe, with long-lasting effects which will have a substantial impact on survivors for the rest of their lives. I cannot stress enough how long survivors have had to wait for a National Redress Scheme, and how much pain it has caused them to fight time and time again, telling and retelling their experiences, for the support they deserve.

It is saddening that the scheme falls short of where it should be in the sense of the ambit monetary compensation, indexation of entitlements, access to counselling and eligibility, as identified and established in the royal commission's recommendations. Many of our federal counterparts also raised their concerns and reservations. We should not resile from those reservations. It would be against good conscience to open ourselves to the possibility of creating division between survivors by denying redress in some circumstances, even though they have not been any less negatively impacted, or less victimised, by their experiences while in institutional care.

They deserve the redress as proposed by the royal commission—no deviations, no cost-saving measures. Put simply, this is not a scheme in which we can afford to cut corners for political expediency. Direct personal response, counselling, equivalent eligibility rights and monetary payments are absolutely essential elements that should be included in any appropriate scheme of redress. It should be survivor focused, with a 'no wrong door' approach to gain access to redress.

I note that a significant body of evidence shows a nexus between child sexual abuse, developmental issues and mental illness. In many cases there is a close link to criminal actions and misdemeanours. I implore the Attorney-General to take that fact very seriously when it comes to the consideration of applications for special circumstances.

It is important that it is acknowledged that abuse and trauma can impact upon the emotional and psycho-social development of an individual in an intrinsic way. We note that over 50 per cent of survivors were aged 10 to 14 when they first experienced sexual abuse, and it is widely accepted that early life trauma can affect an individual's ability to process and regulate emotion.

It can also impact on an individual's own development in terms of empathy and social interaction. Without the ability to regulate emotion, a survivor will have life-long difficulty in tolerating or regulating distress and controlling behaviours and impulses. This can lead to self-destructive behaviours, excessive risk taking, and mental health issues around alcohol and drug abuse.

With that in mind, I would like to remind the government that the royal commission recommended that survivors have access to counselling and treatment for the rest of their life for a reason. If we are truly set to take responsibility for this issue, then we must acknowledge the significant role that counselling and treatment have to play. I sincerely hope that this is the first instalment of support that the government plans to implement for survivors in our state, and that it is a matter that we continue to work on and continue to consult with non-government support agencies, such as Care Leavers Australasia Network (CLAN).

I have spoken with Leonie Sheedy, CEO of CLAN, and I sincerely thank her for her time. She has provided sound advice on how we can do better and why, how we can consult and work better and smarter with non-government organisations and how we can ensure that we strengthen our responsibilities into the future, while dealing with the repercussions of our past.

The royal commission made recommendations to ensure that accessible support services could be made available for all survivors, no matter where they live, no matter the circumstances, no matter their history. Using the words of the federal opposition leader and patron for CLAN: 'The passage of this legislation is an overdue step in the right direction, but it cannot be the end of the road.'

When reviewing the bill, I strongly encourage legislative councillors to endorse this as the commencement of the absolute minimum of the important work that needs to be undertaken. The federal legislation represents absolute minimum standards to begin addressing this matter. We should continue to strive beyond the initial benchmark established to ensure survivors receive the redress and support that they deserve in accordance with the recommendations of the royal commission.

In closing, I am in support of the introduction and passing of this bill, and I am determined to explore every option to ensure that, as a state, we continue to develop this scheme to ensure that survivors receive the support for which they have waited so long.

The Hon. M.C. PARNELL (16:39): This bill has the effect of bringing South Australia into the National Redress Scheme for victims of institutional child sexual abuse. It brings us into line with other states and territories which have already signed or are at least committed to signing up to the

scheme. For victims and survivors, this day has been a long time coming and it is very welcome. It would be a rare person indeed who has not been emotionally affected by the shocking and terrible stories that came out of the royal commission. Over a period of years we would learn as a society how some of our most trusted and respected institutions completely abandoned those children who were entrusted to their care. We heard of abuse and neglect and we heard of cover-ups and denial.

Finally, society is ready to at least start the process of making amends. For many of the victims it is too late. Some have died of natural causes, but many have died by their own hands, often as a direct consequence of what happened to them in institutions that were supposed to care for them.

For those survivors, this bill provides an opportunity for redress and for support in recognition of how society and our institutions failed them as children. These institutions are responsible and they have an obligation to pay, while we, state and federal parliamentarians, have an obligation to put in place fair and just provisions for redress.

Too often, victims do not get fair access to redress. In some cases, the institution has disappeared. In some cases, it does not have sufficient resources, and in others, the institutions have tried every legal trick in the book over many years to avoid their responsibility. For a brave few, the legal system provided some justice, but the extreme cost, delay and anxiety of traditional civil legal proceedings has meant that many victims cannot get access to justice. We need a fair statutory scheme that will not expose victims to the uncertainty and cost of civil litigation. Some survivors may choose litigation, but this bill provides an alternative and the Greens are pleased to support it.

However, that is not to say that the National Redress Scheme is without its own problems. Some of the harshest critics have been the lawyers who have represented victims in legal proceedings. A couple of weeks ago, lawyer Dr Judy Courtin described the scheme as 'one that retraumatises many victims and is a shamefully adulterated version of what was recommended by our royal commission.'

She points out, firstly, the royal commission recommended a cap of $200,000 compensation. However, this bill only delivers $150,000. Secondly, the scheme also fails to deal with situations where a person was abused in multiple different institutions, which effectively lets some institutions have to pay only a fraction of the compensation that they would if they were the sole cause of the abuse, regardless of its severity or impact. Thirdly, the so-called matrix, which will be used to determine compensation, also varies from the principles recommended by the royal commission and will result in many victims being ineligible for the maximum compensation, despite being able to show horrendous abuse often over many years. Dr Judy Courtin concludes by saying:

> The national redress scheme in its current form is unjust and damaging. To once again favour the assets of wealthy institutions over and above the welfare of victims of child sex crimes, is regressive and profoundly troubling.

When this legislation passed through the New South Wales parliament earlier this year, my Greens colleague barrister David Shoebridge raised a number of other issues of concern that should be addressed. He referred to a number of exemptions that have been included in the scheme which will deny certain claimants from being able to access compensation. For example, victims of child sexual abuse who go on to commit other crimes themselves can be ineligible. He told the New South Wales parliament:

> It's a tragic fact that almost a quarter of the victims and survivors of abuse who approached the royal commission had come into contact with the criminal justice system due to the impact of their abuse.

The reason this exemption is unfair and harsh is that what too often happens in the life cycle of a victim of child sexual abuse is that their lives spiral out of control. That can mean addiction and serious mental health problems. They can be caught up in the criminal justice system and do serious time in gaol. A serious drug offence or a violent offence due to their mental health or addiction issues could lead them to receiving a sentence significantly greater than five years. These victims are expressly excluded from the scheme. I would submit that such automatic exclusion, regardless of individual circumstances, is unfair.

As I said at the outset, this bill and the Redress Scheme that it puts in place is long overdue. The Greens will be supporting the bill, and I would urge the Attorney-General and the government to

seek further reforms over coming months and years to make it fairer for all victims and survivors of institutional child sexual abuse.

The Hon. C. BONAROS (16:44): I rise to speak in support of the National Redress Scheme for Institutional Child Sexual Abuse (Commonwealth Powers) Bill 2018. A significant milestone was achieved for thousands of admirable Australians on 19 June 2018 when the federal parliament passed the National Redress Scheme bill. Two days later, it was enshrined in law. The bill before us, as we have heard, provides the necessary legislative support from the South Australian parliament to enable the state to formally join the National Redress Scheme.

Due to the limits of the legislative powers under the Commonwealth Constitution, the passing of this bill is necessary in order for the relevant commonwealth legislation to be adopted and for the scheme to become operational in South Australia. New South Wales and Victoria have already passed their versions of referral legislation some time ago. Indeed, New South Wales introduced its referral legislation on 1 May, which then passed the New South Wales parliament two weeks later on 16 May. Victoria introduced its legislation on 8 May, which passed the Victorian parliament on 6 June.

On 28 May, the South Australian Attorney-General, the Hon. Vickie Chapman, announced that the South Australian government would sign up to the National Redress Scheme. SA-Best openly welcomed the decision at the time and looked forward to the introduction of the bill before us in a timely fashion. My colleague the Hon. Frank Pangallo wrote to the Attorney on 4 July, urging the introduction of the bill before us as a matter of urgency so that it could pass both houses prior to the winter recess. Regrettably, that did not occur.

We saw with the passage of the Sentencing (Release on Licence) Amendment Bill just how quickly legislation can be drafted and introduced when the need arises. In our view, the survivors of sexual abuse in an institutionalised setting in South Australia should not have to contend with unnecessary delays. We know those delays only serve to prolong the suffering of abuse survivors, who have already suffered enough, which will impact their wellbeing. The delay in the introduction of the bill is not the only delay affecting abuse survivors, which I will turn to shortly.

My colleague the Hon. Frank Pangallo and I have now spoken on several occasions in this chamber on various aspects of the Royal Commission into Institutional Responses to Child Sexual Abuse's findings and, indeed, the scheme itself. We have met with many survivors of sexual and physical abuse in institutions, and we will continue to advocate strongly for them into the future. I mention again CLAN and the work of Leonie in all that she does in advocating for sexual abuse victims and in the very thorough advice that she has provided to us over recent months in relation to this issue.

The sexual abuse of children is the most heinous of crimes. It is the greatest of sins yet, in many institutions, whether they be our orphanages, children's homes, churches, children's recreational groups or foster care, systematic sexual and physical abuse of children that spanned decades was allowed to continue in silence and was covered up by those who sought to hide their unspeakable crimes. I know I have said that in this place several times, but I think that, given the nature of that offending, it is worth repeating so that we do not forget what has happened in the past and what has led us to this point today.

We are indebted to the commissioners of the royal commission—the Hon. Justice Peter McClellan AM, the chair; the Hon. Justice Jennifer Coate; commissioner Bob Atkinson AO APM; commissioner Robert Fitzgerald AM; commissioner Helen Milroy; and commissioner Andrew Murray—for their diligence, their humility, their dignity and their commitment in undertaking the arduous, far-reaching, heart-wrenching work of the royal commission.

Most of all, we are indebted to the thousands of abuse survivors who were unflinching in sharing deeply personal accounts of sexual abuse. The royal commission listened to thousands of hours of private and public testimonies as survivors mapped the horror of sexual abuse, something that I am sure I would never have been able to do. The commissioners understood the searing trauma caused by the abuse, and survivors felt supported, comforted and believed in sharing their stories.

They have all left us with an incredibly powerful legacy. It is then incumbent upon us to honour that legacy. The National Redress Scheme is an attempt to do that by providing survivors

with three elements of redress, comprising a monetary payment of up to $150,000, access to counselling and psychological services, and a personal response from the responsible institutions, where appropriate.

There are a number of concerns with the scheme. My colleague, the Hon. Frank Pangallo, referred to some of them when he spoke to his motion urging the government to work with the commonwealth and other states to strengthen the scheme. Other honourable members have mentioned some of those today, and I just wish to elaborate on a few of them now.

We know the scheme will operate for a period of 10 years, and while the Catholic Church, the Anglican Church, Scouts Australia, the Salvation Army and the YMCA all agreed in May this year to opt into the scheme, only the YMCA has so far been declared a non-government institution for the purposes of the scheme. It is unclear why the other named institutions are yet to be declared non-government institutions despite their announcement to opt in almost four months ago, and I will raise some questions about this during the committee stage of the bill in time to come.

These institutions bring coverage of the scheme to around 80 per cent of survivors, yet the delays in declaring the Salvation Army, Scouts Australia, the Catholic Church and the Anglican Church as participating institutions mean that survivors of sexual abuse in these institutions cannot have their claims progressed until that declaration occurs. On 4 June this year, the Uniting Church announced it would also opt into the National Redress Scheme, but that body has also yet to be a declared institution. SA-Best urges the yet to be declared institutions to work proactively and expeditiously with the federal government so that the survivors' claims can be progressed and they can achieve closure and continue their journey of healing.

The ceiling for payments under the scheme is $150,000, with no minimum payment. This is significantly less than the $200,000 maximum payment and the $10,000 minimum payment that were recommended by the royal commission. The $150,000 cap is supported in the states and territories. A Senate inquiry report into the bill stated that it is important to recognise that most recipients of redress will not be eligible for the maximum amount, and that we should focus on the average payment most survivors will receive and not the maximum amount. Lowering the cap without a credible explanation threatens the entire credibility of the scheme.

The SA Attorney-General, in her summing up, explained that she is advised that:

> …any departure from the royal commission's recommendations were considered necessary in order to secure the greatest possible participation by institutions in the scheme

It is regrettable that the recommendation of the royal commission for a $200,000 cap and $10,000 minimum was disregarded to appease the very institutions responsible for the abuse. The effectiveness of the scheme relies on adequate redress to acknowledge the significance of the abuse from the perspective of survivors. In addition to the lower cap, the assessment framework to determine the amount of redress makes it difficult for survivors to receive the maximum amount possible.

If a survivor was exposed to sexual abuse, the most they could receive under the scheme is $20,000, spread evenly across four subcategories. If a survivor was sexually touched but not penetrated, the most they could receive under the scheme is $50,000 divided as follows: $30,000 for recognition of sexual abuse; $10,000 for recognition of the impact of sexual abuse; $5,000 for related non-sexual abuse; and $5,000 for recognition that the survivor was institutionally vulnerable, for example, in an orphanage. A survivor would need to tick all these categories to obtain the full amount for this category of specific abuse they suffered.

If a survivor was sexually penetrated, the most they could receive under the scheme is $150,000, divided as follows: $70,000 for the recognition of sexual abuse; $20,000 for recognition of the impact of sexual abuse; $5,000 for related non-sexual abuse; $5,000 for recognition that the survivor was institutionally vulnerable; and $50,000 in recognition of extreme circumstances of sexual abuse. Extreme circumstances of sexual abuse are defined as involving penetrative abuse and taking into account whether the survivor was institutionally vulnerable, and whether there was also related non-sexual abuse of the survivor.

In my view, the threshold is too high and too narrowly construed for many abuse survivors in this category to obtain the full amount possible. It is also worth noting that a survivor can only make one application for redress, regardless of how many times they were sexually abused in the one institution. I also note that once the National Redress Scheme is fully operational, the Mullighan ex gratia payment scheme will cease, and we know that accepting an offer of redress means signing away any rights that a survivor may have to pursue their claim for redress through litigation, which is why the amount of redress offered under the scheme is important.

Inadequate redress may cause more survivors to pursue civil litigation, further risking trauma to survivors by again having to relive the trauma before the courts, and also risks undermining the purpose of the scheme. Inadequate redress is likely to place survivors in a difficult position after receiving legal advice that their claim could be worth more, of still accepting an offer of redress to spare themselves the pain and torment of having to relive their trauma once again through the courts.

On the issue of legal advice, knowmore, the free legal advice scheme that operated alongside the duration of the royal commission, will continue to provide legal advice to survivors about their claims throughout the life of the scheme. Each institution will be required to make a $1,000 contribution in relation to every eligible application which contributes to the cost of the funding grant to knowmore, with the federal government funding the balance. Knowmore has offices in Sydney and Melbourne only, while legal advice for South Australian abuse survivors is provided by phone in the majority of cases.

Given the vulnerability of survivors and the significant relationship that exists between a lawyer and their client, I cannot stress enough the importance of face-to-face communication with survivors. SA-Best understands that there will be approximately 3,000 applications in South Australia, split evenly between state and non-government institutions. That is 3,000 applications that are not going to be considered on a face-to-face basis, but rather, at least in the interim, by phone—substantial and damning figures in anyone's language, those 3,000 applications.

On this point, the Attorney has said that knowmore has advised that, if a clearer picture of client demand emerges over the next year, it will consider establishing an office in South Australia or, at the very least, a visited office in the 2019-20 financial year. SA-Best will continue to monitor the situation closely as more about the demand is learnt over the coming months. We would all agree that counselling is of paramount importance for survivors, many of whom have kept abuse hidden for decades because of fear and shame.

Many survivors only shared their personal accounts of abuse for the first time before the royal commission, which recommended that recipients of redress be able to access counselling for the rest of their lives. Make no mistake, the trauma is lifelong. I have spoken to many courageous survivors; you just do not get over this sort of abuse. It is then disappointing that the counselling provided as part of the National Redress Scheme is limited, and not what was recommended by the royal commission.

If a survivor was exposed to sexual abuse, they are entitled to $1,250 of counselling and psychological services. A survivor who was sexually touched will receive $2,500, and a survivor who was sexually penetrated will receive $5,000 in counselling and psychological services. On this point, the Attorney-General has said that the scope of counselling available under the scheme represents the position arrived at by all jurisdictions to again ensure maximum participation by institutions into the scheme. Sadly, that position does not acknowledge the mental anguish and the trauma that survivors must endure as they attempt to deal with sexual abuse they suffered in childhood.

Trauma is experienced by people differently and abuse has lifelong consequences. We know that. It strikes me that the $5,000 ceiling for the most heinous cases of sexual abuse will almost certainly be inadequate to cover necessary counselling over a prolonged period. The Attorney-General has suggested that survivors can access low-cost or free mental health service via the Medicare Better Access programs. I am sure that many survivors who will require counselling would prefer to continue a relationship with a counsellor or psychologist with whom they feel secure.

The way previous payments of redress via other schemes are indexed is also very important to survivors applying for redress under the National Redress Scheme. The indexation of previous

payments, part of which often went to pay legal fees to pursue redress in the first place, may mean that some survivors' redress payments are reduced to nothing.

Care Leavers Australasia Network (CLAN), a national independent body that represents, supports and advocates for people who were raised in Australian and New Zealand orphanages, children's homes and foster care, has campaigned tirelessly, as I have said before, for indexation to be taken out of the Redress Scheme, because past payments were usually small and consumed by legal fees. We, SA-Best, strongly believe that previous payments should not be indexed.

The scheme also limits funder of last resort provisions to apply only where the government has equal responsibility for the abuse that occurred in a now-defunct institution that has long since closed its doors. This includes places such as Colebrook Home, a horrific South Australian mission that was run by the United Aborigines Mission from 1924 until 1981, when it closed.

Colebrook was recognised in the Mullighan inquiry as an institution where the sexual abuse of Indigenous children occurred. Over 54 years, there were about 350 children who passed through Colebrook home, which existed at three separate locations through its lifetime: near Oodnadatta, Quorn and finally, Eden Hills. The United Aborigines Mission no longer exists and it is unclear whether there was any state government involvement.

Governments should be the funder of last resort for all institutions, even if they have no direct involvement with the survivor claiming redress or the defunct institution. Failure to do so only creates a class of survivor who misses out on redress, merely because the abuse occurred in an independent institution that is now relegated to history. Survivors caught up by this provision should not miss out.

During the course of the debate, I will be asking the Treasurer questions about how many defunct institutions there are in South Australia where there was no government involvement, and therefore will be exempt from the scheme due to this provision. The scheme also treats survivors with a criminal history, as the Hon. Mark Parnell has pointed out, differently from others. We know from the royal commission's 2015 report on redress and civil litigation that its primary recommendations were that any process for redress must, and I quote:

> …provide equal access and equal treatment for survivors…if it is to be regarded by survivors as being capable of delivering justice.

Take the example of those with a criminal conviction and sentenced to imprisonment of five years or more: before they can apply to the scheme, they must first satisfy the relevant Attorney-General that provision of redress would not bring the scheme into disrepute or adversely affect the public confidence in, or support of, the scheme.

I have a number of issues with this policy position. Firstly, it ignores the profound impact that childhood sexual abuse can have on a person's life and the well-documented connection between abuse and criminal behaviour. Secondly, it will disproportionately affect Aboriginal and Torres Strait Islander people, who are already over-represented in the criminal justice system. Thirdly, whether or not a survivor has a serious criminal conviction in no way changes the fact that they suffered sexual abuse as a child in an institution. Finally, it is difficult to imagine how an application for redress by such an individual could bring the scheme into disrepute in circumstances in which their information would surely remain private.

Some 10.4 per cent of survivors interviewed by the royal commission were in prison. Knowmore legal services estimated that during the commission, 19 per cent of the nearly 9,000 clients it assisted were in prison or other places of detention. We accept that this is an exceptionally difficult area, and it is comforting to know that the Attorney-General has said that she will give consideration to exceptional circumstances.

Further, the National Redress Scheme only allows child survivors who turn 18 before the scheme's sunset date to make an application to the scheme. The consequence of this provision is that children who are currently not yet eight years old will be excluded from the scheme. This provision is certainly not in line with the view of the royal commission; providing a blanket exclusion for children who fall within the provision is contrary to the requirement to ensure the best interests of the child, especially in relation to vulnerable children. That will mean some of the child victims of

Shannon McCoole, one of the worst and most sickening predators imaginable, will be unable to apply for redress under the scheme we are accepting here today.

We know that Shannon McCoole, the scum-of-the-earth paedophile that he is, was sentenced in 2015 to 35 years in gaol with a 28-year non-parole period for his devious and brutal sexual abuse of seven children—including an 18-month-old infant, a child on the autism spectrum, and a child with a disability—while he was a Families SA social worker. It was the longest sentence handed down to a paedophile in this state. The crimes he committed against defenceless and vulnerable children are enough to sicken all of us, I think.

McCoole was sentenced only three years ago. His crimes occurred in this decade, not in the dark recesses of the previous century when abuse perpetrated by the likes of McCoole were systematically hushed up. His heinous crimes sparked our own royal commission into the state's child protection system, the final report of which makes a harrowing reading. We have put the question to the Minister for Child Protection about what process for redress will be in place for McCoole's victims, and we wait for her reply.

While the legislation passed in federal parliament is most welcome it is imperfect, and it is important to put on the record the outstanding issues with the National Redress Scheme. Over the course of the royal commission some 57 public hearings were held over 444 days, receiving evidence from 1,300 witnesses. Commissioners held over 8,000 private sessions to listen to the harrowing personal accounts of sexual abuse survivors. There were some 2,500 referrals to authorities, and the final report ran for over 100,000 pages. The royal commission estimated that over 60,000 survivors would be eligible to apply for redress.

The enormity and scale of the abuse is absolutely crushing. It beggars belief that these institutions nurtured a culture that fostered, systematically hid, and accepted the sexual abuse of children. The evidence presented to the royal commission was deeply disturbing, exposing the worst crimes against innocent children by people who were held up as pillars of our society, from priests to scout leaders to social workers to foster carers. The faith we held in the institutions that allowed the abuse to occur has been irrevocably shaken. It is in tatters.

In making these criticisms I do not wish to take away from those who have laboured long and hard for the establishment of this scheme. It is not a perfect model but it is an effective compromise, and it will undoubtedly go some way to acknowledging the wrongdoings of our institutions and to compensating those individuals whose lives have been forever shaped by the unforgivable actions of those who were entrusted with their care.

We look forward to the national apology to the survivors of institutionalised sexual abuse on 22 October, which will now be delivered by Prime Minister Morrison, to acknowledge the crimes committed against them as innocent children, to acknowledge their pain and suffering, and to acknowledge their strength in coming forward to share their stories to contribute to everlasting change.

However, the Prime Minister alone should not bear the weight of that apology. Every institution involved in the long-lasting harm caused to children, the cover-up and subsequent unravelling, must address their significant failings to ensure it never, ever happens again. Many institutions are still grappling with how this will be achieved. All have said they are deeply sorry, but repentance is one thing and change is another. With those words, I support the second reading of the bill.

The Hon. J.A. DARLEY (17:08): I rise in support of this bill. Last year the royal commission into institutional child sexual abuse handed down its final report following a five year inquiry. The commission recommended that redress be made to victims of child sexual abuse, and the commonwealth government established the National Redress Scheme in response. I commend the Marshall government for signing up to the National Redress Scheme, as I understand the former government was unwilling to do so.

A person who has suffered sexual abuse at the hands of participating organisations will be able to make a claim through the National Redress Scheme. Their claim is then independently assessed for monetary compensation, access to counselling and psychological services and a response from the offending organisation, if a response is requested by the victim.

It was recognised that the civil process for victims of child sex abuse to receive compensation was arduous and often revictimising. It is hoped that by having the National Redress Scheme it will provide a better mechanism for victims to not only receive monetary compensation but also to receive access to counselling services and receive a response from the offending institution about the abuse. It can often take a long time for people to disclose their childhood abuse and often people do not feel that they can take on big institutions such as the church or the government. As a result, they simply do not try. It is hoped that the National Redress Scheme will assist with this.

I understand there is no scope to amend any of the details of the scheme as it is a national scheme established by the federal government. However, I would like to put on the record that I am concerned that the scheme will only run for 10 years. Whilst awareness of abuse has increased, it is still occurring in the community. It was only three years ago that Shannon McCoole was sentenced to 35 years in gaol for sexually abusing babies and young children in state care. If his victims take the average 20 years to disclose, they will miss out on the scheme. I understand that the government may be making other arrangements for those specific victims, but it seems short-sighted to close off the scheme for other victims.

Similarly, I am concerned that there is a monetary cap on access to psychological services. Given the long-term effect this sort of abuse has on a person, it also seems very short-sighted to put a cap on psychological and counselling services. Ideally this would be expanded so that victims can receive the support they need without having to fear that the clock is ticking and the money will dry up. Whilst I acknowledge that there is nothing that can be done to take back the hurt and harm caused to children who were abused when they should have been kept safe, I hope the National Redress Scheme will go a little way towards assisting in the healing.

My heart truly goes out to all victims, and I pay tribute to those brave individuals who have had the courage to fight and speak up about the abuse they suffered. I know there are probably many more who have been unable to have the same strength and I truly hope that the National Redress Scheme will help in some way for the pain and suffering victims have experienced.

The Hon. R.I. LUCAS (Treasurer) (17:12): I thank the honourable members on behalf of the government in this place for their contributions on this important piece of legislation. I also thank the Attorney-General's office and department for the extensive work they have done on providing briefings to the other members in this place and answers to an array of questions. It is important to recognise that the National Redress Scheme was developed in response to the recommendations of the royal commission and following significant consultation over the last year between federal, state and territory governments, an independent advisory panel comprising survivor representatives and non-government institutions.

Although our government was not involved in the relevant negotiations, I am advised that any departure from the royal commission's recommendations was considered necessary in order to secure the greatest possible participation by institutions in the scheme and, therefore, that the greatest number of survivors would have access to the redress offered under the scheme. This government is incredibly pleased to be able to deliver this option for compensation to survivors of abuse in institutional settings. This carries on the work of the government in broadening the Limitation of Actions Act.

I note that the federal government has estimated that based on existing commitments of intended participation by both government and non-government institutions, over 90 per cent of eligible survivors are likely to be covered by the scheme once it is fully operational. This is a huge achievement and shows the support of not only government institutions but non-government, too, and their important role in redress.

This bill, as drafted, is legally mechanistic in its intent and effect. The bill does not establish or describe the National Redress Scheme; that has all been done by the commonwealth parliament via federal legislation. Some may prefer that the National Redress Scheme, as established by the commonwealth, operated differently. However, that will only be achieved by convincing the commonwealth and the other states and territories to agree to amend the commonwealth act.

This bill provides the necessary legislative support from the South Australian parliament to secure the comprehensive application to the scheme in this state. It has been carefully and

consistently drafted with counterpart legislation in other states in order to ensure the consistent operation of the National Redress Scheme as contemplated in the commonwealth act around the country. The Attorney-General has made a commitment that she would raise issues brought up in parliament to the next ministers' meeting on the scheme to ensure that these are flagged with other states. I am sure that she will continue to update those members interested about this process as it continues.

In conclusion, I will add one other comment. In the budget that has just been announced, this government is incredibly proud of the fact that one of its key commitments was to quarantine and lock away $146 million in the estimated compensation liability for this National Redress Scheme. As Treasurer, one of the early questions I asked of Treasury officers was, 'How much money had the former government quarantined or locked away in terms of the forward estimates for compensation under the National Redress Scheme?' I was disappointed to receive the response that there had been no allocation at all made for compensation payments in the scheme.

On behalf of the government, I am proud of the fact that one of the key decisions in this budget is to lock away, to quarantine, so that no government is going to be able to get at it for purposes other than for which it is designed, $146 million in terms of the estimated liabilities under the scheme. It is quarantined within SAicorp, within SAFA, within Treasury and it will be available for the compensation payments over the coming period. With that, I thank all honourable members for their contribution to the bill and for their support of the second reading.

Bill read a second time.

Committee Stage

Clause 1.

The CHAIR: As I understand it from the second reading, there are honourable members who wish to make contributions at clause 1. Am I correct?

The Hon. K.J. MAHER: I have some questions, and I think a few of us will have a number of questions about the operation of the scheme at clause 1. There may be some questions, maybe the first one in particular, that have to be taken on notice. My first question is in regard to consultation on this bill. I know it is a national scheme but in South Australia who was consulted with about the scheme and its operation in South Australia? Do you have copies of those submissions, and is it possible to table those submissions or provide an overview of what those submissions were?

The Hon. R.I. LUCAS: I am advised—and the leader may well have greater knowledge than I, because a lot of this work was being done by the former government—that the original federal legislation, which was October 2017-ish, was drafted by the federal government, and the consultation process that they undertook I guess is their responsibility. In relation to the state-based referral legislation, the first of the states to undertake that was New South Wales in around about May-ish, and around about that time the commonwealth government then further amended its legislation in the federal parliament.

My advice is that the referral legislation of the type that we have here, and in the other states, was essentially drafted by a committee of parliamentary counsel (whatever a gaggle of parliamentary counsel are called), and they worked together and did not undertake, to our knowledge, any formal consultation period. The federal legislation went through the two stages that we talked about, and state parliamentary counsel, I guess working from that template, worked together collaboratively to develop this type of legislation for each of the states to adopt.

I am further advised that the federal legislation went through two Senate committee processes. The member would be aware of the process for Senate committees: they would have taken submissions, I would assume—I have no direct knowledge. I am advised yes. There were two Senate committee processes; they took submissions at the national level in relation to the October 2017 first version and then the May 2018 second version.

The Hon. K.J. MAHER: I thank the minister for his answer. I have a few questions, and I might just outline the topics they are on, because I am sure other members will want either to jump in on these topics or on others. I will ask quick questions on the six months to accept any payment,

the indexation of payments, whether prisoners or those convicted of an offence are being paid, counselling services, legal advice, those who are excluded, and the cap and cost of the scheme.

With regard to six months to accept, as I understand the operation of the scheme, once an applicant is made an offer, after it has been assessed, that applicant has six months to make a decision on whether or not to accept the offer. I think the Attorney-General in the other place said that that period could be extended. What is the mechanism for potentially extending the period of six months to accept an offer, and under what circumstances would such an extension be considered?

The Hon. R.I. LUCAS: My advice is that the applicant would have to make an application to the scheme operator, which is a federal physician, and there is no limitation, on my advice; that is at the complete discretion of the scheme operator in terms of the reasons for an extension.

The Hon. K.J. MAHER: In terms of indexation of payments, as I understand it previous payments that a survivor may have received will be indexed from when that previous payment occurred to today's date. Is there a mechanism to waive the indexation of that prior pavement?

The Hon. R.I. LUCAS: I am advised no.

The Hon. K.J. MAHER: In relation to applications from those who are currently incarcerated, or those who have been incarcerated for an offence for longer than five years, under what circumstances would the state consider making application to the scheme operator, as I understand the state can do, to consider special circumstances for such survivors?

The Hon. R.I. LUCAS: My advice is that in the circumstances that the honourable member outlines it would be up to the incarcerated person to make the application. The state would not lodge, and has no intention of lodging, applications on behalf of others.

The Hon. K.J. MAHER: I understand that. It was my understanding from the briefings we received that the state could provide advice or a submission on a particular applicant. It would be, as I understood it—

The Hon. R.I. LUCAS: To provide advice or to make the application?

The Hon. K.J. MAHER: No, not make the application; the survivor would make the application themselves to the scheme operator, which is the commonwealth, but the state could put in a submission in relation to that particular application. I am wondering if that is correct or not. If so, under what circumstances would the state provide that further information or support or otherwise for an applicant?

The Hon. R.I. LUCAS: My advice is—and if on subsequent checking it is anything different we can clarify it by way of written correspondence to the member—once a scheme operator has received an application from an incarcerated person in the circumstances the member has talked about, the scheme operator at their discretion could seek advice from an Attorney-General in a particular state in relation to that particular application. But as I said, if there is any further information I can provide on reflection, I will have the Attorney-General correspond with the honourable member in relation to that.

The Hon. K.J. MAHER: I have one final question in relation to this. I know I have had a bit of time, so I will hand it over to others to ask some more questions. In the case where the scheme operator uses that discretion to seek the advice or submissions from the state Attorney-General in South Australia, does the state have any notion of whether there are any particular offences which would rule someone out in the state's mind, or are they open to supporting anyone, regardless of the offence for which they have been convicted or currently serving?

The Hon. R.I. LUCAS: I am advised that when this was put to the Attorney-General she gave a very sensible response, and that was that these sorts of issues would have to be addressed on a case-by-case basis. Not that she said this, but I would imagine the thinking would be you would need to assess it on a case-by-case basis. It is very difficult at this particular stage to contemplate all the sets of circumstances that might arise in the future and lay down a set of rules against which an Attorney-General might be judged in the future in terms of commitments that have been given.

So there is flexibility there. The scheme operator might come back and seek a view. On a case-by-case basis I think the Attorney-General of the day—and let's bear in mind that it might just be this Attorney-General; it may well might be future attorneys-general—would have to consider each of those on a case-by-case basis.

The Hon. C. BONAROS: Can I just confirm for the record that survivors who choose to use their own legal representatives will not have their legal fees covered under the scheme? That is, unless they go through no more, their legal fees will not be covered by the scheme. Has the government given consideration at all to any mechanism by which this could be overcome to ensure that, particularly given that no more—

The Hon. R.I. LUCAS: Can we confirm the first one first? I think the understanding that the honourable member has put on the record is correct, and that is that there will be free legal services provided through knowmore, I am told. If an individual chooses to use their own legal advice and not use the free legal service, that would be at their cost.

In presuming the next question that the honourable member started on, I am told that our understanding is—but, ultimately, this is a decision—that there may well be private legal operators or firms who are looking at what alternatives or options might be able to be offered in the circumstances the member raises. If the member has a more specific question, I am happy to take advice on that.

The Hon. C. BONAROS: In terms of that point, is there any mechanism by which the government can give consideration to providing funding for that legal advice as opposed to having to go through knowmore?

The Hon. R.I. LUCAS: My advice is no. The arrangements are such that everything is being organised through knowmore. If someone chooses not to use that, that is essentially a decision they will have to take. If a private legal firm or group of firms, whatever it is, wanted to come to some other arrangement, that would have to be between them and the applicant who did not want to use the free legal service. There is nothing that the scheme or the state government is contemplating that would provide assistance for people who do not want to use the free legal service.

The Hon. C. BONAROS: I have some questions around the declared institutions. I mentioned earlier that YMCA is the only non-government institution for the purposes of the scheme. Do we know the expected time frame for being declared for the other non-government institutions who have agreed to sign up to the scheme?

The Hon. R.I. LUCAS: My advice is that all those other institutions are in current discussions with the federal government in relation to becoming declared. I think that the honourable member would know better than I. Evidently, there are some complicated legal issues in relation to some of these institutions, not just from their viewpoint but from the federal government's viewpoint, in terms of how they structure their arrangements. In some cases, it may necessitate the establishment of a single new legal entity.

The federal government would have a preference not to have to enter into agreements with every constituent part of some of these institutions to which the honourable member has referred. I am advised that there are some complicated legal discussions going on about trying to reach the agreement. The discussions are ongoing. We are not privy to the detail of those discussions, but we are advised that they are ongoing, and the intention is, obviously, to have them declared as soon as those discussions are concluded.

The Hon. I. PNEVMATIKOS: I just want to touch on a few issues. First of all, if I can raise the issue of counselling. Certainly, in the royal commission recommendations, there was a recommendation for lifetime counselling, basically, if there was a need for it. The provisions in terms of the commonwealth legislation fall short of that. Is the state government intending to fill that gap or address that issue in terms of the shortfall for at least victims of abuse in this state, so that they have an entitlement to ongoing, if required, lifetime counselling?

The Hon. R.I. LUCAS: My advice is that this government has made no decision in relation to anything beyond the terms of the scheme. It will be completely within the prerogative, I guess, of some alternative government or future government to give a commitment to ongoing counselling for

the lifetime of victims, if an alternative government wished to do so. In terms of the current arrangements this government has entered into, the current structure and framework of the arrangements have been outlined in the federal legislation and this particular scheme, and that doesn't involve any commitment to lifetime counselling.

The Hon. I. PNEVMATIKOS: In that regard then, if we acknowledge that this legislation offers minimum standards, I suppose particularly in the case of the interests of South Australians, indexation works against those interests. Is the state government mindful to consider the anomalies created by indexation, as proposed in this commonwealth legislation, to redress that for South Australian victims, because there are a number of South Australian victims who will get nothing from this redress scheme as it is proposed?

The Hon. R.I. LUCAS: My advice is very similar to some of the others; that is, the state government's position is in terms of the shape and structure of the scheme that we have before us. As per the member's other question in relation to whether we are going to do something beyond in terms of lifetime counselling, in relation to any alteration to indexation from the scheme, the government's policy is to sign up to the scheme as it has been agreed and structured with the commonwealth and with the state. If the member has criticisms of that, then there is nothing that the state government is committing to beyond the shape and structure of the scheme that we have before us this afternoon.

The Hon. C. BONAROS: Can I ask some questions about the modelling that has been used by the state government and the federal government. Do we know what modelling has been done in terms of survivors receiving the full $150,000 maximum available amount under the scheme?

The Hon. R.I. LUCAS: Modelling as in how many?

The Hon. C. BONAROS: Any modelling that has been done in terms of how many will receive that full amount.

The Hon. R.I. LUCAS: My advice is that there has been modelling done by the commonwealth government, but that that remains confidential. It has not been released.

The Hon. C. BONAROS: I think the advice that we have had from the former minister for social services publicly on the record is that it is expected that the average claim or payout will be around $76,000. These are public comments that have been made, so I am assuming then we do not know anything about that modelling either or how those figures have been come to?

The Hon. R.I. LUCAS: Again, our advice is that that is the commonwealth estimate and it is consistent with the modelling that evidently they have undertaken.

The Hon. I. PNEVMATIKOS: I just wanted to clarify, exactly how does this scheme protect the interests of South Australian citizens?

The Hon. R.I. LUCAS: I think it is probably self evident in the second reading explanation and the discussion. It provides a non-litigation access to compensation for victims of child sexual abuse, in the nature of the whole debate that there has been in the House of Assembly and in the second reading in this particular chamber.

As the Attorney-General has indicated, yes there have been some who are critical of the scheme not going far enough, but this has been the end result of commonwealth and state governments, Liberal and Labor, coming to an agreement in relation to providing what governments believe to be fair and reasonable compensation, that ultimately the taxpayers of South Australia and all the other states and the commonwealth will have to contribute in terms of funding the particular scheme. In our case, it was a question of finding $146 million in this budget to quarantine for the payments.

The Hon. I. PNEVMATIKOS: Have you considered how many individuals will be ineligible to claim, even though on the face of it they are victims of institutional abuse?

The Hon. R.I. LUCAS: No, I am sorry. I cannot help the honourable member in relation to an estimate in relation to her question.

The Hon. K.J. MAHER: Going back to a topic that was covered a little while ago: the provision for legal services for applicants to decide whether or not to accept an offer that is made. I think the honourable member indicated that there is no intention to allow a person to use their own legal representative and have that funded as part of this scheme or, indeed, in any other way by the government. Knowmore is the legal service that is available to survivors of abuse. My two questions are: is there a limit on the amount of legal service knowmore can provide to a particular applicant? Secondly, will knowmore establish any physical presence in South Australia?

The Hon. R.I. LUCAS: My advice in terms of the member's first question is that there is no limit. In relation to whether there will be a knowmore physical presence in South Australia, my advice is that in the first period for the first year, they will conduct an outreach service into South Australia. During that particular period they will try to make an assessment of the level of demand for their services in South Australia. Based on that assessment, if it is obviously above some level in terms of their assessment, they will look at the possibility of establishing an office in the 2019-20 financial year.

The Hon. K.J. MAHER: I have a couple of questions about the use of the Victims of Crime Fund as the mechanism for payment for this particular scheme, and it is probably more so as the Treasurer rather than representing the Attorney-General. What is the mechanism? Is money paid out of the Victims of Crime Fund—that is, it is one of its statutory purposes to pay for victims in this scheme and it comes directly out of the Victims of Crime Fund—or is it moved out of the Victims of Crime Fund into another fund and then paid?

The Hon. R.I. LUCAS: It is closer to the latter. Essentially, through the various mechanisms, funding goes into the Victims of Crime Fund, and there is funding available in the Victims of Crime Fund. Legal advice from the Crown was sought in relation to whether this was clearly a possible purpose or usage of the funding.

Clearly the advice was self evident that it was, and so the funding is going to be transferred to a separate fund within SAicorp, which is the state government's insurance arm. SAicorp is a constituent part of SAFA (South Australian Government Financing Authority), which is within Treasury, so it will sit quarantined in that account within SAicorp. SAicorp has a number of separate insurance accounts for various purposes. This will just be another quarantined, designated account available for the payment out of SAicorp.

The Hon. K.J. MAHER: So I assume for payment out of the Victims of Crime fund, whether it be for this purpose or any other purpose, there does not have to be a perpetrator or criminal who has a conviction recorded against them for a victim to be paid?

The Hon. R.I. LUCAS: I would have to take advice for the leader in relation to the mechanism. The Victims of Crime fund is answerable to the Attorney-General and there is a well-established process or procedure in terms of payments out of that fund, but I would need to take advice on that. I am happy to do so for the honourable member. In relation to this particular issue, there will be a transfer of funding from the Victims of Crime Fund, on which legal advice has provided that it is an appropriate use of those funds, into this quarantined fund.

The Hon. K.J. MAHER: Am I correct in taking it as $146 million has been either quarantined or transferred out of the Victims of Crime Fund in the last financial year; that is, the 2017-18 financial year. Is that correct?

The Hon. R.I. LUCAS: Yes, the government announced that and, I think, made it explicit in the budget papers on 4 September—I can't remember the exact date, but soon after, we established the fact that there was no funding set aside. Cabinet took the decision in relation to this overall scheme and compensation, and as Treasurer and the government we took the decision to quarantine the funding in the financial year 2017-18.

The Hon. K.J. MAHER: How much does that leave in the balance of the Victims of Crime Fund, and is the Treasurer able to indicate how much the Victims of Crime Fund raises and pays out each year?

The Hon. R.I. LUCAS: Well, I cannot put that on the record at the moment, but I am happy to take that advice. I think the Victims of Crime Fund was estimated to be growing to something like

$300 million to $400 million by the end of the forward estimates period, so it was a significant sum of money. I am not sure exactly what it was at each stage, but the recent history and the forward estimates were estimating that the revenue going into the Victims of Crime Fund was significantly greater than the payments out of the Victims of Crime Fund. It has been for a number of years and that has meant that the balances have grown. The forward estimates were, I think, for a continuation of that particular situation.

The Hon. C. BONAROS: Just in relation to part 2 of the scheme, which deals with the categories of abuse and the amounts that are paid—there are three types of abuse outlined there: penetrative abuse, contact abuse and exposure abuse. Under each of those, there are several other columns as well. Do we know how those columns were actually arrived at?

The Hon. R.I. LUCAS: My advice in relation to part 2 of the document, to which the honourable member referred, is that there was consultation between officers of the commonwealth and the states. The federal government also had an independent advisory council, which did include some representation from survivor groups. So the structure seems to have been an independent advisory council with some representation from survivor groups—and, I assume, others—as well as officers at the commonwealth level and the various state levels working together in relation to the shape and structure of this part 2 of the document, the details of the scheme.

The Hon. C. BONAROS: I have a couple more questions in relation to that same part of the bill. Is there a sliding scale in relation to each category? For instance, if you can demonstrate that you were a victim of extreme abuse do you get the full $50,000 or can a decision be made to give you a proportion of that $50,000?

The Hon. R.I. LUCAS: I am advised that it is not a sliding scale; it is stepped in terms of its assessment.

The Hon. C. BONAROS: In relation to that, column 6 is the one I mentioned in my second reading that deals with extreme circumstances of sexual abuse. During the briefing I think we had talked about the fact that there are minimum payments of $5,000 but they are most likely to be around $10,000 with maximum payments of $150,000. However, the payment in column 6 is only payable if you can tick off columns 1, 2, 3, 4 and 5 in relation to penetrative abuse. That means you had to have had penetration along with institutional vulnerability and related nonsexual abuse in order to meet those requirements.

It is actually a very high threshold. I suppose our modelling is confidential, but I am just trying to establish what the likelihood is of actually reaching that threshold, given you would effectively have to tick across every box to even qualify for the additional $50,000.

The Hon. R.I. LUCAS: Because the modelling is confidential we are not able to provide any specific details to some parts of the question but I am advised, as was referred to earlier, that the average payment in this scheme is the $76,000 number to which the honourable member and others have earlier referred to. That gives some sort of sense of the capacity to get to various levels in the scheme if the average payment is going to be $76,000.

The only other advice I can put on the record is that the total cost of the scheme is about $4 billion, I am told, so we are obviously talking about an average payment of $76,000 and a very considerable overall cost. However, in relation to specific numbers of people who might meet that threshold the member is referring to, I am not in a position to provide any informed response.

The Hon. C. BONAROS: I am struggling to understand how we are going to reach $76,000 as an average given that, for instance, penetrative abuse is $70,000 and it is not a sliding scale. The figures are very precise, and I am trying to understand how we have reached that average if we are not going to use sliding scales at all.

The Hon. R.I. LUCAS: I think you have exhausted the level of competence either from me, as the minister, or my adviser in relation to the precise nature of the modelling. All we can share with you is the advice we have received from the federal minister, the government and the advisers as to what the average is. That clearly is dependent on the modelling that has been done. Because that has been kept confidential, we are just not in a position to dig into the details of how they have arrived

at it and how they have got to this average number to the level of detail the honourable member is seeking.

The Hon. C. BONAROS: I have a couple of questions in relation to the funder of last resort provisions. We know that will only apply where the government had equal responsibility for the abuse that occurred in the defunct institutions. Do we have any details of the following: how many defunct non-government institutions are likely to have claims arising from survivors of sexual abuse which occurred in those non-government institutions? Which of those defunct non-government organisations in SA will not be supported by the funder of last resort provisions?

The Hon. R.I. LUCAS: My apologies for the delay. That is a very complicated question. My advice at this stage is that we are aware of a small number of defunct institutions but, broadly, we do not know what we do not know. So we are not aware of what else there might be out there in terms of defunct institutions, so I am told. The small number of defunct institutions where this funder of last resort provision might be actioned will require, I am advised, further decisions of the government and the cabinet, and that has not yet been considered by the government and the cabinet in terms of both the processes and the funding.

It would appear that in those cases we would have to clarify whether or not it is covered by the $146 million estimate. At this stage our understanding is that it is possibly not covered by that, but it will then depend on how conservative the estimate of $146 million was as to whether or not in the broad it might cover the additional costs in terms of a funder of last resort provision, if it is agreed by the state governments, assuming other state governments will find themselves in similar positions in relation to funder of last resort provisions. There is obviously further work that is being done and going to have to be done by those who advise the government and then, ultimately, the government in relation to these defunct organisations.

The Hon. C. BONAROS: I think quite clearly there is going to be a bit more work that needs to be done. This might be something we have to take on notice but in terms of those defunct organisations, do we know how many share equal responsibility with the government? There are some that share equal responsibility with the government. Do we know how many of them there are?

The Hon. R.I. LUCAS: I am advised that the simple answer to the question is that we do not know the number of institutions where we have equal responsibility, in the terms of the question that the member has put.

The Hon. C. BONAROS: I am assuming that we do not know, but do we know how many survivors of abuse which occurred in non-government defunct institutions will fail to receive redress? Do we have any estimate in terms of the number that will fail?

The Hon. R.I. LUCAS: I think the honourable member is very perceptive. We do not know the number. We do not have an answer to the honourable member's question.

The Hon. C. BONAROS: I suppose my only follow-on from that is: when will we know? Are we anticipating that we are going to—

The Hon. R.I. LUCAS: My advice is, when we get applications. We will know when we receive applications, and we will then have to make judgements as to whether we have, as a state, equal responsibility. The example that I have been given—I am being guided here—is that if a former government had placed a ward of the state in a now-defunct institution, that would be an example where this equal responsibility criterion would come into play.

There may well be others where equal responsibility comes into play as well, but we do not know what we do not know, so we will have to wait for when there are applications. When there are applications, we will then have to make a judgement as to whether the particular criterion that we are talking about applies to the circumstances of the particular applications

The Hon. C. BONAROS: This is my final question: in relation to that point then, I know at the briefing in response to one of the questions that I asked, we were told that there are not going to be any hard and fast rules around the eligibility criteria regarding responsibility. I am wondering how that fits with determining responsibility basically.

The Hon. R.I. LUCAS: My advice is that there are guidelines which will assist the scheme operator. I cannot see how it would operate without some sort of guidelines. Obviously I was not at the briefing so I cannot assist the member but there may well be some flexibility, but there have to be rules and guidelines in terms of guiding whether there is equal responsibility or not. I am advised that that is the case, so I place that on the record in response to the honourable member's question.

The Hon. K.J. MAHER: To build on the previous questions, we have been talking about the scenario where an institution is defunct and there is little or, in a lot of cases, perhaps no responsibility of the state: the children are placed in, perhaps, a defunct institution at the time by their parents with the state not being involved in any way. My understanding, if the committee can confirm, as we have been discussing, is that it is unlikely that a victim in those circumstances would be eligible. If the institution still exists—that is, it is not defunct but has not signed up as a non-government institution to the scheme—is the victim also ineligible in those circumstances?

The Hon. R.I. LUCAS: I am advised that the honourable member is correct: the institution has to sign up to be part of this particular scheme.

The Hon. K.J. MAHER: I know the minister will not stand for being misrepresented, and he will tell me if I am not recalling accurately, but I think the minister said, in relation to the defunct institution scenario, that the state may consider what it will do; that is, the state could consider running, essentially, a scheme that would allow those people to come into it, whether that is allowing them into the national scheme, or would it be a parallel state scheme?

In both cases—the defunct institution and an institution that has not signed up—the state may decide that it did not want to create, essentially, two classes of victims: one who, through no fault of their own, would not be eligible for any redress, and another class of victim, whether it be through a defunct institution or a non-signatory for a current institution. If the state decided that it wanted those people to get redress (and you could have siblings where one falls in and one falls out), is the state considering setting up a parallel scheme that the state runs, or would there be a special way that the state could top up and pay extra for those survivors to be part of the national scheme?

The Hon. R.I. LUCAS: Putting aside the issue of the organisations that do not sign up, we have no plans, or have not said anything, in relation to setting up parallel alternative schemes in relation to that. In relation to the defunct institutions, about which we have answered a whole series of questions, my advice at this stage is that our current thinking is not establishing a parallel or different scheme, it will be in some way, with the scheme operator, having that defunct organisation, which may well qualify eventually being accepted by the scheme operator in some way into the scheme. Ultimately, whether that increases the estimated costs in an individual state will be an issue on which we will have to take further advice in terms of what that might mean.

The Hon. K.J. MAHER: The second part of that was: will the state be contemplating some way for survivors who were abused in a non-government institution that does not sign up to the scheme?

The Hon. R.I. LUCAS: There is nothing contemplated. At this stage we are saying that the only option there is in relation to civil litigation as it previously existed prior to this national scheme. This national scheme is all about organisations that are signing up to be part of the scheme, together with the states. For those that do not, the pre-existing options remain, but there is no proposal from the state government at this stage—and we are not aware of any other state government either, I assume—for parallel schemes in the circumstances to which the honourable member is referring.

The Hon. C. BONAROS: Just on that—and this might be a silly question—how do defunct organisations actually sign up to the scheme?

The Hon. R.I. LUCAS: The member is quite right: a defunct organisation could not sign up. An applicant who might have been a victim would make an application. The scheme operator would then have to work to see whether or not it was formally associated with another one of the existing participants in the scheme. Was it associated at some level with one of the churches or one of the institutions?

The scheme operator would have to try to work out, within that framework, if there was an existing agreement, whether that defunct organisation can be attached to that. There are no concluded views, as I understand it, in relation to how this difficult area of defunct organisations is going to be handled other than the broad parameters that have been outlined to the member in the briefings.

The Hon. C. BONAROS: We do know, though, from the Mullighan inquiry, all the institutions where abuse occurred were listed as part of the inquiry. So, it would not be impossible, I suppose, to work out from that list which institutions are defunct or not, would it? I know we cannot provide the detail on the modelling and so forth, but we could actually work out which institutions are defunct based even just on the Mullighan inquiry list.

The Hon. R.I. LUCAS: The member is right. My understanding is there might have been a discussion with the member at the briefings that that is a very good starting point in terms of looking at how you might establish the numbers of defunct organisations. So yes, that is useful information in terms of starting that particular process and discussion.

The Hon. K.J. MAHER: Very quickly on the Mullighan scheme, is it the case that the scheme is going to be phased out as this scheme operates? Secondly, after the 10 years of operation of this scheme, will something like the Mullighan scheme be reinstated?

The Hon. R.I. LUCAS: The answer to the first question is yes. The answer to the second question is that it will be up to the government of the day. If the honourable the leader is still around and part of a potentially future government of the day—

The Hon. K.J. MAHER: You might be.

The Hon. R.I. LUCAS: —I won't be—then the government of the day will have to make a judgement as to what might continue or replace this particular scheme.

The Hon. K.J. MAHER: I have a couple of questions that I suspect mainly will be taken on notice, so maybe if I just read them out, the Treasurer may indicate if there is any he is able to or wants to answer right now; otherwise, I will assume they will be taken on notice. One is the current status of legislation in other states. Which ones have either introduced or passed the referral system? Regarding the differences between legislation, are they all the same in terms of the referral system? I understand there are slight differences in other states, but I am happy for those to be taken on notice.

One that might be able be answered now relates to the estimated cost of, I think, $146 million. Does that include the 7.5 per cent administration fee, the costs for legal expenses and the costs for counselling?

The Hon. R.I. LUCAS: In relation to the last question, it is yes, yes and yes. In relation to the first questions, New South Wales and Victoria have passed their legislation. Queensland have introduced but not passed legislation, and that's it.

In relation to whether there are any differences, I am told that there are some very slight variations. New South Wales and Victoria, because the second lot of federal legislation had not passed, could not adopt the federal legislation. They had to have a full referral, whereas in our case, because the federal legislation in around May had passed, we are adopting. I assume that Queensland would be the same because they are also doing this after the passing of the federal legislation. So we understand that there are minor differences like that, but my advice is that there is nothing of significance.

The Hon. K.J. MAHER: I have some questions on other clauses, but I might ask a couple now to get through them. What is the process to amend the National Redress Act? Does it require the concurrence of every single state if someone wanted to amend the national act?

The Hon. R.I. LUCAS: My broad advice is that, obviously, the legislation would have to pass the federal parliament but, in terms of the intergovernmental agreement, there are evidently some broad provisions that require unanimity in terms of the state jurisdictions. In some other cases, it just requires a majority of the jurisdictions. I am not in a position to advise the member of what is in what category.

The Hon. K.J. MAHER: Can South Australia effectively leave the scheme at any time of its own volition if it so chose to?

The Hon. R.I. LUCAS: I think there is an obvious answer: the state parliament could repeal the legislation in South Australia. You would need to take legal advice on what the other mechanisms are in relation to an intergovernmental agreement if you were a member of a future government that wanted to do that, but we do not have any intention. Essentially, you would have to get legislation through the South Australian parliament to repeal the legislation.

The Hon. K.J. MAHER: Finally, in terms of information sharing between the state and the commonwealth, how will privacy of information that is shared between the state and the commonwealth be maintained?

The Hon. R.I. LUCAS: My advice is that there are strict privacy provisions in the federal legislation that govern the confidentiality of information. Obviously, that is available in the federal legislation in terms of those privacy protections.

The Hon. C. BONAROS: Just in relation to the previous question I asked, I mentioned the Mullighan inquiry. We know that some 350 institutions have been listed as either government or non-government or as homes for children with disabilities, for instance. You can take this question on notice. During my second reading contribution, I made mention of Colebrook Home, which is one of the non-government institutions. Can we confirm whether that is one that the government has a shared responsibility for?

The Hon. R.I. LUCAS: My advice is that the way the scheme operates is that you do not have an institution fully designated as a shared responsibility home, for example. It will be on an individual-by-individual case. In the example that I gave the honourable member earlier, if a state ward is placed in a particular home or institution that would clearly be a case of shared responsibility. However, if there is no state responsibility, that is, the state did not place the child within that institution, then it may well be that there is no shared responsibility in relation to that particular child. I am told that the designation of shared responsibility does not apply to the whole institution: it applies to the individual.

The CHAIR: Does any other honourable member have any questions at clause 1? Can I ask honourable members to indicate whether they have any other questions or issues they want to raise with the government throughout the remainder of the bill? I propose to proceed to put clause 1 and then put the remainder of the clauses in one question. Does any honourable member object to that course of action? No-one has indicated any objection, so I am going to proceed as I have indicated.

Clause passed.

Remaining clauses (2 to 13) and title passed.

Bill reported without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (18:21): I move:

That this bill be now read a third time.

Bill read a third time and passed.

LATE PAYMENT OF GOVERNMENT DEBTS (INTEREST) (AUTOMATIC PAYMENT OF INTEREST) AMENDMENT BILL

Second Reading

Adjourned debate on second reading.

(Continued from 26 July 2018.)

The Hon. K.J. MAHER (Leader of the Opposition) (18:22): I rise to support this bill. Businesses have long complained about late payments of bills by all creditors, particularly government departments, and the impact this can have on their cash flows. This bill seeks to make

interest automatically payable to businesses for any undisputed invoice in accordance with the government standard 30-day terms, where certain criteria are met to achieve greater accountability and transparency through public reporting of invoice payment performances.

The Labor opposition supports this bill in its endeavours to establish a financial penalty that is automatically paid to businesses. The opposition supports a range of other initiatives in the bill, that is, expanding the scope to cover all businesses trading with the government rather than the current limitation to small businesses; limiting the application of the act to invoices with a value of $1 million or less; reducing the minimum interest payment from the current $20 to a $10 threshold; and automating the payment of interest to businesses, such that it occurs at the same time as the overdue invoices are paid in accordance with the government's standard 30-day terms. With that, I support the bill and indicate there will be no questions or commentary during the committee stage.

The Hon. J.A. DARLEY (18:23): This bill will amend existing legislation with regard to the circumstances in which interest is payable by government to businesses if the government does not pay invoices on time. I understand that in 2014 the government of the day introduced interest payments for any government invoices that were paid 30 days after they were due. However, a business needed to make application for the interest payment rather than having it apply automatically if payment was late.

The bill will amend the existing provisions so that interest is paid automatically if the invoice is not paid within 30 days and the invoice does not exceed $1 million. Interest will be calculated daily and will be paid at around the same time as the outstanding invoice is paid. In 2016, it was reported that notwithstanding the new interest penalties for late payment, the government had only paid $39 in penalties for invoices that were still unpaid beyond 30 days. This is despite $561 million worth of invoices being paid late in the same period, with $98 million of that being paid late beyond 30 days.

I have been contacted by small business owners who are owed money by the government, who have outlined the issues these delayed payments can have on their livelihood. Late payments can cause significant cash flow problems for businesses and, in the worst-case scenario, can result in businesses closing because they are waiting for payment from the government. This is unacceptable. The government should always be the model citizen. After all, there are countless examples of individuals or businesses being slugged late payment fees by the government if they are late with their payments.

It stands to reason that if the government are late, then they will be liable to pay a penalty too. The government currently publishes their outstanding invoices online. The raw data indicates that most of the agencies have a pay-on-time rate of 95 per cent or more, but there are a few with time frames that extend beyond this. These time frames indicate that there has been a significant improvement on this issue in the past few years. Whilst I am supportive of this measure, I have to say that I was initially sceptical as it sounded like taxpayers would have to foot the bill for bureaucrats not doing their jobs properly.

I understand that no additional monies will be given to departments if a plethora of interest payments needs to be made. This is comforting; however, perhaps the incidence of interest payments made should be taken into consideration when the contracts of CEOs are extended. I am glad the government has decided to act on their promise and look forward to seeing how this will operate in the future.

The Hon. F. PANGALLO (18:26): I rise to say that we will be supporting this bill and, further, that it is a very good move. It is supportive of small business. It can be somewhat contradictory when you look at the shopping hours bill, which could also harm small business. But in this regard, I can see that small business will benefit greatly from this initiative, so myself and my colleague Connie Bonaros will be supporting it.

The Hon. R.I. LUCAS (Treasurer) (18:26): I thank honourable members for their indications of support for the bill.

Bill read a second time.

Committee Stage

Bill taken through committee without amendment.

Third Reading

The Hon. R.I. LUCAS (Treasurer) (18:28): I move:

That this bill be now read a third time.

Bill read a third time and passed.

At 18:29 the council adjourned until Wednesday 19 September 2018 at 14:15.

Answers to Questions

INVESTMENT ATTRACTION SOUTH AUSTRALIA

58 The Hon. C.M. SCRIVEN (1 August 2018). Can the minister provide the latest performance data available concerning Investment Attraction South Australia, viz:

(1) Total projects secured by Investment Attraction South Australia;

(2) How many total jobs created from these projects;

(3) The funds invested in these projects;

(4) The total economic benefit brought into the South Australian economy from these projects?

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

(1) 36 companies.

(2) approximately 2000 actual jobs.

(3) $62.490 million invested to committed projects over 10 years.

(4) For 21 projects of the 36 total that would not have occurred without government funding/loans, this represented $634.8 million capital expenditure.

GOVERNMENT LAND

In reply to **the Hon. J.A. DARLEY** (17 May 2018).

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

1. The Department for Education has a Property Services team which deals with the acquisition, disposal and leasing of real property required for public education services throughout the state. The Minister for Education is the registered proprietor of over 1,000 properties and is party to approximately 500 leases, licences and joint use agreements which require management and monitoring on an ongoing basis.

In accordance with *Premier and Cabinet Circular 114 – Government Real Property Management*, the Department for Education engages Renewal SA to arrange for the disposal of surplus properties and the acquisition of property when required. The department's Property Services team liaises with Renewal SA to arrange the appropriate approvals required from the Minister for Education as part of the acquisition and disposal process; however Renewal SA is responsible for the work associated with the acquisition and disposal of property for the department.

In accordance with *Premier and Cabinet Circular 018 – Government Office Accommodation Framework*, the Department for Education is required to have all corporate leased office accommodation negotiated and managed by the Department of Planning, Transport and Infrastructure (DPTI). The Department for Education's Property Services team liaises with DPTI to arrange appropriate approvals required to secure the department's leased accommodation both within the Adelaide CBD, metropolitan and regional South Australia.

The Department of Planning, Transport and Infrastructure's (DPTI) has advised the following:

Property Purchase

- DPTI undertakes its own property purchasing when required but rarely purchases property and has no resources dedicated to property purchasing.
- DPTI is unaware which other agencies have property purchasing powers or undertake property purchases.

Property Disposal

- Disposal of Property across government is controlled via Premier and Cabinet Circular PC114—Government Real Property Management (PC114).
- DPTI is one of few agencies authorised to dispose of property under PC114.
- DPTI is aware that Renewal SA and the Department of Treasury and Finance (DTF) (Market Projects Group) for specific assets, also have authorisation for property disposals.

Property Leasing

- Leasing of Property across government is controlled via Premier and Cabinet Circular PC018—Government Office Accommodation Framework (PC018) for office accommodation.
- DPTI is the managing agency for the whole of government office accommodation leasing (i.e. as a centralised function) ensuring coordinated participation in the market and avoiding agencies unknowingly competing for the same accommodation.

In regard to the State Government's urban development agency Renewal SA, I can advise this agency was responsible until 30 June 2018 for the lease, sale, acquisition and disposal of property in the following three ways:

Firstly, property under the direct ownership of Renewal SA.

Secondly, in terms of Premier and Cabinet Circular 114 (known as *'Government Real Property Management'*), Renewal SA is and remains responsible for the purchase and disposal of real property on behalf of the majority of State Government agencies.

The following government entities are among those that have exemptions under PCC114 and can therefore manage the sale and disposal of their own property:

- Department of Environment, Water and Natural Resources (which manages Crown land);
- Department of Planning, Transport and Infrastructure (which manages numerous major infrastructure projects that typically involve land transactions);
- Defence SA;
- Forestry SA;
- SA Water;
- HomeStart Finance; and
- South Australian Housing Trust.

Thirdly, Renewal SA was responsible through administration arrangements for the sale and disposal of properties under the ownership of the South Australian Housing Trust.

It is important to note that this third arrangement–that is, the one between Renewal SA and the Housing Trust–ended on 1 July 2018 with the establishment of the state government's new Housing Authority. This new statutory corporation has taken over responsibility from Renewal SA for the management of Housing Trust assets, including their lease, sale, acquisition and disposal.

For the avoidance of any doubt, Renewal SA remains responsible for the lease, sale, acquisition and disposal of property under its direct ownership as well as the purchase and disposal of property on behalf of other agencies under Premier and Cabinet Circular 114.

2. The Department for Education's Property Services team is comprised of 5.0 FTE staff, with a total annual salary cost of $488,000 in 2017-18.

The Department of Planning, Transport and Infrastructure's (DPTI) has advised the following:

Property Purchase

- DPTI have no dedicated resources for government property purchases and rarely purchases property.

Property Disposal

- DPTI has two award level staff dedicated to managing the DPTI Property Disposal function inclusive of Government Employee Housing (GEH), Rail Commissioner and other DPTI annual disposal programs.

Property Leasing

- DPTI is responsible for the centralised whole of government office accommodation leasing function and has four award staff dedicated to the leasing function.

In regard to the number of people involved in these three streams of activity and the associated salary costs across Renewal SA, I can advise the following:

Firstly, in regard to the lease, sale, acquisition and disposal of property directly owned by Renewal SA, the agency employs a total of nine staff (8.4 FTEs) dedicated to these functions with a total annual salary bill of $920,007.

Secondly, in regard to Renewal SA's activity under Premier and Cabinet Circular 114, three staff (2.6 FTEs) are currently employed with a total annual salary bill of $235,233.

Thirdly, in regard to the administration of Housing Trust properties previously undertaken by Renewal SA and transferred from 1 July 2018 to the new South Australian Housing Authority, this function involves a total of 12 staff (11 FTEs) with an annual salary bill of $618,509.

3. The Department of Planning, Transport and Infrastructure's (DPTI) has advised the following:

Property Purchase

- DPTI have previously identified in a joint paper with Renewal SA in 2016 that the across government purchasing function should be captured under PC114 as a centralised function;
- This was primarily as a coordination function to ensure rationalisation of existing government owned property and to prevent unnecessary purchasing of property where government already owns property.
- The compulsory acquisition function is a completely separate function and operates under *the Land Acquisition Act 1969*.

Property Disposal

- This function is already centralised across government under PC114 and predominantly under the Minister for Transport, Infrastructure and Local Government.

Property Leasing

- This function is already centralised across government under PC018 for office accommodation under the Minister for Transport, Infrastructure and Local Government.

I can further advise the establishment of the new Housing Authority is still in its early days and while Renewal SA staff formerly involved with Housing Trust property were transferred under machinery of government changes to the new Housing Authority, final staff numbers and associated salary costs are still being worked through.

4. The Department of Planning, Transport and Infrastructure's (DPTI) has advised the following:

As the property disposal and office accommodation leasing functions are already centralised via government policy, this has already been actioned.

There is room to centralise the property purchasing function, but this is more a property usage efficiency issue rather than a savings issue.

5. The Department of Planning, Transport and Infrastructure's (DPTI) has advised the following:

Refer to the answer under question 4

MEDICAL CANNABIS

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

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

SA Health has worked extensively with medical practitioners, pharmacists and health professional organisations to raise awareness about patient access and use of medicinal cannabis in South Australia, and will continue to do so in the coming year.

SA Health has delivered several information sessions for doctors and pharmacists about patient access to medicinal cannabis over the last year. Information and clinical advice is also available from our pharmacists and medicines information services in public hospitals.

The establishment of a dedicated medicinal cannabis webpage by SA Health provides resources for patients, doctors and pharmacists and includes summaries, fact sheets and references to clinical literature, and to the guidance documents developed by the Therapeutic Goods Administration (TGA) to support doctors who want to prescribe medicinal cannabis for their patients. A telephone information service is also available for patients and clinicians. Over the coming year SA Health will continue to develop these education resources to ensure they meet the evolving needs and questions of health professionals and consumers.

Acknowledging the key role of health professional organisations in educating their members on clinical topics, SA Health has engaged with these groups to support dissemination of information and education to their members.

The commonwealth TGA has led the development of clinical guidance documents on medicinal cannabis at a national level and funds the development of independent evidence-based information for health professionals including general practitioners.

SA Health will continue to support the TGA in the development of education materials and to ensure that these are available to our health professionals in South Australia.

NUCLEAR WASTE

In reply to **the Hon. M.C. PARNELL** (24 July 2018).

The Hon. R.I. LUCAS (Treasurer):

I have been advised by the Department of Treasury and Finance that there have been no discussions between officers of the department and either the federal Minister for Resources, or commonwealth officials, in relation to infrastructure funding for South Australian communities in locations under Commonwealth consideration for the future potential storage of nuclear waste material. I am also unaware of any other discussions between commonwealth and State-based departmental officials in relation to this matter.

MEDICAL CANNABIS

In reply to **the Hon. T.A. FRANKS** (31 July 2018).

The Hon. S.G. WADE (Minister for Health and Wellbeing): I can advise:

SA Health has worked closely with the commonwealth Therapeutic Goods Administration (TGA) over recent months to develop a single online application process for the state and TGA approvals required to prescribe unregistered medicinal cannabis products. This has included confirming how the online portal will work in practice to

ensure South Australian medical practitioners are supported and South Australia's legislative requirements for Schedule 8 medicines are met.

The streamlined application process accessible via the online portal will also ensure faster access to medicinal cannabis for South Australian patients.

I am advised that the technical and legal aspects of the online application process have now been confirmed and that SA Health is working with the TGA to have the portal available for use by South Australia within the next one to two months.

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:

A letter was signed on the 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.